

## Probation in Ireland: A Brief History of the Early Years

Gerry McNally\*

**Summary:** This article, the first of a two-part history, traces the early years of probation in Ireland from its origins prior to the foundation of the state to the 1970s. It reviews the social, cultural and political factors at work in Ireland and reflects on their particular influences in the practice and development of the Probation Service. The article acknowledges the contribution of individual officers in their practice and in the development of the Probation Service. Comparison is made with developments in probation in Northern Ireland and in England and Wales.

**Keywords:** Probation, Probation Service, probation practice, Probation of Offenders Act 1907, history, twentieth-century Ireland, voluntarism, social work, Department of Justice, criminal justice, courts.

### Informal beginnings

In England, a beginning was made in formalising probation and supervision in the Summary Jurisdiction Act 1879 and the Probation of First Offenders Act 1887. 'The first Act did not apply to Ireland and the second was of very little use,' according to Molony (1925, p. 184).

Prior to the enactment of probation legislation in Ireland, it was the practice to allow certain offenders out on recognisance, to come up for judgment if called on, and no difficulty had been experienced in attaching certain conditions to the recognisance, although not authorised by express enactment (Molony 1925). In a similar way, the Irish courts were also served by informal court missionaries, who operated, as other charitable bodies at the time, on a strictly denominational basis, with

\* Gerry McNally is Assistant Director (Operations) of the Probation Service, Smithfield Chambers, Smithfield, Dublin 7. Email: [gpmcnally@probation.ie](mailto:gpmcnally@probation.ie)

Catholic individuals and organisations working with Catholic offenders (Skehill 2000).

The 1907 probation legislation (see below) ended this less formalised practice only in name. Many police court missionaries in England and Wales became probation officers and carried on with their task of ‘saving offenders’ souls by divine grace’. In Ireland, probation was formally established only in the courts in Dublin city, with the continued assistance of church agencies. The prominent contribution and role of the church and voluntary agencies continued in a personal and visible manner in courts in Ireland into the 1970s, in a partnership with the small professional Probation Service. That contribution continues to the present day in the organisational support and contribution of bodies such as the Society of St Vincent de Paul, the Depaul Trust, the Salvation Army, the Quaker community and other non-denominational community groups.

### **Probation of Offenders Act 1907 (7 Edward ‘VII., c. 17)**

The Probation of Offenders Act 1907, which applied to Ireland, effected a great reformation and provided a new official mechanism for supervising, on behalf of the court, the conduct of offenders released on probation.

In 1914, the Criminal Justice Administration Act gave further powers. For example, under Section 7, power was given to recognise and subsidise societies for the care of youthful offenders; Section 8 made it possible to add additional conditions to the recognisances, such as residence; and Section 9 gave power to vary the times and conditions by increasing the period and by altering the conditions or adding new conditions (Molony 1925).

The duties of the probation officer, subject to the directions of the court, were defined in the Probation of Offenders Act 1907 as: ‘To visit or receive reports from the probationer, to see that he observes the conditions of the order, to report to the Court as to his behaviour, and to advise and befriend him, and, where necessary, to try and find him employment’.

The Probation of Offenders Act 1907 continued in operation with the establishment of Saorstát Éireann (Irish Free State) on 6 December 1922 and has remained in Ireland as the principal legislation in the work

of the Probation Service. It has been updated or replaced in all other jurisdictions.

Following the enactment of the Probation of Offenders Act 1907, the probation staff in the Dublin city courts comprised one official probation officer, Miss Dargan, assisted by an unpaid volunteer, Miss O'Brien. There is no detailed evidence readily available of the work of the police court missionaries in the Dublin police courts, though their presence has been acknowledged, or of probation officers or police court missionaries outside Dublin city. Until 1936, all probation officers in Ireland were female, consistent with Skehill's (2000, p. 691) claim of the predominance of women within the field of philanthropy and social work in Ireland and elsewhere in the early years of the twentieth century. In Dáil Éireann in 1936, in the course of seeking a lady probation officer for Cork District Court, Richard Anthony TD for Cork Borough told the Minister for Justice that 'long before the advent of the late Government we had a lady probation officer attached to the old police courts in Cork City' (*Dáil Éireann Debates*, vol. 62, 19 June 1936). Anthony was unsuccessful in his request and nothing further was heard of the 'lady probation officer attached to the old police courts in Cork City'.

