

The magazine of the Probation Institute

# PROBATION

Issue 17: September 2020

*Quarterly*

## Righting wrongs

*Access to the Court of Appeal for Women in Prison*

## Community resettlement for foreign national women

*What are the barriers?*

## Creating a culture shift

*A 'family first' approach to rehabilitation*

## Reflective Practice

*What does 'reflective practice' mean in the current social and political climate?*



# PROBATION *Quarterly*

## Editor

Anne Worrall

## Designer

Richard Rowley

## Editorial Board

Sam Ainslie  
Anne Burrell  
Steve Collett

## Contributors

Sam Ainslie  
John Bache  
Sophia Benedict  
Tom Brown  
Glenn Gathercole  
Steven Doggett  
Kerry Ellis Devitt  
Andrew Fowler  
Andy Keen-Downs  
Juliet Lyons  
Naima Sakande  
Helen Schofield  
John Stafford

PUBLISHED BY



## Acting Chief Executive

Helen Schofield

## Address

2 Langley Lane, Vauxhall  
London SW8 1GB

## Web

[probation-institute.org](http://probation-institute.org)

## Twitter

[@ProbInstitute](https://twitter.com/ProbInstitute)

## Email

[admin@probation-institute.org](mailto:admin@probation-institute.org)

## Telephone

0203 0533 551

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The Probation Institute was very sad to learn of the death of Sue Hall, who was a founder Director and very influential in its early development. She is well known to many people for her life-long commitment to Probation both nationally and in Europe. I have fond personal memories of working with Sue. It was a joy to engage with her warmth, wisdom and sharp intellect. We have included an obituary and two tributes to Sue in this issue, as well as a link to her (2015) article in the Howard Journal of Crime and Justice, which is free throughout September.

Three challenging articles address different aspects of working with women who have been imprisoned or are on supervision. Two of these are based on research undertaken with the support of the Griffins Society Fellowship scheme ([www.griffinssociety.org](http://www.griffinssociety.org)). Naima Sakande writes powerfully about the underrepresentation of women in the statistics for those who appeal against their convictions or sentences, exploring why this might be so and what might be done to remedy the disparity. Sophia Benedict exposes the neglect and powerlessness of foreign national women who may face deportation on release from prison. A third article, by Kerry Ellis Devitt from KSS CRC, discusses her research into the emotional labour undertaken by those in the role of Women's Lead in CRCs.

We continue to consider the impact of Covid-19 on those working in social and criminal justice. Sam Ainslie offers insights into the need for PQiP

programmes to reflect on the consequences of events during lockdown while Helen Schofield updates readers about developments at the Probation Institute. Following our successful research conference in March on working with families, we have a challenging article from Andy Keen-Downs of Pact and a further article from the Parole Board about the new information they are providing to families of those applying for parole. Unilink demonstrates how widely and how importantly technology can be used ethically to benefit offenders and those working with them.

The Magistrates Association has joined with the Independent Advisory Panel on Deaths in Custody to urge magistrates and PSR writers to make more use of community sentence treatment requirements. And in a creative thought-piece, Andrew Fowler and Tom Brown suggest that the professional identities and occupational cultures of probation workers might be represented by 'objects'.

We have been heartened by the sheer quantity and quality of the articles we have received for this issue. For the first time, we have even had to ask some contributors if we could hold their articles over for the next issue. We are more than ever convinced that researchers, practitioners and service users are eager to communicate with each other and wider audiences through our pages. Please keep these important pieces coming - the next deadline is Friday 6th November.



# SUBMIT AN ARTICLE FOR THE NEXT EDITION OF THE PQ?

Probation Quarterly publishes short articles of 500 - 1500 words which are of interest to practitioners and researchers in public, private or voluntary sector work with offenders and victims. These articles can be about:

- the activities of the Probation Institute.
- news about the work of your organisation or project.
- reports from special events, seminars, meetings or conferences.
- summaries of your own completed research. (Note: we do not publish requests for research participants)
- brief reviews of books or research reports that have caught your eye
- thought pieces where you can reflect on an issue that concerns you.

The articles need to be well-written, informative and engaging but don't need to meet the academic standards for a peer-reviewed journal. The editorial touch is 'light' and we can help you to develop your article if that is appropriate. If you have an idea for a suitable article, let me know what you have in mind and I can advise you on how to proceed.

#### **Disclaimer**

All contributors must adhere to the [Probation Institute Code of Ethics](#) but the views expressed are their own and not necessarily those of the Probation Institute.

**Anne Worrall**  
Editor, Probation Quarterly

Email: [anne@probation-institute.org](mailto:anne@probation-institute.org)





# Probation Institute update

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## Helen Schofield, Acting CEO of the Probation Institute

The Probation Institute is pleased to confirm completion of our major project building awareness of working with ex-armed services personnel commenced in 2015. This project has included research into provision for ex-armed services personnel under supervision, and training in working with ex-armed services personnel. We are pleased to have built a strong relationship with the Forces in Mind Trust and with a number of organisations working in this field.

The second research project funded by the Forces in Mind Trust looks at the histories of a group of individuals who have committed very serious offences of harm, and seeks to identify ways in which this knowledge may help to reduce the risk of future such serious harm. This research is being taken forward in partnership with Liverpool John Moores University and aims to report in Summer 2021.

Throughout the lockdown and continuing the Probation Institute is hosting a two-weekly Professional Discussion on Zoom. Registration is open to all. We have discussed many aspects of work in Probation and Rehabilitation during the pandemic and we are gradually widening our agenda to aspects of the recovery and the long term impact of Covid-19. Please contact [admin@probation-institute.org](mailto:admin@probation-institute.org) if you would like to join this group.







## Sue Hall

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### An obituary by John Stafford

Sue Hall, who passed away on 26th June 2020, was one of the most outstanding Probation figures of her generation. A linguist, she graduated in Russian and German from the University of Cambridge, Girton College in 1974, but chose to make her career in the Probation Service, gaining a Postgraduate Diploma in Social Work at University College Cardiff in 1979. Her initial career was with the Humberside Probation Service, rising to Assistant Chief Probation Officer there in 1993. Her abilities, drive and commitment saw several further promotions. She became Deputy Chief Probation Officer in West Yorkshire in 2000 and whilst in that role she also achieved an MBA in 2002. In 2004, Sue was appointed Chief Probation Officer of the South Wales Service. She returned to West Yorkshire

Probation as its Chief Executive Officer in 2005, in which role she remained until her retirement from that post in 2014. Under Sue's leadership the West Yorkshire Trust gained a reputation for excellence. Sue was awarded an OBE in 2010 in recognition of her service to Probation.

In addition to her duties as CEO in Yorkshire, Sue was a national figure in England and Wales as Chair of the Probation Chiefs Association (PCA) from 2009 until its dissolution in 2014 - a period of great turbulence in Probation, requiring astute leadership. She subsequently became a Non-Executive Director of the Probation Institute and a Trustee of the charity Prisoners Abroad from 2014 to 2017.



Such was Sue's energy and drive that in addition to her other roles she was also simultaneously active at European level, acting as Vice President of the Confederation of European Probation (CEP) between 2010 and 2016. Amongst many other achievements she chaired the CEP Planning Group for the first and highly successful World Congress of Probation held in London in 2012. In 2014 Sue was honoured to present the annual Bill McWilliams lecture at the University of Cambridge Institute of Criminology.

All the above bear testament to Sue's total commitment to the Probation Service and its values at local, national and international level. Highly intelligent, hard working and purposeful, Sue was well respected by all who worked with her for her ability, her clarity of thought, her first class organisational skills, her integrity and her humanity.

Following her retirement from the West Yorkshire Probation Trust, characteristically Sue remained very active both professionally and in pursuing her other broad ranging interests: the arts, choral singing, travel, gardening, friendships and improving her language skills. Even in the face of her courageous final struggle with an aggressive brain tumour, Sue remained positive and determined to make the most of her life and each and every day to the very end. She was sustained by her intellectual curiosity and optimism, always looking for the positive in life, but most of all by her love and passion for her family, her grandchildren bringing her a particular joy.

Sue's was a life well lived, sadly prematurely shortened by a cruel illness.

### A tribute from Mary Anne McFarlane

Sue was a wonderful colleague chief officer. She and I were in the same learning set and I always learned a lot from her experience and perspective. She spoke at national chiefs' meetings with clarity and vision and was definitely a role model

for me. As I was a CEP Board member before Sue's involvement but continued my European and international probation work, I often met with Sue and Paul at conferences, meetings and of course the World Probation Congresses. I watched her chair the most difficult session in Romania, including persuading everyone to change the name of the organisation. We had fun together and she will remain in my heart as a woman who led probation in the right way. I will miss her.

