
Multi-Party Contracting: A Prison Environment Example

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Having written previously about multi-party contracts (Hay 2000), I am now a volunteer providing counselling within a prison environment and have been reviewing the contracting process.

The prison environment imposes a number of elements onto the client-counsellor contract. Steiner's (1971) lawful intent applies; mutual consent applies to what happens within counselling (and supervision) but not to the client's environment; there is no consideration; and the competency of the client will depend on their ability to mentalise.

For my prison practice I identify many parties, as in Figure 1. A solid line represents overt contracts, with varying degrees of explicitness, and dotted lines represent covert and/or implicit contracts. It is difficult to produce an adequate 2-dimensional diagram that links all parties without it looking too complex so below I explain the contracting dynamics in a series of groups of parties.

Micholt (1992) points out that the psychological distances between various parties need to be equidistant if we are to avoid psychological games (Berne 1964); however in some cases this merely results in a power play as when the prisoner's solicitor seeks their release and the

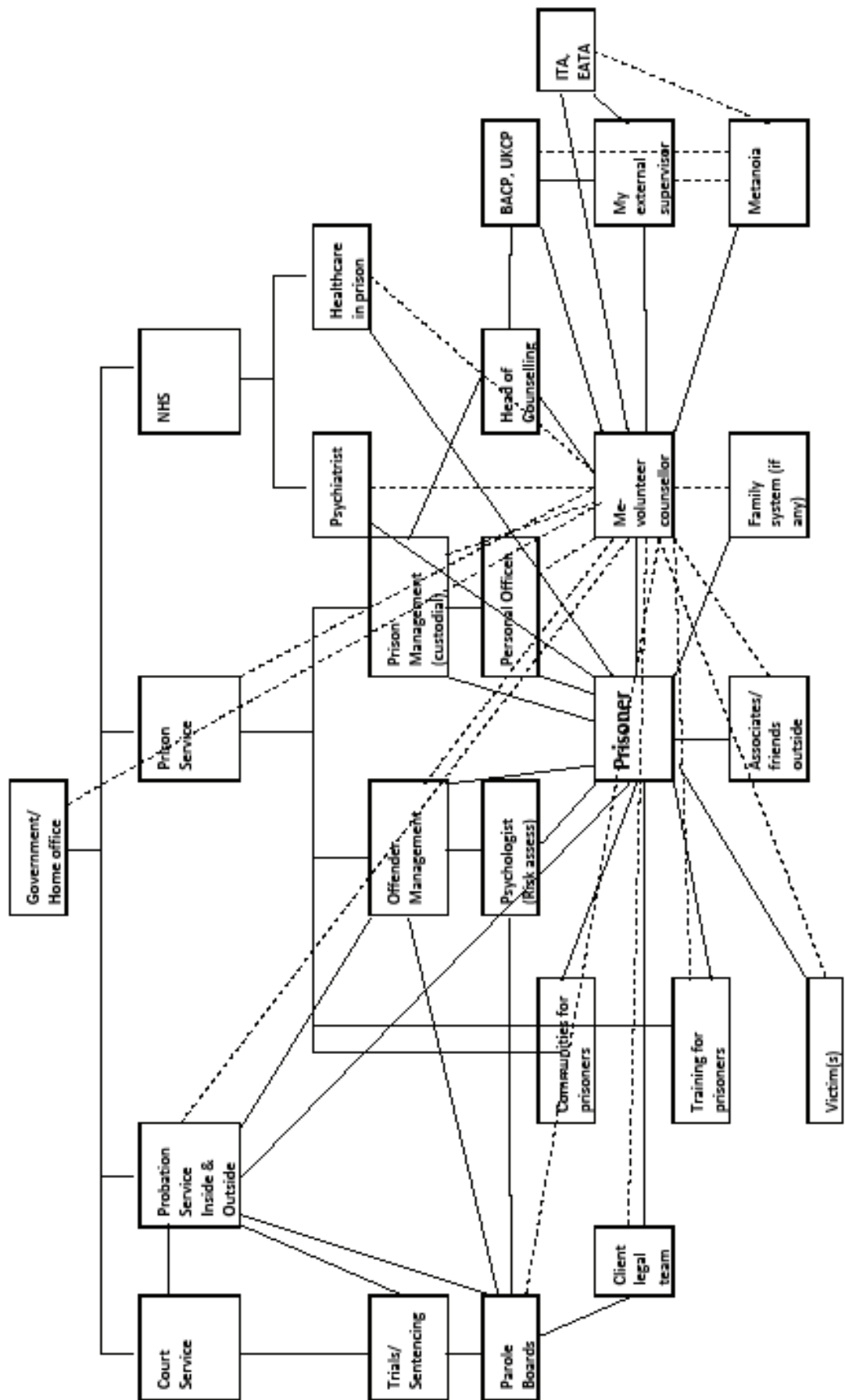
prisoner's allocated Probation Officer disagrees.

The Core Contract: This is set up between prisoner, counsellor and Prison Management which aims to provide the prisoner with access to what is required on the sentence plan. A key factor is the psychological level whereby the prisoner may be 'ticking a box' – he may not want counselling but must show that he has fulfilled the sentence plan. There is also an implicit contract between me and the Parole Board, who will refer to my report in their deliberations. Hence there is a strong pressure on the prisoner to say what he thinks I want to hear, and on me to enter the drama triangle (Karpman 1968) and Rescue by giving a 'good' report or Persecute by giving a 'bad' report, depending on how I might be discounting (Mellor & Schiff 1975).