I have selected data from two years prior to the establishment of Saorstát Éireann to illustrate the volume of work managed by Miss Dargan and Miss O'Brien in the Dublin Metropolitan Police Courts.

Dublin Metropolitan Police statistics (BOPCRIS 1908) report that 'during 1908, the first year of operation of the Probation of Offenders Act 1907, 188 probation orders were made, 88 in cases of indictable charges and 100 in non-indictable matters'. This was a very substantial workload for a single probation officer and one unpaid assistant! Of the 130 males subject to probation orders, 68 were under 16 years of age, 31 were aged 16 to 21 years and 31 were over 21 years. Of the 58 females subject to probation orders, 11 were under 16 years, 16 were aged 16 to 21 years and 31 were over 21 years. In 18 cases, offenders were brought up for sentence after release on probation orders (breach or revocation): three were discharged, one was committed to industrial school, two were sentenced to imprisonment (one and two months respectively), six were committed to reformatory school, one was sent to a place of detention, three were dealt with for fresh offences and two were otherwise disposed of.

Six years later, Dublin Metropolitan Police statistics (BOPCRIS 1914) report that 'during the year 1914, 258 Probation orders were

made, 175 of the persons so dealt with being charged with Indictable Offences and 83 with Non-indictable Offences'. Of the 220 males against whom probation orders were made, 42 were under 12 years of age, 57 were aged 12 to 14 years, 65 were aged 14 to 16 years, 29 were aged 16 to 21 years and 27 were over 21 years. Of the 38 females against whom probation orders were made, two were under 12 years of age, four were aged 14 to 16 years, 12 were aged 16 to 21 years and 20 were over 21 years. In 12 cases, the offenders were brought up for sentence after release on probation order (breach or revocation): two were committed to an industrial school, five were committed to a reformatory school and two were dealt with for a fresh offence.

The Juvenile Court, first introduced in England and Ireland by Section 111 of the Children Act 1908, provided that when a child or young person was charged, the court would sit either in a different building or room from that in which the ordinary sittings of the court were held, or on different days or times from those at which the ordinary sittings were held. The probation officers, already engaged with younger offenders, were quickly a central part of the Dublin Juvenile Court. This was reflected in the changing profile of persons on probation in the statistics for 1908 and 1914, as well as for following years.

The Report of the Departmental Committee on the Probation of Offenders Act 1907, chaired by Herbert Samuel, recommended that probation 'should be extended, and Courts should appoint full-time officers to be assisted by part-time paid or honorary workers ... Salaries rather than fees should be paid to probation officers ... The help of local social agencies should be enlisted' (Home Office 1910). However, the political and civil disruption, as well as the challenges to judicial order that marked life in Dublin in the decade leading up to the establishment of Saorstát Éireann in 1922, did not provide a stable or supportive environment in which the nascent Probation Service could develop.

In 1925, at the end of a paper on the Probation of Offenders Act 1907, Molony, based on his experiences in the conflicted criminal justice system prior to the establishment of the state, said that 'in Ireland the [probation] system has never had a fair chance, due to causes on which I need not dwell. Nobody knows better than I do the troubles and difficulties which have beset a law reformer in the past. Let us hope those troubles and difficulties have now disappeared' (1925, p. 195).

## Probation and the establishment of Saorstát Éireann

Miss Dargan continued in her post with the establishment of Saorstát Éireann until her demise in 1926. Kathleen Sullivan was then recruited and Miss O'Brien given recognition as a probation officer. Some years later E. J. Little, senior judge of the Dublin District Court, remarked that 'these three ladies must surely be awarded the martyr's crown', having been 'overcome by work, broke down; they died of cancer, each at her post' (Molony 1940, p. 58).