### A tribute from Steve Collett

I first met and worked with Sue during the early 1990s when we worked with Colin Roberts at the Probation Studies Unit at Oxford University to develop and deploy structured assessment systems. My first and lasting memory of her was that you only had to explain something once and she got it straight away. Sue was direct and clear in her thinking and her 2014 Bill McWilliams Memorial Lecture - *Why Probation Matters* - bears testament both to her considerable intellectual abilities and her capacity to synthesise conceptual thinking with action. As one of her colleagues in the national probation chief officers' forum, I always sought her opinion on difficult issues because I knew I would get a clear, concise and considered analysis. She took over the Chair of the Probation Chiefs Association in 2009 and as her vice-chair, I worked closely with her during turbulent times - she was a pleasure to work with because she was straightforward, self-effacing and fiercely intelligent. Using the language of Mawby & Worrall, Sue described herself as a lifer in her McWilliams lecture - she was that down to her fingertips and much more.

NB. The Howard Journal of Crime and Justice has kindly agreed to allow free access to Sue Hall's 2015 article 'Why Probation Matters' (Vol 54, No 4: 321-411) throughout the month of September:

<https://onlinelibrary.wiley.com/doi/full/10.1111/hojo.12135>



# A time to reflect?

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Sam Ainslie, from Sheffield Hallam University, asks what 'reflective practice' means in the current social and political climate.



The importance of reflective practice is stressed throughout the current graduate diploma undertaken by PQiP (Professional Qualification in Probation) learners. As teachers we are aiming to help form 'habits of the mind, habits of the heart and habits of the hand' (Shulman, 2005:56). Consequently, we provide opportunities to develop reflective thinking and writing through assessment tasks, as well as imparting theoretical knowledge in the form of reflective models. Whilst some learners embrace such opportunities from the outset of the academic programme, others frequently express how challenging they find this requirement. Recently, in the course of preparing an online learning session related to reflective practice, I reached out to academic colleagues (all ex-probation practitioners) to ask them to summarise their view of reflective practice and the role it has played in their lives in order to share with our learners. I do not have the space here to convey fully their passionate and eloquent responses, but these were the key messages:

- Critical reflection is hard to master and can be uncomfortable.
- It was vital in enabling them to practice effectively as probation practitioners.
- They continue to use critical reflection in both a professional and personal capacity.

What came through loud and clear was that the skill of critically reflective practice was hard won but continues to be of significant gain, not only for us as individuals, but crucially for the learners we seek to support and empower.

### *What is critically reflective practice and what are the benefits?*

Thompson and Thompson's (2018) 'Critically Reflective Practitioner' continues to be a key text for our PQiP learners at Sheffield Hallam. The authors explain the complex interplay of thoughts, feelings and values in critical reflection and emphasise the difference between self-reflection (that can happen in the car or shower)

and critical reflection which enables practitioners to think outside of the status quo, questioning our knowledge base and assumptions. Crucially it also helps practitioners examine how these assumptions can impact on practice and the potentially life-changing decisions they make which have serious ramifications for the individuals they supervise and support.

I cannot do justice to the text here, but in short, the authors highlight the benefits of reflective practice in terms of how it can maximise potential for learning and high-quality professional practice due to its transformative potential. They argue that reflective practice is ethical practice that supports practitioners in challenging social arrangements that are based on inequality and disadvantage. In short, it plays an integral part in ensuring that probation practice 'is geared towards positive, emancipatory outcomes' (Thompson and Thompson, 2018:23) which is essential when trying to navigate the 'swampy lowlands' of practice (Schon, 1983) and the 'dirty work' (Mawby and Worrall, 2013) that probation can be seen to represent.

### *Why is now the time to reflect?*

#### **COVID 19**

Since March we have all had to become accustomed to spending more time at home, and for probation practitioners this has resulted in the erosion of important boundaries between work and home. The task of community supervision is now largely being undertaken by phone and in a context of seriously restricted supporting services in the community. The relentless nature of probation work in terms of emotional labour is recognised (Phillips et al, 2016) but the current situation arguably exacerbates the risks of defensive practice and 'spill-over' (Westaby et al, 2016) with practitioners working in isolation for long periods whilst juggling the demands of family life. The temporal boundary between work and home life can be difficult to maintain at the best of times but is almost beyond comprehension currently.

Reflective practice plays an important role in self-care and basic models such as the Control-Influence-Accept (CIA) Framework provide a way in which to try and prevent pressure over-spilling into stress by reflecting upon what you can realistically achieve and identifying what you can control, what you can influence and what you may need to accept. Clearly however, there is also an urgent need for employers to ensure that practitioners have the opportunity to reflect upon case decisions with colleagues and line managers and to offer access to emotional support as a priority.

### Black Lives Matter movement

Recent months have seen renewed momentum with campaigning to address discrimination and inequality globally. Probation values have long demonstrated commitment to anti-discriminatory practice but there are questions rightly asked about whether it has achieved these aspirations. Practitioners must be supported to reflect critically upon their own assumptions and attitudes and be prepared to change them given that they are in positions of power where decisions can reflect discriminatory and prejudicial attitudes.

Reflective models such as Argyris's (1982) Ladder of Inference, Mezirow's (1981) Seven Levels of Reflexivity and Thompson's PCS Model (2011) can support practitioners in becoming aware of their own values and assumptions and understand how they are culturally embedded. Crucially, action is required following those reflections to change practice. Whilst recognising that personal reflection does not solve the complex structural factors that perpetuate discrimination and disadvantage, it is a starting point that needs to be nurtured and supported.

### Higher Education contracts

The existing contract for Higher Education provision is due for re-tender and I would argue that there is need for recognition (from those involved in contract specification and those bidding for tender) of the centrality of critically reflective practice and exploration of increased opportunities to build this into the academic programme. As part of research conducted on behalf of the Confederation of European Probation, Hanrath and Verbann (2019) recommended that probation qualifications should require learners to demonstrate the ability to manage complex professional activities and be able to work in ways aligned to anti-discriminatory practice. Reflective practice should therefore continue to be an integral part of the academic programme for probation practitioners. We need to support probation learners in developing a 'life of the mind for practice', through cultivating reflection and criticism 'for the sake of more informed and responsible engagement' (Sullivan and Rosin, 2008: xv- xvi).

Millar and Burke (2012) previously warned that a 'culture of utility' in probation training and practice is not conducive to humanistic practice. Accordingly, ensuring that reflective practice continues to be integral to the academic component of the qualification acts to mitigate against the potential preoccupation with extrinsic goals of passing assignments as opposed to the intrinsic value of the academic content and its application to practice. Reflective practice is a way in which to support learner development that enhances 'engagement with issues of moral and intellectual complexity' (Millar and Burke, 2012: 318) that are entwined in probation work. Therefore, there is a need to resist any efforts to reduce the academic programme to transmission of information and technical skills and to ensure a focus on the emotional development required to flourish in such a complex role.



## Concluding thoughts

Given the ongoing Probation reform programme and the wider context outlined here, now is the time to prioritise critically reflective practice. This requires commitment to providing the time and space to reflect meaningfully, as well as the teaching, training and supervisory support required for ongoing development of this critical skill. The NPS's commitment to reflective supervision as part of the new supervisory framework is a positive sign, as is reference to reflection time in the recent HMPPS Probation Workforce Strategy. I would argue however that more is needed and end this reflection on reflective practice by stressing the importance of challenging common misconceptions (identified by Thompson and Thompson, 2018):

- It is not a luxury we cannot afford.
- It is more than pausing for thought-it is a skill that requires teaching, training and ongoing development.
- It needs to result in actions.
- It is not limited to training periods or formal qualifications.
- Whilst it can be done alone, we also need to reflect on feedback from others.
- It is not an alternative to theory-we have to reflect on the knowledge base that informs our practice.
- It does not displace evidence-led practice but instead enables us to integrate research findings into our knowledge base in a way that is not uncritical.



**Sam Ainslie**  
Sheffield Hallam University

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# Righting Wrongs: Access to the Court of Appeal for Women in Prison

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Naima Sakande reports on her new research published by the Griffins Society.



As a criminal defence investigator managing the Women's Justice Initiative at the legal charity [APPEAL](#), my job is to re-examine the cases of women who believe they have been wrongfully convicted or unfairly sentenced. I receive several letters a week from women in prison, desperate to right the wrongs they think have been done to them through the criminal process. I have also received many referrals from probation officers and offender managers in prison, who have heard a woman's story and thought to themselves "how did you end up here?"