The Prison Context: The client exists within a web of contracts that are sometimes implicit or even vague, and where even explicit contracts may be breached. Key parties in the operation of the environment are Custodial Management, Offender Management and the NHS.

Custodial Management run the prison; there are Wing Managers and Prison Officers, any of whom may come into direct contact with my client. One officer is designated as the Personal Officer for a prisoner and I have to be cautious as some of these will try to 'invite' me into a Nurturing Parent – Nurturing Parent transaction in the hope I will give them

Figure 1: Multi-Party Contracting



counselling information “so they can better help the prisoner.” I have to manage such interactions carefully as counselling can only take place if the Officers support it.

Offender Management includes the Psychology Department and focuses on factors such as risk assessment of prisoners and whether they are meeting the requirements of their sentence plans. They receive copies of my final reports and are often the ones who refer clients for counselling. Hence, I have an implicit contract with them although generally direct contact is limited to receipt of referrals and emailing them the final report. They could raise objections if they believed a report was deficient or biased.

The NHS supply Health Care – GPs, nurses, etc - and the Psychiatrist. NHS staff may refer prisoners for counselling, which may continue alongside psychiatric support and medication. However, a strict boundary is maintained so that psychiatric and counselling information is not shared. I therefore contract directly with the client to alert me to any medication and/or psychiatric diagnosis that might impact on our counselling process.

The Prison Service also provides various training and community-based programmes, including Drug Rehabilitation, Thinking Skills, Victim Awareness. Again, there is no sharing of information so I contract directly with the client to share their prior experiences and learning with me. This is sometimes a problem because I become aware that a client’s script (Berne 1961) has led them to discount some aspects of the training, or because the training theory described is out of line with TA theory, or, increasingly, with current neuroscience findings (Sunderland 2012). I then need to find tactful ways of presenting an alternative frame of reference (Schiff 1975) to the client. This often leads to decontamination (Berne 1961) that involves them updating both a Parent

belief they have introjected from a trainer and a Child feeling of being safe as long as they do what the trainer taught them to do. At the same time, I point out the benefits of such training so that I do not appear to be criticising the trainers. As a former trainer, this is sometimes hard for me to do, especially when the training has reinforced script beliefs about a prisoner being innately Not OK (Berne 1962).

The Justice System: In this I include the Courts, Probation Service, Parole Boards and the prisoner’s own Legal Team. Again, the prisoner has direct contact and contracts with these and I have an implicit contract only. I must take into account the offences and sentences (including previously), the Probation Officer allocated to the prisoner and the prisoner’s solicitor/barrister will both have a keen interest, and may disagree, with my report, and the Parole Boards are clearly making use of the reports – so much so that prisoners are transferring from other prisons to undertake this counselling approach.

As with medical matters and prior training, I contract with the prisoner to provide the relevant information about their offences and sentence plan, and advise them that providing inaccurate information may rebound on them when the report is submitted.

The Prisoner System: By this I mean those parties outside the prison who are ‘connected’ to the prisoner. I regard this as an implicit contract for me as counsellor, because these parties are so significant in a counselling process intended to help ‘indeterminate’ prisoners change their attitudes and behaviour. Again, I contract with the client to bring the relevant material into the counselling.

Family is significant because I anticipate that using a TA approach is likely to mean that the client recognises attachment issues (Ainsworth & Bowlby 1991) and how these contributed to their offending

behaviour. Where the family has remained supportive of the client in prison, it would be counterproductive for the client to 'blame' the parent and a prison visiting hall is not a good place for clients to initiate rapprochement.

I anticipate that clients may project onto me and this will be reinforced by my age – as a pensioner I am clearly in a Grandmother generation to many clients. Because I am not working within the transference (Novellino & Moiso 1990; Clarkson 1991) for these clients, I usually find a suitable opportunity during an early session to explain transference and symbiosis in layperson's terms so that the client and I can address this when it occurs in the process.

Associates and friends must also be taken into account because the client may have to actively end such relationships if they were linked to offending. The Parole Board will expect a prisoner to recognise the risk of re-offending if they return to old contacts on release. During the counselling process, I need to check that the client understands this and I often use stroke patterns (Woollams & Brown 1978) to bring about such awareness. When contracting, I am mindful that there may be an implicit connection between me and the associates, rather like the connection Hawkins & Shohet (2006) posit between supervisor and client.

The final party in this grouping is the victim (s). I feel a sense of responsibility to past victims that the client/perpetrator should learn to empathise with the trauma their victims have experienced. This extends into an implicit contract about the client not creating any future victims. For the client, this is of course an explicit contract between them and the justice system, which will re-incarcerate them if they re-offend on release. For me, it is an implicit contract with past and potential future victims; the latter are of course the general

public who expect prison, and prison-based counselling, to act as a deterrent.

The Counsellor Cluster: this final grouping relates to the parties that impact on my role as counsellor. I have an external TA supervisor who is a forensic psychologist. I receive internal supervision from the Head of Counselling and also engage in weekly peer supervision. I function under the Ethical Codes of Metanoia (2006), BACP (2010) and UKCP (2009) where I am a student member, and ITA (2008) and hence EATA (2011).

My contract with the external supervisor is also with the TA community, and that with the Internal Supervisor is with BACP.

At the same time, I have a contract as a volunteer with the Prison to follow their rules and regulations in return for being allowed the placement, and with the Prison Service and Home Office generally, including the Official Secrets Act. I am required to report 'intelligence' which means information about future harm to anyone (client, other prisoners, officers, the public), breaches of prison rules and any criminal offences where the perpetrator(s) has not yet been identified. I advise the client of these requirements before counselling begins.

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