In Dáil Éireann on 10 March 1925, Tomás Mac Eoin TD asked how many prisoners were brought before the Children's Court in Dublin in 1924, and how many probation officers (distinguishing between paid and voluntary officers) have been appointed to deal with such cases. Kevin O'Higgins, Minister for Justice, replied that 'the number of persons brought before the Children's Court in Dublin in 1924 was 386, of whom 70 were placed on probation'. Minister O'Higgins outlined that there was one paid probation officer, who employs an assistant. There were no permanent voluntary probation officers, but two unnamed ladies had agreed to act without remuneration in any cases that may be entrusted to them by the justices of the court (*Dáil Éireann Debates*, vol. 10, 10 March 1925).

On 1 May 1925, Minister O'Higgins, in moving Vote 32 (District Court) before the Committee on Finance, included the sum of £400, provided under sub-head A, for a probation officer, which, he considered, might attract some attention, explaining that the duties of probation officers are set forth in the rules made under Section 7 of the Probation of Offenders Act 1907. It is the first note in Dáil Éireann of financial provision in respect of probation activities following the passage of the Courts of Justice Act 1924, under which the Dublin Metropolitan Police Courts were abolished and one District Court was set up for the whole Saorstát (*Dáil Éireann Debates*, vol. 11, 1 May 1925).

Despite their limited numbers and lack of resources, the probation officers exercised significant influence and authority, not just in court but also in wider policy and practice arenas. For example, Kathleen Sullivan, one of the probation officers attached to the District Court, interested in the case of Mary Cole, approached the Minister for Justice 'concerned to suggest some treatment which might be more calculated to transform this wretched girl than detention in Mountjoy Female Prison'. Mary

Cole had been convicted of the murder of two children. She was found guilty at the Central Criminal Court on 23 March 1928 but was not subject to the death penalty under the terms of the Children Act 1908, which stated that persons under the age of 16 found guilty of murder shall be detained at the pleasure of the Governor General rather than being sentenced to death. Instead, Mary Cole was sent to Mountjoy Female Prison. A memorandum from the Department of Justice, dated 28 August 1928, laid before the President of the Executive Council, reported that the Minister for Justice had issued a licence discharging Mary Cole from Mountjoy Female Prison, having been advised that the Sister Superior of the Sisters of Charity of St Vincent de Paul, Henrietta Street, Dublin was prepared to take Mary Cole into her care. Under the care of the Sisters of Charity, the memorandum states, Mary Cole 'will be under proper reformatory influences and at the same time the community will be protected from a person of the gravest criminal tendencies' (National Archives 1928).

### **Probation in Ireland in the 1930s**

Kathleen Sullivan died in 1936, in the circumstances noted by Justice Little above. Following the first Civil Service Appointment Commission for a probation officer, Evelyn Carroll was appointed and took up duty in March 1937. Miss O'Brien, one of the first probation officers, died in May 1937.

In February 1938, the Minister for Justice, Patrick Rutledge, in replying to a question in Dáil Éireann from Sean Brady TD for Dublin County, advised that two additional probation officers, both women, were recently appointed (Bridget Murphy and Mary E. Ryan had been appointed in November 1937), bringing the number of female probation officers in Dublin to three. These appointments were made following a recommendation from the Dublin justices that there should be four female probation officers attached to the metropolitan courts. The minister provided an additional note, detailed here, on the official history of probation in Saorstát Éireann:

Until the year 1926 there was only one probation officer in Dublin, a woman. In 1926 the number was increased to two women. One of these officers died in March, 1936, and while the filling of the vacancy

was under consideration, the Minister for Justice suggested to the then senior justice that in addition to two women, it would be well to have a male probation officer to deal with male adults and older boys.

The then senior justice accepted the suggestion, although expressing some doubt as to whether there was full-time work for such an officer. A male probation officer was appointed accordingly in October, 1936, and in March, 1937, the vacant post of female probation officer was filled and the staff brought up to two women and one man. The number of female probation officers was again reduced to one in May, 1937, by the death of one of these women, and shortly afterwards a recommendation was received from the Dublin justices that a staff of four female probation officers was necessary.