Wrongful conviction and unfair sentencing occur every day in a criminal justice system starved of proper investment, and mistakes abound when defendants are unable to afford representation, restrictive legal aid prevents lawyers from doing thorough job and mass court closures and delays result in rushed hearings. The Court of Appeal (Criminal Division) (CACD) should be capable of fixing mistakes for all unfairly treated defendants, but I was struck when findings from an internal project at APPEAL indicated otherwise. Out of a sample of 268 people who appealed against their sentence or conviction to the CACD using 'fresh evidence' between 1997 and 2010, only 19 were women, a mere 7% of cases. However, women make up 27% of the total number of convictions (Ministry of Justice, 2018), so it appears they may be disproportionately underrepresented in the criminal appeal system.

For that reason, with the support of the [Griffins Society Fellowship](#) and the Institute of Criminology at the University of Cambridge, I set out to uncover what barriers women face in appealing their convictions and sentences to the CACD. The research adopted a mixed-methods approach, which included analysis of letters from women in custody writing to APPEAL (n=132), a questionnaire completed by women in prison (n=33) and a survey of legal professionals (n=20).

### Why do women want to appeal?

Certainly, some women want to appeal because they are still fighting and are still denying responsibility. But others sincerely believe in their innocence, and genuinely do not understand why their actions led to a criminal conviction. Regarding sentence, many would-be appellants strongly believe that their custodial sentence is disproportionately long and burdensome. More than half of the women in this study felt that custody was a disproportionate punishment for their crime.

*"I do feel that being sent to prison was not the best option. I know I committed a crime and I will be forever remorseful and still feel guilty, however I was hoping I would be able to get another suspended sentence [...] By being in prison, I am on the verge of losing my property and of course I have also lost my job."*

I do feel that being sent to prison was not the best option. I know I committed a crime and I will be forever remorseful and still feel guilty, however I was hoping I would be able to get another suspended sentence.

By being in prison, I am on the verge of losing my property and of course I have also lost my job. What I am asking is whether I can appeal?

Many women stated that Judges had sentenced them to custody against the recommendations of the pre-sentence report.

*"The first judge had ordered for a psychological report to be carried out prior to sentencing and that this report should be reviewed by probation prior to their pre-sentence report submission. The probation report advised against a custodial sentence."*

The first judge had ordered for a psychological report to be carried out prior to sentencing and that this report should be reviewed by probation prior to their pre-sentence report submission. The probation report advised against a custodial sentence.

More than a quarter of the women felt that their pre-sentence report was incorrect or incomplete. Some women complained of psychological reports not being asked for or of risk assessment criteria being incorrectly applied. Many complained that their mitigating circumstances, especially their good character and clean records, were not given appropriate weight.

*"I DIDN'T HAVE NO REPORTS OR MITACATIONI [sic] HAVE; NT [sic] BEEN IN TROBLEM [sic] FOR MANY YEARS"*

## 2 I DIDN'T HAVE NO REPORTS OR MITACATIONI HAVE; NT BEEN IN TROBLEM FOR MANY YEARS

*"I also did not have support – appropriate adult – in any interview with psychiatrists, solicitors or probation, which has impacted very badly on my ability to communicate properly in these meetings and on the case. Due to severe PTSD (or similar), I was not able to talk normally. It is only now, after being left to get better without support, that I am able to start addressing this."*



I also did not have support-appropriate adults- in any interviews with psychiatrists, solicitors or probation, which has impacted very badly on my ability to communicate properly in these meetings and on the case. Due to severe PTSD (or similar), I was not able to talk normally. It is only now, after being left to get better without support, that I am able to start addressing this.

A third of the women felt that the effect of imprisonment on their children had not been considered.

*"My children are also facing eviction from our property and my daughter recently spent four days in hospital. She's just 13. She's scared, lonely and I'm scared that she will hurt herself as she doesn't really talk and bottles up."*

My children are also facing eviction from our property and my daughter recently spent four days in hospital. She's just 13. She's scared, lonely and I'm scared that she will hurt herself as she doesn't really talk and bottles up.

### **If mistakes are being made, why are women not appealing?**

There are parallels with women's experience of other 'complaints' mechanisms. For example, a study by the Prisons and Probation Ombudsman found that women made only 1.7% of all complaints, despite being 5% of the prison population (PPO, 2015). However, there has also been a dramatic decline in total applications to appeal to the CACD; they have dropped by 36% from 2011 to 2019 (Court of Appeal, 2011; Court of Appeal, 2020).

Many women in prison do not understand the appeal process and do not receive good quality legal advice. Half of the women in this study complained of ineffective assistance from lawyers and more than a third displayed a complete lack of knowledge of how the appeal system worked.

*"I need to get out of here and don't know where to get help and what I can do."*

I need to get out of here  
and don't know where to  
get help and what I can do

Women's responses were infused with a sense of futility and defeat, and the lack of information within prisons was often isolating and debilitating. One woman wrote, *"I just felt totally alone and abandoned and that is just how it is"*. Another said, *"the process is made impossibly difficult - we have no access to internet or books with names of companies, no access to computers or typewriters, no access to photocopying etc"*.

Many of the letters also provided a stark reminder that many prisoners have limited access to materials, low literacy and poor education.

*"Sorry about this writeing [sic] but it's hard for me to do!"*

Sorry about this  
writeing but it's hard  
for me to do!

Non-fluent English speakers face extra hurdles.

*"This letter is being written for me by another prisoner as I am unable to write in English"*

This letter is being written for  
me by another prisoner as I am unable to write  
in English.

It is of no surprise then, that a key finding of the research is that women suffer a terrible lack of confidence that impacts on their ability to challenge a conviction or a sentence. Several women mentioned that they did not want to cause their families any more trauma by appealing, even when they felt their appeal was fully justified. Women report being *'scared'* or *'upset'* by the process, even *"blackmailed and traumatised"*.



## What more can be done to improve women in prison's access to the Court of Appeal?

It is clearly frustrating that many sentencing judges do not seem to give appropriate weight to pre-sentence reports, whose authors often do an excellent job of capturing the complex background features of a person's life that is relevant to their offending. Report writers can afford to be more forceful when advocating for community-based alternatives to custody when appropriate, particularly when there are clear mitigating features present.

In the context of PPO complaints, women have reported that having good relationships with staff made a difference to their willingness to resolve issues (PPO, 2015). Inside probation officers and offender managers should therefore try to use the strong relationships they develop with women in custody, to both encourage them to appeal when it is in their best interest and to provide practical support and information on appealing a sentence or conviction where needed.<sup>1</sup>

Prison and probation officers might consider putting up posters explaining the 28-day time limit on appeal, rights to legal aid and the process for lodging an appeal in prison induction units. Special care should be taken to make these available and visible in the women's estate. Appeal 'toolkits' should be available in prison libraries, including guides on commencing proceedings in the Court of Appeal (one produced by HMCTS is available [here](#)), a set of FAQs about the Criminal Cases Review Commission ([here](#)), copies of the relevant forms for lodging appeals, the Information Commissioner's Office's Guide, detailing an individual's right to their own data ([here](#)), and the addresses of law firms and chambers that accept legally aided appeals work (such as the registry on the website of the Criminal Appeal Lawyers Association, [here](#)).

We must recognise that appealing is a fundamental right of a convicted or sentenced person. If I were wrongfully convicted or given an unfair sentence, I would undoubtedly like the opportunity to correct such mistakes particularly when my freedom is on the line. However, the current system severely impedes women's ability to exercise that right. The trial, probation and prison system has a responsibility to do more to support and empower women in their journey to right wrongs.

*The full report, [Righting Wrongs: What are the barriers faced by women seeking to overturn unsafe convictions or unfair sentences in the Court of Appeal \(Criminal Division\)?](#), was published in June 2020 and can be found [here](#).*

<sup>1</sup> Readers are welcome to contact the author by email ([naima@appeal.org.uk](mailto:naima@appeal.org.uk)) should they know of women who may need help seeking an appeal.

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**Naima Sakande**  
Criminal Defence Investigator  
APPEAL





A photograph showing the back of a woman with blonde hair tied up, wearing a red and blue plaid shirt, and a young child with short brown hair wearing a white shirt. They are sitting on a dark, mossy wooden fence, looking out over a blurred, natural landscape. The scene is captured from a slightly elevated angle, emphasizing their shared perspective.

## Creating a culture shift: a 'family first' approach to rehabilitation

Andy Keen-Downs, CEO of the Prison Advice and Care Trust (Pact), discusses the work of the organisation with the families of prisoners.