The Minister for Justice was not satisfied that there was sufficient suitable work for four female officers, and came to the conclusion that it would be more prudent to appoint only two female officers on a temporary basis in addition to the existing one (bringing the staff up to three women and one man) and to review the situation generally after a reasonable interval. The present staffing, therefore, viz., three women and one man, may be considered as more or less experimental.

The following table gives particulars as to age and sex of the persons under supervision according to a recent return:-

Sex	Under 14 years	From 14 to 16 years	From 16 to 18 years	Over 18 years
Males	35	40	62	88
Females	3	7	10	44
TOTALS	38	47	72	132
GRAND TOTAL	289			

*(Dáil Éireann Debates, vol. 70, 16 February 1938)*

In October 1936, Joseph McDonnell, the first male probation officer, was appointed and assigned to look after boys and adult male offenders. He was appointed chief probation officer in 1938. Denis Morrissey was appointed as probation officer in 1938 and John C. Ryan in 1940. The number of probation officers was further supplemented in 1945 with the appointment of Mary Dooley and Evelyn Flanagan. Between 1936 and 1945, the fledgling Probation Service had expanded significantly from

two probation officers to a chief probation officer and four probation officers, all assigned to Dublin courts. There was no development of the service in courts outside Dublin. However that decade of expansion was the high-water mark in the development of the Probation Service for nearly twenty years as the changing social and political climate in Ireland influenced social and penal policy and impacted directly on the role and direction of the service.

### ***Quadragesimo Anno* and the principle of subsidiarity**

A most significant development for the Probation Service and social policy in Ireland generally, though not immediately evident at the time, was the publication in 1931 by Pope Pius XI of *Quadragesimo Anno*. This papal encyclical stressed harmony between social groups as the Christian answer to class war. It also advocated the restoration of the state, burdened by excessive duties, to its rightful place, which was not to do everything itself, but to direct, watch, urge and restrain subsidiary organisations. This described the principle of subsidiarity or subsidiary function: it is a disturbance of right order to assign to a higher association (government) what lesser and subordinate organisations can do (Whyte 1971, p. 67).

The principle of subsidiarity, as reflected in the narrow and rigid interpretation by the Irish hierarchy, proved to be a major influence in the development of social policy and service delivery, including probation, in Ireland until the 1970s (Cooney 1999; McNally 1993). A renowned example of that influence can be seen in the Mother and Child Scheme controversy in March 1951 and the resignation of Dr Noel Browne as Minister for Health at the insistence of his party leader, Seán MacBride, in April 1951 (Browne 1986; Adshead and Millar 2003). Catholic social thinking and its sway over government policy had been seen increasingly in the late 1930s and early 1940s to exercise influence and to direct developments and practice in probation and social services generally, that trend was to continue over the three decades following the publication of *Quadragesimo Anno*.

### **Probation and the role of organised voluntary workers**

From the early 1940s, there was a strengthening explicit preference in government for the engagement of voluntary denominational

organisations in the provision of probation supervision and related services rather than for the development of a full-time state service. On 5 May 1942, Gerald Boland, Minister for Justice, introducing the 1942 District Court Vote in Dáil Éireann, said he had succeeded in ‘enlisting the services’ of a group of volunteers ‘through the assistance of the Archbishop of Dublin, Dr. McQuaid’. With the help of the Archbishop, the Legion of Mary, as a recognised society under Section 7 of the Criminal Justice Administration Act 1914, had been able to do, in his view, ‘very good work’ and he did not think that even if the number of permanent officers was multiplied by three ‘that you would do near as much good as we hope to do now with the help of the voluntary social workers. They are devoting a lot of time to the work and belong to a social service organisation that I think will give good results’ (*Dáil Éireann Debates*, vol. 86, May 1942).

The missionary commitment and role of voluntarism in probation, then in decline in England and Wales in the face of the new scientific social work approach (McWilliams 1983), actually underwent a resurgence and strengthening in Ireland from the late 1930s, during World War II (known as ‘the emergency’ in Ireland) and on into the 1960s. It was an Ireland where society was marked by strong clerical influence, conservatism and increasing distrust of ‘foreign ways’. John Charles McQuaid, Archbishop of Dublin, was ‘a master at harnessing state resources to social and educational initiatives which were run by clergy or lay Catholic organisations. He was particularly adept at persuading the state authorities to finance Church involvement in the voluntary sector, while retaining ecclesiastical control of projects’ (Cooney 1999, p. 140). During the 1940s, Archbishop McQuaid expanded the Church’s role in social service provision and, in particular, in working with offenders and managing institutions. Rather than employing probation officers, denominational ‘volunteers’ carried out many of the functions, with as many as 46 Legion of Mary volunteers in Dublin said to be engaged in probation work.

### **Conditions of employment in the 1940s**

In 1940, E. J. Little, Senior Dublin District Court Justice, reported that (quoted in Molony 1940, p. 58):

... the Probation Officer must be present in the Custody and Juvenile Courts to note the names, addresses and occupations of the persons charged; later visit the home of each party and prepare a report for the Justices. In Court he must also produce at a moment's notice the record, if one exists, of each case and advise the Justice as to the best course to be taken. His afternoon visits to the homes of the parties under probation supervision must be followed up by visits to clergymen, school attendance officers, relieving officers, employment exchanges, employers, Garda stations and to the offices of charitable societies to check up on his information.

All this meant persistent work and fatigue of both body and mind. At the end of each day's work he must be ready at his own home for visitors, parents, young people, one or other, sometimes both, of married couples, and informants come to lay complaints. He must find time also to run to the Circuit Court for the hearing of Appeals with particulars of which he is familiar.

In 1937, according to Justice Little, the number of cases under probation supervision was 287 (a slight difference from the figure of 289 cited by the Minister for Justice in his February 1938 statement above). In 1938, that number had increased to 481 and in 1939 the number had again increased to 940. Of these, 757 were male and 138 female. At the end of 1939, 741 remained on probation supervision. He claimed that 'Probation properly used would save thousands who might otherwise drift into one or other of the currents or backwaters of the twin rivers of Unemployment and Crime' (Molony 1940, p. 59).

Justice Little explained that justices in 1937 were 'faced with a dilemma, either suspend the system or kill the Probation Officers'. He estimated that in 1939 each probation officer supervised 148 cases, whereas in England the Home Office would not permit any probation officer to have more than 70 on supervision. Justice Little outlined that the times were 'tragic and with unemployment and social and civic disorganisation, the number was increasing at an alarming rate'. He said that 'the status of the Probation Officers was that of non-established Officers, without pension rights, whose services may be dispensed with at a week's notice; but these circumstances did not affect their devotion to their work. It was a life of sacrifice' (Molony 1940, p. 59).

Fahy (1943, p. 79) referred to the fact that 'since the birth of our State no official investigation of the Probation System has ever been

conducted, and to the further fact that the closest secrecy is maintained regarding that System'. He had met, he said, 'a point blank refusal to supply either the Statistics or any other information requested'. In his view there was 'strong evidence of a complete failure on the part of the authorities to appreciate the principles upon which the Probation system is based and to understand the universality of its application'. In the same paper, Fahy noted that the circumstances and lack of development in Northern Ireland at the time was similar but that 'no attempt was made to conceal the defects of the present system, and those defects, together with recommendations for putting the Probation Service on a sound basis were in the process given fullest publicity' (p. 76).

A memorandum to the Department of Justice from probation officers in October 1943 sought improved conditions of employment and described how 'one must always be ready to deal with anything that might crop up unexpectedly even during normal "off" hours'; the officers also pointed out that (Probation Officers 1943):

The diverse nature of the work calls for persons of very wide experience of life. A Probation Officer is expected to be able to cope with any type of person or any offence that a Justice in these courts has powers to deal with. In addition there is the more serious Court work which has to be attended to in the Circuit and Central Criminal Courts, entailing very heavy responsibility and capacity for good judgement. ...

Risks to health are very considerable, considering that all types of homes are visited and all manner of persons encountered, many of them suffering from highly and dangerously infectious diseases. ...

Attendance at meetings of voluntary workers and supervision of night-school classes etc. entails being on duty some evenings until 9 or 10pm. ...