For many years in the justice sector, as readers will know, the standard language and narrative has been around 'offender management' and risk prediction. Practitioners have become accustomed to using the term 'offender' to describe the human beings we work to support.

As an independent charitable organisation, Pact has for many years avoided using the label 'offender'. Our work is premised on an understanding of human psychology and desistance: it is less about what is done to people we call 'offenders', and more about what we, as practitioners, do with people, to enable them to create new narratives and positive identities away from crime - so called 'Redemption Scripts'.<sup>1</sup> Pact is therefore delighted that the Ministry of Justice (MoJ) has announced that instead of 'offender managers', staff will soon be called 'probation practitioners'.

Over the past two decades, a growing body of research has focused on how prisoners' family and social relationships can provide a form of social capital: the motivation and means to move away from offending behaviour. We now know (from Lord Farmer's report - see below) that prisoners who receive regular social visits are 39% less likely to reoffend than those who do not. We also know that the impact of families on accommodation and ETE outcomes is hugely significant, with families described as 'the most effective resettlement agency'.<sup>2</sup>

Nevertheless, the question for practitioners and commissioners is how to mobilise this form of social capital and how to encourage positive identities, based on healthy relationships and

responsibility. Transforming Rehabilitation may have hindered the development of some probation practice, but as we look to the future, Pact hopes to offer some helpful learning.

From 2015, Pact provided support to Lord Michael Farmer, whose reports on the impact of family life were published by the MoJ and hailed as ground-breaking<sup>3</sup>; together, they are the most comprehensive review of practice in maintaining and nurturing positive family relationships between prisoners and their families. Much of what is described has been the result of pioneering work by voluntary sector organisations, with Pact consistently involved in the research and development. As a charity which began life in 1898 as one of the old Prisoner Aid Societies, Pact has a longstanding focus on prisoners as people whose families and social relationships are critical to understanding the risks and opportunities involved in resettlement planning, casework and interventions. Having pioneered such basic services as prison Visitors' Centres from the 1980s, we were responsible for creating the idea of 'first night and early days in custody' provision in the 1990s, starting at HMP Holloway<sup>4</sup>. We then began testing and trialling models of prison-based family casework<sup>5</sup>, which has now been successfully mainstreamed in practice. Following several mergers, and with our academic partners in the UK and USA, we have spent the last decade building a curriculum of relationship, parenting and family learning programmes.<sup>6</sup> But as is so often the case for the voluntary sector, we found ourselves delivering 'bits' of service, in different places and at different times.

<sup>1</sup> [https://researchgate.net/publication/232604319\\_Making\\_Good\\_How\\_Ex-Convicts\\_Reform\\_and\\_Rebuild\\_Their\\_Lives](https://researchgate.net/publication/232604319_Making_Good_How_Ex-Convicts_Reform_and_Rebuild_Their_Lives)

<sup>2</sup> <https://justiceinspectorates.gov.uk/cji/media/press-releases/2014/09/families-vital-for-prisoner-rehabilitation/>

<sup>3</sup> <https://prisonadvice.org.uk/Handlers/Download.ashx?IDMF=28956040-cf07-44c9-9a9a-dd1771e1228b>

<sup>4</sup> <http://prisonreformtrust.org.uk/uploads/documents/Pact%20-%20final%20with%20cover.pdf>

<sup>5</sup> <https://www.ccsj.crim.cam.ac.uk/research/family-engagement>

<sup>6</sup> <https://prisonadvice.org.uk/Pages/Category/group-work>



All of that changed in 2018 when, thanks to philanthropic funding, we launched our Routes2Change partnership with HMP Brixton, a category C public sector male prison in inner London. The model, which is the first of its kind, offers support to every prisoner and family from induction to up to 6 months post release: an end-to-end paradigm of practice. Our prison-based Family Resettlement Practitioners make contact with new arrivals and carry out a triaging process, to understand the family dynamic and other close social bonds. Every man is offered the opportunity to join the programme, which then involves working together to develop a Family Care Plan. The question we ask is carefully phrased to encourage a sense of responsibility and focus on positive identities: 'How can we support you to care for your family while you are in HMP Brixton?'

This approach is intentionally about enabling people to have a sense of their own agency, and empowering them to change their lives for the better. Our role is to work with prisoners in identifying and setting goals for themselves and for their relationships, and supporting them to achieve them. While on that journey, we also support them to work out their identity and sense of belonging, and build self-esteem, to see themselves in a new light and be self-motivated to make the changes they need to live a good life.

As part of this process, we seek informed consent to communicate directly with the prisoner's most significant other, so that we can initiate contact regardless of their intention to visit. Families are offered support from a Pact Befriender: vetted and trained volunteers who provide emotional and practical support to people with a family member in prison. They are overseen by the

Family Resettlement Practitioner, to create a 'team around the family'. They work with the families by phone or in community settings and provide day-to-day person-centred support around relationship issues, parenting and navigating the justice and benefits systems.

Prisoners who join the voluntary programme are assigned a designated Pact Caseworker, who works closely with HMPPS staff and other specialist agencies. In addition to making use of NOMIS, Pact uses E-Cins, which provides secure integration with children's social workers, and which we have developed to incorporate a 'Relationship Radar' and fields that are designed for family work in justice settings. Through the Prison Education Dynamic Purchasing System, prior to Covid-19, we delivered a range of accredited and non-accredited groupwork programmes, including some based on the 'PREP' model, modified in collaboration with our partners at the University of Denver.<sup>7</sup>

Routes2Change was designed to create a 'family first' approach to in-prison and post-release rehabilitation. It's about developing family connections, building inter-agency cooperation and creating a culture within prisons and in the community where family members are actively valued and recognised as a fundamental 'agency' in preventing people returning to prison. It sees [Lord Farmer's recommendations](#) implemented in the prison environment and in the community, post-release, helping to build stronger familial support networks and ultimately with the aim of positively impacting desistance. The project is overseen by an Advisory Board chaired by Lord Farmer and attended by Pact's CEO, the Governor, the local authority and the Mayor's Office for Policing and Crime (the PCC for London).

<sup>7</sup> <https://www.du.edu/studentlife/studentconduct/programsworkshops/prep.html>

In our first year we have carried out initial assessments on 716 prisoners, out of a total population of 957, and are providing intensive casework support to 316 of the 716 we have reached. We have developed Care Plans for all those needing ongoing casework support. To date, we have developed 245 Family Care Plans and completed 90 Relationship Radar forms to specifically identify areas of support. We have provided Befriending support to 56 family members and in the new age of Covid-19, have adapted to supporting families remotely. 61 prisoners' children have been supported through therapeutic play sessions.

The impact of Routes2Change is clear: 83% of prisoners we supported have improved family relationships. Engagement levels are very high, with between 40-45% of all prisoners joining the programme. The project's impact on culture and practice is being evaluated by Rand Europe, with a view to exploring how the model can be disseminated and mainstreamed.

To find out more about the Routes2Change programme, please contact [comms@prisonadvice.org.uk](mailto:comms@prisonadvice.org.uk).