No provision, other than the goodwill of the Dublin Transport Co., is made for travelling expenses. No allowance for the use of bicycle, no allowances for out-of-pocket expenses incurred in the payment of fares etc. for probationers travelling with an officer, is made. Also the wear and tear of clothes is very considerable in view of the requirement when visiting certain homes where disease is rife.

A supporting letter for a further probation officers' memorandum in 1949 seeking improved conditions was signed by the principal justices of

the District Court (Hannan, O'Sullivan, Mangan 1949) and described how the task of probation officer 'requires a breadth of worldly experience, an integrity of character and a development of moral and social sense which are infrequently found combined in one person'. The justices went on to say that 'the criminal business of the Metropolitan District could not be disposed of in a manner calculated to serve the highest interests of both the individual and the community without the services of the Probation Officers'. Perhaps a little too optimistically, they suggested that 'the Minister for Justice, and the Government ... will merely need to have the memorandum brought to their attention in order to realize the justice of the claims made therein and implement these claims at the earliest available opportunity'.

The claims were unsuccessful and brought no improvement of conditions, earnings or tenure.

### **Conditions of employment in the 1950s**

For probation officers in the early 1950s, there had been no real improvement over the previous decade. In 1951, for example, the small cohort of probation officers provided 2,390 reports to courts and made 4,941 visits, but still had not been established as civil servants, remained without security of tenure or pension rights and had an extremely poor salary scale, as mentioned by Justice Little in 1940.

In 1953, Evelyn Carroll, a probation officer, was assigned to work full time with the recently established Adoption Board. The rationale, it appears, was that as the Adoption Board was constituted as a court, and probation officers provided a form of social work service to the courts, it would be most appropriate that a probation officer should fulfil that task with the Adoption Board.

In September 1954, after the failure of another memorandum to the Minister for Justice requesting improved pay and conditions for probation officers, the group of now long-serving officers formed a staff association and affiliated to the Institute of Professional Civil Servants, a forerunner of IMPACT which is the present probation officers' trade union. This became the vehicle for the first changes in circumstances and conditions achieved by the probation officers during the 1950s, though progress was still exceedingly slow.

At an early stage, recompense for out-of-pocket travel and some related costs was achieved. In May 1955, establishment – tenure as civil servants – was offered by the Department of Justice in negotiation with the Institute of Professional Civil Servants for the chief probation officer and four, but not all, of the existing probation officers. A salary of £600 per annum was agreed for male probation officers and £508 per annum for female officers, a marginal improvement.

### **Changing social climate in Ireland**

For many in Ireland, the 1960s were to emerge as a period of rapid economic and social development arising from the changed approach to economic planning exhibited by government in the Programme for Economic Expansion authored by T. K. Whitaker and launched in 1958. The programme proved to be a watershed marking the end of Ireland's traditional policy of economic isolationism and the adoption of the view that the only way forward lay in modernisation and the development of an export-driven economy. Luckily the 1960s were a boom period for the world economy and the new approach in Ireland benefited.

The 1960s saw many other changes: the influence of Vatican II and the leadership of a reforming Pope resulted in a gradual relaxing of the overt controlling instinct of the Catholic hierarchy, the advent in Ireland of a national television broadcasting service in 1961, the introduction of free second-level education, the arrival of a consumerist culture and a greater emphasis on individualism, the 1960s-inspired winds of change in terms of music and protest, and the beginning, to some extent, of post-Civil-War politics (Mac Éinrí 1997).

The changing social climate in Ireland, in influencing change in social and political attitudes, expectations and actions, also had an impact on government and institutions in the delivery and operation of services.

Based on these evidence sources and on recollections of retired officers familiar with the work of their predecessors, probation practice in Ireland changed little in form and content from the earliest years of the service until the 1960s. Understanding of practice in the early years is largely dependent on third-party comment in papers and reports cited elsewhere in this article. Some examples of papers, reports and other documentation remain from the 1940s onwards. Practice was governed by the original 'assist and befriend' mandate outlined in the

memorandum issued with the Probation of Offenders Act 1907. Reports to court, though not provided for in legislation, were a major task and took a great proportion of the time of the probation officer as outlined in Justice Little's 1940 commentary.

From the 1960s onwards, there was increased recruitment of graduates and trained social workers into the Probation Service. This was in line with a new valuing and a prioritising of social services generally, as well as the influence of planning, research and international experience in government decision-making. This contributed to a rapid pace of change and development never before seen in the service.

In England and Wales, the professionalisation and development of the Probation Service had accelerated from the 1930s onwards (McWilliams 1983; McWilliams 1985). The service in Ireland, as it developed in the 1960s, had the benefit of their experience, in many instances learning from it. Ireland began a process of catching up with international best practice, rejoining that mainstream and, in due course, becoming an active contributor.

### **Social work training and probation practice**

From 1960 onwards, there was an evident 'changing of the guard' as many of the long-serving probation officers retired, with minimal entitlements despite a career of service and social commitment.

The Probation Service and its practice, in common with Irish society in general, was beginning to take greater cognisance, and exercise less distrust, of developments elsewhere. Ironically, however, while the prevailing attachment to the professional social work model of practice in probation elsewhere was approaching its nadir (McWilliams 1986), Ireland, coming late to the model (established in England and Wales since the 1930s), explicitly adopted that approach, just as social work principles and practice in probation were increasingly being challenged in research and effectiveness-based management internationally.

The professionalisation of social work in general in Ireland had been delayed and very limited, despite the aspirations of some such as the non-denominational Civics Institute of Ireland. Among the universities, UCD was the first to establish a social science degree in 1954. TCD introduced its degree in social studies in 1962, and UCC established a social science degree in 1968. As late as 1970, the skills requirement for

a welfare officer, the then title, was described as 'training in or experience of social work'. It was not until 1975 that a degree in social science was required for recruitment as a welfare officer.

During the late 1960s, increasingly professional and assertive probation officers raised concerns and complaints in letters to the Department of Justice, the Department of Education and the courts regarding the ill-treatment of children at Marlborough House (Raftery and O'Sullivan 2000, p. 238). As evidence at the Commission to Inquire into Child Abuse later confirmed, the concerns were regrettably not followed up (Ryan 2006, pp. 114–115).

The level of frustration, upset and disquiet in the Probation Service in 1968 can be gauged in a highly critical column in *The Irish Times* on 22 April 1968 entitled 'Our Hopelessly Inadequate Probation Service'. The article was based on the detailed commentary and experience of a recently resigned probation officer. It articulated many accumulated concerns from her experiences and those of her colleagues. The lack of a Probation Service outside Dublin, deficits in training of probation officers, gaps in social services generally and poverty in the community were cited as sources of frustration and disillusionment (O'Brien 1968).

### **Prison welfare officers and the beginnings of change**

An interdepartmental committee was established in 1962 by Charles Haughey, Minister for Justice, to address issues such as aftercare for young men discharged from reformatories, industrial schools, St Patrick's Institution and prison (Ryan 2006). Arising from the unpublished report of that committee, Charles Haughey, at the Law Students Debating Society of Ireland in February 1964, announced the appointment of two prison welfare officers (Martin Tansey and Noel Clear) to be 'responsible for advising ordinary prisoners on personal and domestic problems, for helping them to secure employment and for giving of after-discharge counsel and guidance' (quoted in Mansergh 1986, p. 40).

A significant point in this development (influenced by a similar development in England and Wales in 1953) and the work of the interdepartmental committee was that cognisance was now been taken of developments in probation and criminal justice outside Ireland. Consideration was also being given at a policy level to appropriate tasks

and roles for the Probation Service in the criminal justice system in place of the previous apparent drift and absence of policy or planning.

### **Probation administration officer**

A recommendation of the interdepartmental committee in 1962 provided for a probation administration officer, who should be someone of high executive ability (McGowan 1993, p. 46). This seems to be the first specific reference to ‘control and administration’ or management in the Probation Service’s activities.

Joseph McDonnell, chief probation officer since 1938, had died suddenly in September 1962. An opportunity for change presented itself. During his time as chief probation officer, McDonnell had performed duties similar to other probation officers including reports to courts and supervision of offenders. He had not, it appears, exercised significant policy and management functions beyond basic administrative tasks.