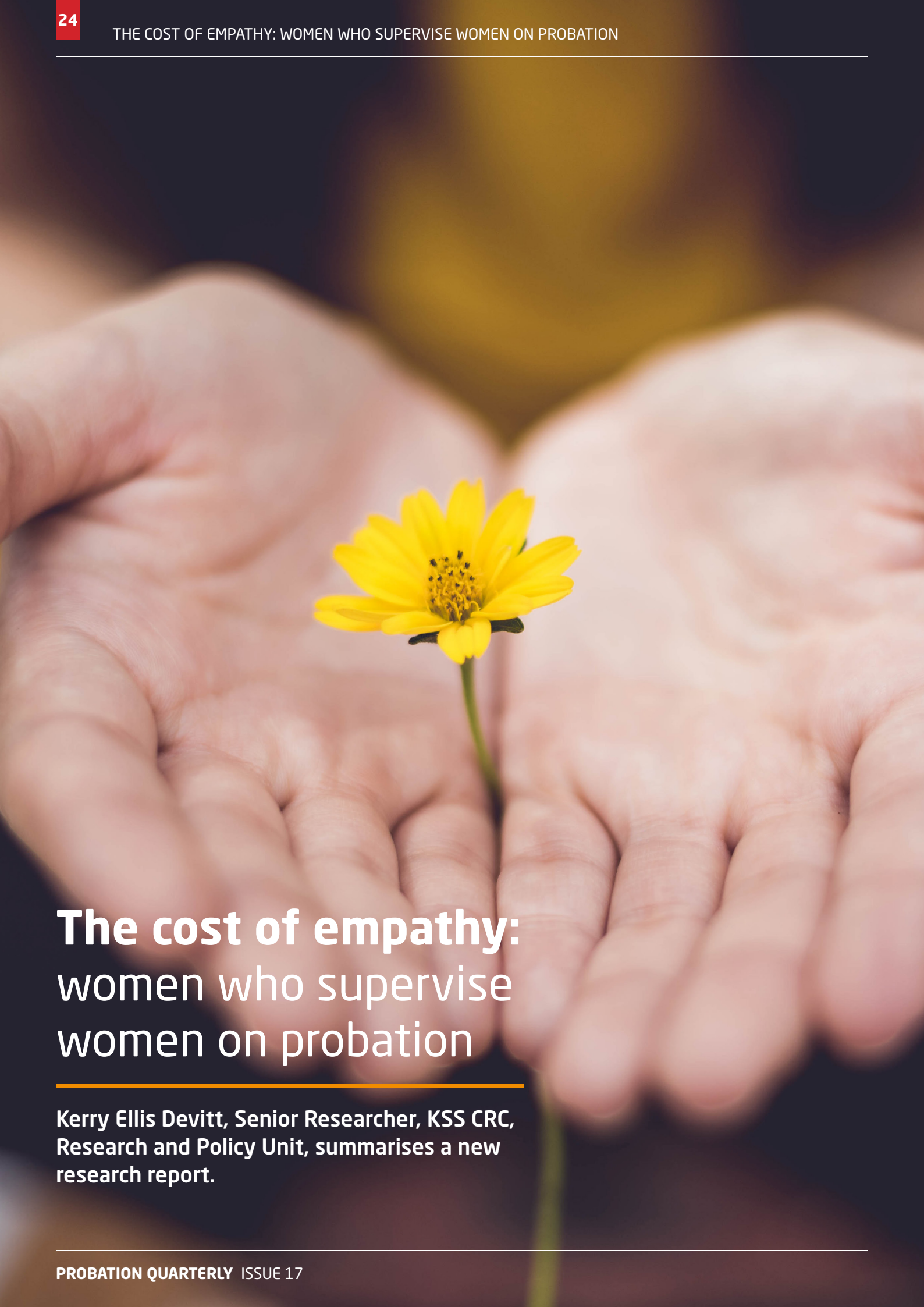


**Andy Keen-Downs**  
Chief Executive of Pact  
(Pact Group)



Prisoners · Families · Communities  
A Fresh Start Together





## The cost of empathy: women who supervise women on probation

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Kerry Ellis Devitt, Senior Researcher, KSS CRC, Research and Policy Unit, summarises a new research report.

The Corston Report (2007) highlighted the failings of the Criminal Justice System (CJS) in meeting the specific and unique needs of female offenders. Calling for a more holistic, woman-centred approach, the report underlined the need for a system which would help women develop the resilience, life skills and emotional literacy to successfully move on with their lives. Since then, there has been a relative wealth of research looking at the female experience when it comes to the CJS, and a fair amount of policy too. However, what has had substantially less attention is the experiences of those who supervise these women. Reflecting Goldhill's (2016) thoughts around the challenges of working with vulnerable women, working within a system predominantly set up with men in mind produces particular challenges. And as one participant in Coley's (2016) study into reflective practice in probation work notes, when it comes to thinking of staff's psychological wellbeing, "gender [isn't] really on the agenda" (p.30). Drawing from the findings of a soon-to-be-released study, the following discussion considers the demands involved in delivering a women-lead probation service, focusing specifically on women who supervise women.

## About the research

The research described in this article emerged in response to the implementation of the *Women's Strategy* for Kent, Surrey and Sussex Community Rehabilitation Company. In evaluating the effectiveness of the strategy, priority was given to exploring the realities of the Women's Lead role. Widely understood as demanding and multifaceted, and producing a proportionally higher turnover of staff than other frontline probation roles, there was a commitment to finding out what being a Women's Lead *really* asked of staff with the ultimate goal being to identify what could or should be done to better support them in future. This mixed-methods project comprised interviews with 8 Women's

Leads and 4 managers (3 Senior Probation Officers, and 1 Through The Gate Manager), with an online survey involving 13 Women's Leads (resulting in a 45% participation rate).

## The context: Women's cases are complex cases

Women's cases were explained as complex and challenging. Women on probation were likely to be struggling with multiple issues (e.g. homelessness, mental health, substance misuse problems, and relationship difficulties), and often all of these things together. They were also likely to present with severe trauma in their past, due to varying levels of abuse. More often than not, they were still living through that abuse, *and* dealing with a number of other issues directly resulting from it. As an unsurprising result of this, the Women's Lead role was explained as one that expected a lot *of*, and took a lot *from*, the women who did it.

## The cost of empathy

Such complexities of women's cases saw huge demands placed on staff - particularly in relation to the provision of empathy. Though the importance of being empathetic was stated as fundamental to the role, and there was (importantly) no resentment or regret when it came to such emotional investments, staff reflected on what the cost of that empathy was.

*"The worst experience for me was sitting on a women's group, I think there were six women in the group, and they started to compare their self-harming scars and disclosed the last time that they'd written their suicide notes... to provide someone support when they've got emotional issues like that does require empathy, and empathy, for me, empathy takes from me".*



One participant described the particular emotional impact of seeing a service user with her child – a visceral reminder of the woman in her dual role as ‘offender’ and ‘mother’.

*“It really has affected me seeing them as mothers. I have seen women breastfeeding their children as we are talking about theft and other crimes, and it really gets me – whilst their child is touching them, whilst they are holding them.”*

Dealing with daily trauma also saw staff navigate the difficult terrain of vicarious trauma. Domestic abuse, sexual assaults and safeguarding issues were part and parcel of women service users’ experiences, and again took their emotional toll on the female staff who supervised them. This was often compounded for staff who had histories of abuse themselves, and who additionally saw the risks of “over empathising” due to shared experiences.

## The role of emotional labour

Working with women also saw significant need for emotional labour. Emotional labour, a term characterised by Hochschild (1983), explains the process of managing one’s emotions at the requirement of certain professions. It exists where emotional work, which involves regulating or suppressing emotions, is exchanged for something else, e.g. wages or some other type of valued compensation (Jeung, Kim & Chang, 2018). Emotional labour has seen a recent focus in the field of criminal justice, and in particular within probation practice (Westaby, Fowler & Phillips, 2020). Indeed, in a recent piece for HMI Probation’s *Academic Insights*, Phillips, Westaby & Fowler (2020, p.5) discuss ‘display rules’, which denote what is and is not appropriate in a given circumstance e.g. how learnt cultural norms govern the regulation of emotions in certain social contexts. This was considered integral for frontline staff, who were required to use,

manage and display emotions, as part of effective probation practice (p.4). This performance of labour was observable in this research; for example, in the expectations of empathy, as explored earlier, but also in the regulation of emotions. As this participant notes:

*“I had this woman come in on Monday and cried to me and I had to stop myself from crying... you just wanna give her a hug, but you can’t because you’ve got to maintain that professional boundary”.*

Emotional labour was also seen in the ways in which staff had to absorb and neutralise the often intense feelings of their women. Though it was understood why that happened, such incidents still took their toll.

*“I’ve had another case that, she was on the phone telling me that she’s going to jump off a bridge and kill herself. So I obviously did everything that I needed to do, I rung the police, did a welfare check, got the police to go out and see her, and then the next day she’s ringing me saying I’ve ruined her life and that I shouldn’t have told the police and that she doesn’t want the police involved and you can’t, there’s a no win situation. And I think they take it out on you because you’re there and they haven’t got anybody else”.*

## Stress, strain and anxiety: The mental health costs of caring

Exhaustion and stress were also common experiences. Women’s Leads often had incredibly high expectations of themselves when it came to caring for the women, and lingering feelings of responsibility for their wellbeing saw staff constantly question themselves. The struggles of trying to leave things at work, often translated into mental health challenges for those who were not easily able to do so.

*"...we're just actively seeing people's really deep and painful grief, and trauma, and upset around what's happening to them, and violation of themselves, on such a regular basis. It completely wears you down emotionally, and there's no way you can't bring that home".*

*"I mean I've gone home and I've had like knots in my stomach thinking, have I covered this, have I done that properly, have I missed something? It all goes through your mind, and sometimes you feel like you don't get a break from it."*

Due to all of this, the impact on wellbeing was sometimes profound. The sheer complexities of women's cases, and lack of time available to deal with them, lead to a number of staff questioning how long they would continue in post. Though it was recognised that *all* frontline probation work came with a degree of stress and anxiety, it was thought to be magnified within the Women's Lead role. In trying to do and be everything, the Women's Leads sometimes felt mired with the pressure of it all.