The first appointment as probation administration officer in 1964 proved unsuccessful, with the appointee subsequently withdrawing within two years and later returning to another post in the service. For a brief period then, the Probation Service was managed by an official from the Department of Justice, giving rise to renewed disquiet among the officers.

### **1969 Review of the Probation Service: A springboard for development**

The administration problems contributed to a management and strategic hiatus in the Probation Service which, in hindsight, had the benefit of prompting or contributing to the commissioning of a further review of the service by Mícheál O’Móráin, Minister for Justice, in January 1969. This was to be the second review of the service during the 1960s, whereas there had not been any examination or review in the previous 60 years. In the following years the service would be known at different times as the ‘Welfare Service of the Department of Justice’ and the ‘Welfare and Aftercare Service’ before settling as the ‘Probation and Welfare Service’ in 1979.

Change in the Probation Service in the 1960s or progress to a full-time professional service was not always consistent or assured. In 1962,

Charles Haughey had expressed hope that societies throughout the country interested in youth welfare would apply for recognition as supervisors of young people placed on probation, as he gave formal recognition to three societies in Dublin. And on 19 November 1968, Mícheál O'Móráin, Minister for Justice, replying to a question from Michael O'Leary, Labour TD for Dublin Central, on the provision of probation officers, stated in the course of an exchange following his official reply 'In my view, the work done by the voluntary service is more effective than can be done by the official service'. However, the work of the 'official' Probation Service in prisons, in supervising offenders on release and on orders from courts was to play an important role in the expansion and development that followed from the consideration of the 1969 review of the service.

### **Prisons Bill 1970 and the Probation Service review**

On 26 May 1970, opening the second stage debate of the Prisons Bill 1970 in Dáil Éireann, Desmond O'Malley, Minister for Justice, said (*Dáil Éireann Debates*, vol. 247, 26 May 1970):

... last year the existing probation and after-care service was thoroughly investigated. As a result of that investigation I am satisfied that the service is inadequate and that it needs to be expanded considerably and thoroughly reorganised. The expansion will call for a big increase in the present staff in Dublin and for an extension of the official probation and after-care service to the country generally. New senior supervisory posts will be created and extra clerical assistance provided to improve the efficiency of the service.

For the Probation Service, rebranded as the Welfare Service of the Department of Justice, operating since the foundation of the state on an ad hoc basis with little direct management, little changed practices or tasks, little developed policy or practice guidelines and a hitherto apparent disregard and disinterest in the operation or practice of probation elsewhere, this period represented a major break with the past and the first evidence of a new, planned and structured approach.

By 1973, service numbers had reached 47, almost six times the total four years previously. Posts were established in Athlone, Cork, Dundalk,

Kilkenny, Limerick, Sligo and Waterford and additional officers were assigned to prisons and detention centres. The establishment of a service headquarters provided a focus and a point of engagement for the service with the Department of Justice, the other criminal justice agencies and the wider community. The expansion of the service was managed by Martin Tansey, the first principal welfare officer, following his appointment by the Minister for Justice in 1972.

### **From the 1970s to the present time**

Martin Tansey continued, until his retirement in 2002, to lead the Welfare Service, renamed the Probation and Welfare Service in 1979, through periods of change and expansion, from a small cohort of eight officers in cramped premises at Dublin District Court to a nationwide service with more than 330 personnel in over 34 locations.

While new legislation and new responsibilities were to arise over the following years, the Probation of Offenders Act 1907 remained, and still remains, the core mandate of the service. The Act, reflecting the social, political and judicial values of the late nineteenth and early twentieth centuries, was increasingly interpreted in its broadest terms to facilitate innovation and developing practice as well as to accommodate and support evolving government and service priorities.

Having changed relatively little from its earliest years, the Probation Service began its belated development in the context of the rapid social, economic and political change in Ireland in the 1960s. Like change and development throughout Irish society, that development has proved to be a complex, and sometimes challenging, rollercoaster-like process which continues today. The period of exponential growth, changing practice and evolving priorities in Ireland in the Irish criminal justice system and in the Probation Service since the 1970s is a further fascinating story that merits in-depth examination and treatment in a separate article.

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