## Support structures

Given the many emotional demands that working with complex and traumatised women presented, support was paramount. And it came in a number of forms. Reflected in both interviews and survey responses, colleagues came out as the frontrunner when it came to job-related support. Being able to "offload" about difficult or complex cases, seek reassurance, and simply just seeing a friendly face were ways in which support was

explained. Managers were also named, with staff seeing them as approachable, committed, and understanding of the demands of the job. However, busy as they all were, finding time to meet with them was sometimes thought difficult. Friends and family formed the external support structures. However, there were said to be limitations as to what they could offer. Though loved ones might *listen and sympathise*, by not being in the job themselves, they were unable to *understand and empathise*. Finally, support came through clinical supervision, giving staff space to air concerns, relate to others experiencing similar job-related issues, and process difficult feelings. Clinical supervision was not always staff's first port of call for support, however where it occurred, it was felt to offer a lot.

## A tough role but a rewarding one

Though there were undeniable costs of working with traumatised women, the Women's Lead role was equally highly valued. Indeed, despite such challenges, what typically kept staff in post was in remembering what rewards such work brings.

*"I love it, you know I do love it. I love seeing, you know when you see a woman get on and do well and just see the look in her face and you know, she's head up and she's smashing it. And it's so cool, it really is."*

The full report, Resilience, wellbeing and sustainability in women-lead probation service delivery: Reviewing the 'Women's Lead' role is out in October 2020. For a copy, please contact [research@kssrcr.probatonservices.co.uk](mailto:research@kssrcr.probatonservices.co.uk)



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**Kerry Ellis Devitt**  
KSS CRC Research and Policy Unit

# Effective community sentences: the role of treatment requirements

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Juliet Lyon, Chair of the Independent Advisory Panel on Deaths in Custody, and John Bache JP, National Chair of the Magistrates Association argue for a greater use of Community Sentence Treatment Requirements.





Over the last year, the Magistrates Association (MA) and the Independent Advisory Panel (IAP) on Deaths in Custody have been working together to improve magistrates' awareness and understanding of the available sentencing options in the community for offenders with substance misuse problems and mental health conditions.

Probation staff know that many people in contact with criminal justice services have unmet health and social care needs, which frequently contribute towards their offending behaviour and increase the risk of self-harm and suicide in custody. Despite this, the use of the three treatment requirements available as part of a community sentence - alcohol treatment requirements (ATRs), drug rehabilitation requirements (DRRs) and mental health treatment requirements (MHTRs) - has been extremely low since their introduction in 2005.

Following cross-governmental agreement that this needed to change, in 2017 the Community Sentence Treatment Requirement (CSTR) programme was developed and tested in five areas (Sefton, Birmingham and Solihull, Northamptonshire, Milton Keynes and Plymouth). This programme encourages and supports an increased use of ATRs, DRRs and MHTRs, with the aim of reducing short prison sentences and improving health and justice outcomes.

The programme has proven successful in the test areas. The number of MHTRs given across the five areas increased from 55 to 456 over an 18-month period. Moreover, a third of the MHTRs were combined with either a DRR or ATR, allowing multiple, inter-relating needs to be addressed, which has not always been possible before. A further seven areas are now operational (Bedfordshire, Cambridge, Staffordshire, Manchester, Essex, London and the Black Country), with more sites expected later this year. The CSTR programme has widespread support.

For example Amy Rees, Director General of Probation and Wales for HM Prison and Probation Service, has said:

*'CSTRs are an innovative option for sentencers that facilitate a community-based sentence that ensures offenders with complex health needs receive the support and treatment they need to engage effectively with their rehabilitation. We fully support the collaborative work between health and justice partners to strengthen our CSTR offer as it is clear from our service users just how life-changing such support can be.'*

MA research has found that a key factor in increasing the use of treatment requirements is ensuring magistrates are aware of the availability of these options, and understand their potential for positive outcomes. The MA and IAP's work has therefore focused on informing magistrates about the CSTR programme and its benefits.

This is, however, only part of the process. Ensuring treatment requirements are available and put forward as options in pre-sentence reports (PSRs) is vital. Magistrates often say that the reason why they rarely give MHTRs is not because they do not recognise that offenders have mental health problems. Nor is it because they do not have confidence in MHTRs as an effective part of a community sentence. It is, prosaically, because they are frequently told that MHTRs are not available in their area. This also appears to be a growing problem with DRRs.

This needs addressing urgently. If there are only limited options available to sentencers, it ties their hands, compromises efforts to reduce reoffending and risks vulnerable people being sent to prison when it could be avoided. As current probation reforms develop, and the forthcoming spending review is finalised, increasing the availability of MHTRs, and other treatment requirements, must be prioritised in a widespread rollout of the CSTR programme.



## Magistrates Association

Once availability is assured, treatment requirement options can be proposed by probation as part of their PSRs. Magistrates have consistently told us that PSRs are central to their sentencing decisions. An MA survey in 2016 found that 84% of magistrates always or usually follow the recommendations contained in a PSR.

Probation staff will determine when a CSTR is appropriate, by providing an independent, expert assessment of the offender. This should include information from liaison and diversion services to help identify offenders' needs, including mental health and/or alcohol and drug misuse. Magistrates need relevant information to sentence effectively. Using treatment requirements can help to address the underlying drivers to offending behaviour and improve health outcomes.

To encourage the use of treatment requirements, the MA and the IAP have developed a five-point plan for magistrates:

1. Magistrates should be kept informed of available sentencing options in their area, including MHTRs, DRRs and ATRs.
2. A comprehensive PSR is important - it should address the specific needs of the offender and sentencing options. If a magistrate thinks an offender may have health and social care needs that have not been addressed, such as mental health needs and/or substance misuse, we suggest they should ask for an assessment by liaison and diversion services. An adjournment may be required for this to be undertaken.

3. If magistrates think a CSTR may be appropriate, but it is not recommended in the PSR, they should ask the National Probation Service (NPS) court officer if this option has been considered. If not, the magistrate may decide to adjourn to enable the NPS to investigate whether a CSTR is a viable option.
4. If the magistrate is subsequently informed that a CSTR is not available, they might enquire if the offender has been referred to the relevant community service(s) and, if not, whether this can be arranged - either by liaison and diversion services or the NPS.
5. If magistrates think treatment requirements as a sentencing option could be improved in their area, we have suggested that they should contact the IAP. We would also like to hear of any examples of where arrangements are working well.

All these suggestions involve magistrates working with the probation service, and court-based probation staff in particular. The relationship between sentencers and probation is pivotal - better informed sentencers make better decisions, allowing probation to be more effective in supporting offenders. As the CSTR programme is made available in more areas, it will be essential that magistrates and probation staff work closely together to ensure that offenders' needs are identified and that they are supported to access the treatment that can help them to keep safe and turn their lives around.

For more information:

<https://www.iapondeathsincustody.org/>

<https://www.magistrates-association.org.uk>



A photograph of a woman with long blonde hair, wearing a red long-sleeved top and blue jeans, sitting on a black and white striped fence. She is looking away from the camera towards a field of tall grass and small purple flowers. The background is slightly blurred, suggesting a shallow depth of field.

# Community resettlement for foreign national women: what are the barriers?

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Sophia Benedict reports on her new research  
published by the Griffins Society.

*'At the moment, just no future at the moment'  
(Helena, participant)*

The impetus for this research emerged from my work with women affected by the criminal justice system (CJS) in two South London women's centres. Managing the centres and working closely with women through their resettlement, it became clear to me that women categorized as foreign national within the CJS face unique and extremely challenging obstacles to resettlement in the community. I observed that conditions of extreme material precarity were common to all foreign national women, through being denied access to public funds and housing, being denied the right to work or to study, and struggling to access the support necessary for everyday survival. I also observed the extent to which practitioners – both support workers and probation officers – struggled to support this group of women with the resources they had. Whilst there has been a broad acknowledgement in recent years within criminal justice policy and practice of foreign national women's vulnerability, and the uniqueness and particularity of their situation, the experience of women who are not deported and who begin, resume, or continue life in the community have not yet been heard.

In recent years, there has been an increased focus by the UK government on the deportation of 'foreign national criminals' on completion of their sentence, an emphasis that has geared foreign national women's pathways through the CJS strongly towards the possibility of deportation, over rehabilitation and resettlement. Yet, many foreign national women are released into the community post sentence – indeed, 260 women in 2017 (Ministry of Justice 2019), in addition to women serving community sentences. By interviewing women in open, semi-structured

conversations, my aim was to identify and gain much needed insight into the challenges they face, giving space for women to voice the struggles – often painfully sustained and unyielding – that shape their daily lives in the community and render rehabilitative goals impossible. By interviewing practitioners, I aimed to identify the barriers they come up against in providing support and to ask how these could be addressed.

Interviews revealed both the enormity and complexity of the challenges faced by this group of women in resettlement. The No Recourse to Public Funds condition (NRPF), a lack of access to housing, and the ban placed on work, study, and in many cases volunteering for those awaiting the outcome of applications for leave or asylum was shown to have overwhelmingly detrimental implications for every area of women's lives and resettlement. For women and practitioners alike, the lack of access to housing was identified as the single biggest obstacle to resettlement. All participants identified a significant lack of support options for this group of women; where women had been given practical and emotional support in the community by charities and other support services or faith groups, this support was described as critical for women's survival. Probation practitioners frequently emphasized to me the limitations of probation to adequately support the needs of this cohort. The support and resources provided by probation emerged as patchy and inconsistent across boroughs and officers. Across all interviews, the mental health impacts of prolonged waiting for an outcome on immigration cases was highlighted to be overwhelming. One participant described attempting suicide twice in the year since leaving prison, whilst others said they had thought about it.



As described by one participant:

*'You're living your life in limbo. You know, you don't know what tomorrow is going to hold. Yeah, it's soul-destroying.'* (Lisa, participant)

Importantly, practitioners strongly emphasised the inadequacy of current mental health provision, and the multiple barriers preventing women from accessing appropriate support. In addition to the impact of frequent visits to sign on at Home Office reporting centres, there was a notable perception amongst practitioners that the number of deportation orders given to women has been increasing in recent years. Across all testimonies from probation staff and support workers, practitioners articulated a sense of powerlessness, and high levels of emotional investment in the cases of foreign national women. Supporting this cohort was felt to be far more challenging than working with UK national women:

*'My heart was bleeding for her and there's absolutely nothing that you can do'* (Stella, probation officer)

Compounding this, communication with the Home Office was described by all practitioners as extremely poor, and in many cases non-existent. This was felt to be one of the main barriers to effectively supporting women.

The findings of this research shed harsh light on the multiple and interconnected barriers to accessing support faced by foreign national women. They evidence the inadequacy of current community provision, and the lack of funding and resources available to support this group. Perhaps most powerfully, the findings make clear the ways that community resettlement in fact replicates the conditions of confinement found in immigration detention centres, with levels of emotional distress and mental health deterioration mirroring those found within detention contexts. Despite being physical free,

women recounted feeling as though they were still 'in prison', even suggesting life would be better in prison:

*'I've done a year now, out of prison, and I'm still struggling...I'm feeling still I'm in jail. Even I'm better in jail.'* (Hima, participant)

The findings of this research highlight both the urgency and the scale of change needed within current policy to ensure that this group of women experience safety, dignity and hope when resettling into the community. The research makes the following recommendations as a pathway for urgently improving current practice and policy:

- **Build the knowledge, capacity and skills of practitioners.** The practitioners interviewed who held a mixed caseload of UK national and foreign national women identified a significant need for specialist training on the issues and unique experience of foreign national women. In-depth, face to face training must be provided to all professionals across probation and voluntary sector services working with foreign national women.
- **Support women by supporting practitioners.** Practitioners identified the emotional cost of supporting and supervising foreign national women due to the complexity of cases, the level of distress and trauma typically experienced by this group, and lack of institutionalized bespoke support. The inadequacy of broader community support meant practitioners were likely to feel they carried the 'burden' of support by themselves. All practitioners supporting this cohort should have access to appropriate clinical supervision. The additional complexity and time involved in supporting foreign national women should be reflected in smaller caseloads for practitioners working with these women.

- **Home Office reporting.** Awareness of women's financial precarity should be reflected either in the frequency of Home Office reporting visits demanded, or in the granting of financial support for travel to reporting appointments.
- **Improve access to mental health support.** There is an urgent need for increased mental health provision for this group through increased funding and capacity building of community mental health services. Provision must be available in multiple languages.
- **Time spent waiting.** The length of time spent waiting for decisions on the outcomes of immigration cases was identified as the single most harmful factor in women's mental health deterioration. The findings of this study demonstrate the urgent need for increased communication from the Home Office with updates on cases for both women and practitioners.
- **Increase provision for people with no recourse to public funds.** This research evidences the harm caused by the NRPF condition. The findings build a strong case for the condition not to be imposed on women resettling in the community; however, where the condition is imposed, there is a need for vastly increased provision for women affected: increased financial support, greater and consistent access to food bank vouchers, travel warrants and other grants to enable day to day survival.
- **Improve access to housing/ accommodation.** There is an urgent need for the development of a housing pathway for foreign national women who do not qualify for NASS provisions. There is a need to drastically increase access to emergency accommodation and refuges by creating more refuge spaces for women affected by NRPF. There is a need for this cohort to be considered for alternative housing options such as hosting programmes available for refugees and asylum seekers, where currently their criminal record may prohibit them from being considered.
- **Increase access to meaningful activity.** Following the findings of this study: women must be allowed the right to work, even if capped at a certain number of hours; women must be allowed to study or to seek out volunteering placements.

The full report is available at:  
<https://thegriffinsociety.org>





# Digital Communication in the Justice Sector

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Steven Doggett, from Unilink, demonstrates the ethical potential of using technology to assist in desistance.



The Covid-19 pandemic has provided numerous challenges to HMPPS and following lockdown they entered an 'exceptional model of delivery' whereby statutory supervision is largely being enabled by mobile technologies (Phillips, 2017)<sup>1</sup>. Advancements in the use of technology in the criminal justice system (CJS) have led to suggestions that 'the inevitability of digital transformation is set to shape the way justice is done and experienced' (Van De Steene & Knight, 2017: 256). Morris & Knight argue that in the context of prison settings, digital services have the potential to transform people's imprisonment and their journey towards desistance (McNeill, Farrall, Lightowler & Maruna, 2012, cited in Morris & Knight, 2018)<sup>2</sup>.

Following the suspension of social visits prisons are now using technology to provide video calls for prisoners and their families. Recognising the importance of family and other relational ties, the Scottish Prison Service has partnered with Unilink to provide *Video Visits* calls ensuring that prisoners can stay connected in line with the Farmer review recommendations<sup>3</sup>. Following a successful trial, over 4500 successful Video Visits were carried out in the first three weeks of introduction of the service via [www.emailaprisoner.com](http://www.emailaprisoner.com). Anecdotally the feedback has been very positive:

*'Seeing our brother after months of not being able to visit him in person was really great. It's really important for both our family and my brother to continue to have positive contact during this extremely difficult time when we have no idea when we may be able to see him in person. Thank you so much for making this possible.'*

Francis Toye, CEO of Unilink said:

*'I am really proud that Unilink is helping in this way to reduce the tension caused by the lockdown. We are providing this service for free for a few months as our contribution to help in this crisis.'*

Morris & Knight (2018) suggest enhancing people's digital skills can have important value for the citizenship and quality of life of people in prisons and on probation. Perhaps one of simplest solutions for improving digital literacy are services like Email a Prisoner service (EMAP) which has helped over 300,000 people, globally, to stay in touch with their families and friends while serving a sentence in a secure establishment. EMAP uses a secure, sophisticated system which allows friends and family members to write an email and send it to the establishment. The message is printed inside the prison and included in the daily mail delivery. In more digitally enabled establishments messages are sent directly to the kiosk, for the recipient to read. Certain establishments have the option to send a reply from the prisoner and photo attachments are also available.

Unilink has been working in partnership with the National Probation Service to provide EMAP services to probation staff for the past 2 years and unsurprisingly during Covid-19 the usage of the service has doubled. Aside from the immediate postage savings, the innovation allows a quicker, more streamlined method for probation practitioners to maintain regular contact with those serving custodial sentences and affords staff the opportunity to develop a consistent relationship with service users prior to release, factors that Shapland et al. (2012) cite as important in improving the probationer's view of the quality and effectiveness of their probation officer.

<sup>1</sup> Phillips, J. (2017). 'Probation practice in the information age', *Probation Journal*, 64(3), pp.209-225.

<sup>2</sup> Morris, Jason & Knight, Victoria. (2018). Co-producing digitally-enabled courses that promote desistance in prison and probation settings. *Journal of Criminological Research, Policy and Practice*. 4. 10.1108/JCRPP-07-2018-0023.

<sup>3</sup> Ministry of Justice (2017) The Importance of Strengthening Prisoners' Family Ties to Prevent Reoffending and Reduce Intergenerational Crime by Lord Farmer

Knight (2015) goes on to emphasise the benefits of maintaining digital engagement as therapeutic and contributing to the safer custody and decency agendas. To this aim Unilink and the Samaritans have been working together on a service at HMP Wayland that allows those in prison to message Samaritans for emotional support. The solution designed by Unilink allows people in prison to send private and confidential messages to Samaritans from their in-cell computers and kiosks. Samaritans volunteers in 12 branches are receiving and responding to these messages within 24 hours. During the Covid-19 pandemic there has been an increase in messages from the four months prior to Covid-19 to the four months after of over 200% and the preliminary feedback has been very positive.

In the community the probation services have experienced a proliferation in the use of mobile communications to contact service users and undertake supervision 'remotely'. There have been concerns raised by HMIP Chief Inspector Justin Russell about how much practitioners can do to manage risks if they are only able to contact people by phone, WhatsApp or Skype, as well as issues arising from inconsistencies in practice and fragmented implementation across the NPS and CRC estate. Furthermore, there have been questions about staff safety, boundaries and security of devices when using them from home working environments. These new shifts in practice have generally been perceived positively by staff, but as Graham points out 'just because something is new does not necessarily mean it is innovative' (Graham and White, 2015<sup>4</sup>, 2016<sup>5</sup>).

This transformation has enabled providers of probation to become even more attuned to technologies that enhance operations in pursuit of smarter and more efficient ways of working (McGreevy, 2017)<sup>6</sup>. It is clear the pandemic has crystallised the central view that mobile technology, if managed well, could be used to better support remote supervision. That said, there are important ethical considerations that need to be answered around the purpose, design and functions of the new technology and developments in probation highlight several of these. Interestingly in the context of remote supervision and technology there are parallels with Trotter's view that probation staff serve two roles: 'a legalistic or surveillance role; and a helping, therapeutic, or problem solving role' (Trotter, 2006: 4)<sup>7</sup>. The question of purpose is all-important as new technology can serve to heighten social control, by increasing surveillance such as through 'soft tracking' mobile technologies or by contrast be *supportive* by promoting desistance and engagement in the services. Morris and Knight suggest that 'any potential risks associated with the digitalisation of services can be mitigated through the development of technologies in prisons and probation that explicitly promote desistance and use co-production to place service users as close to the centre of their design and implementation as possible' (2018). Previous research on kiosks also supports this view (McDougall, Pearson, Torgerson and Garcia-Reyes, 2017; Palmer, Hatcher & Tonkin, 2020)<sup>8</sup>.

<sup>4</sup> Graham, H., & White, R. (2015) *Innovative Justice* London: Routledge.

<sup>5</sup> Graham, H., & White, R. (2016) 'The Ethics of Innovation in Criminal Justice' (pg 267-281) in Jacobs, J., & Jackson, J. (eds.) *The Routledge Handbook of Criminal Justice Ethics*, London: Routledge.

<sup>6</sup> McGreevy, G. (2017). 'Changing Lives: using technology to promote desistance', *Probation Journal*, 64(3), pp.276-281.

<sup>7</sup> Trotter, C. (2006). *Working with Involuntary Clients: A Guide to Practice* (2nd ed.). Los Angeles, CA: Sage.

<sup>8</sup> Emma J. Palmer, Ruth M. Hatcher and Matthew J. Tonkin (2020) *Evaluation of digital technology in prisons* University of Leicester Ministry of Justice Analytical Series



In recent years policy shifts have placed greater emphasis on technology and a stated aim of the TR reforms was to encourage greater innovation in the delivery of offender management (Fox and Marsh, 2016)<sup>9</sup>. Working in partnership with MTC Novo in London & Thames Valley CRCs, Unilink has developed an instrumental new Case Management System that seeks to reduce staff time, workload and resource inefficiencies through improved communication, digital dashboards, tasks, workflow, automation of admin processes, and the integration of risk assessment and management / sentence planning tool. The application is iteratively improved through agile development cycles and regular user research workshops with recent examples where inspection feedback has been assimilated into new development. The application has been designed to be responsive to the needs of service users with a safe 'assessment' mode involving them in the assessment process. It also automates the process of creating risk registers and prompts if there are indications that they may benefit from additional assessments such as for extremism, hidden harm or domestic abuse. It supports improved engagement through a bespoke SMS text function that allows the practitioners to 'pro-socially' send the service user a text message from within the application and configured to be sent as reminders. In response to Covid-19 we are developing the ability to create and update appointments and send letters in bulk to help manage high caseloads. The application also includes an innovative dashboard interface and tasks functionality which allows probation staff to coordinate work remotely and allow office-based staff to communicate and organise tasks with those working from home or other

office locations. These tasks and appointments feature 'traffic light' colour-coded components to show when they are due and can be transferred across the staff group very easily, allowing staff to manage probation work in these exceptional times. The dashboard designs for Unpaid Work have sought to simplify more complicated processes undertaken elsewhere. The cumulative impact of all these features has meant the application has had a transformative impact on probation practice and has been highlighted by HMIP Inspectors, demonstrating how newer technologies and expertise can improve the effectiveness and quality of probation work even in exceptional times.



**Steven Doggett**  
Business Development Consultant  
Unilink



<sup>9</sup> Fox, C. and Marsh, C. (2016). "Personalisation: Is social innovation possible under transforming rehabilitation?", *Probation Journal*, 63(2) pp.169-181.

# Probation in Objects

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Andrew Fowler and Tom Brown introduce the thinking behind their new research.



Objects can tell a story. While sometimes practical, they can be evocative and laden with emotions, entertaining or representing deeper meaning to the owner. They can be metaphorical, - 'spinning plates' at one time to represent multitasking, for example. An object can also be a gift. Of course, objects can be all these things at once. One of us became aware of the significance of objects in relation to professional identity and occupational culture while working in prison as a newly qualified probation officer. A prisoner remarked on the notebook I carried around: 'You must be from probation, you all carry notebooks.' This notebook was for recording information and represented the mantra from my probation training, 'if it's not written down it didn't happen.' To me it represented safety, an object to hold in an unpredictable environment, accountability, capturing a voice, social justice, accuracy, trustworthiness, the desire to do a good job and, in time, a historical account of people I had worked with in prison. I started to reflect on what objects revealed about probation culture or identity and the history of probation.

These ideas are not new. We think of Neil MacGregor's *A History of the World in 100 Objects*, Sherry Turkles's *Evocative Objects* and, perhaps most relevant to this discussion, Mark Doel's *Social Work in 42 Objects*. Whilst MacGregor's descriptive work searches for objects to tell a history of the world, Sherry Turkle's (2008:5) *Evocative Objects* seeks to provoke thoughts about identity and describes objects as 'companions to our emotional lives.' Doel's research draws on Turkle and MacGregor's work considering identity in the profession of social work. Doel suggested that a collection of objects can say something about the identity and history of the profession to counter public ignorance about social work ([www.socialworkin40objects.com](http://www.socialworkin40objects.com)).

There are already excellent histories of probation which tell us about the origins and development of approaches to practice. But might it also be possible to represent the history of probation in a way that has not been attempted before?

What can objects tell us about probation workers' personal histories and their time in probation? What can the accumulated objects tell us about the identity of probation work? What would an exhibition of probation objects, selected by people working in probation reveal?

## Probation Context

The probation service has historically been described as the 'Cinderella service' (Robinson 2016), never invited to the ball to represent itself at policy level and suffering from invisibility in the penal field. It has experienced a tumult of change following the controversial 'Transforming Rehabilitation' reforms since 2013. Facing further re-structuring following the government's 2019 white paper 'Strengthening Probation, Building Confidence', probation workers are going to experience yet another period of change. The government plan to amend the reforms and the supervision of all people on probation will be renationalised. Research following the reforms by the National Audit Office (2016) pronounced that morale was low across the National Probation Service and Community Rehabilitation Companies. This echoed findings from Kirton and Guilliame (2015: 25) that staff felt there was a 'lack of inclusion, staff feeling undervalued, uncertainty, lack of consultation and low morale.' A focus on objects could capture the diversity of staff and roles contribute to giving probation workers a different kind of creative voice.

## Probation culture and objects

When considering whether an abstract concept like 'probation work' can be represented by concrete objects, arguably a single object will not do justice to the diversity of staff and roles in the profession, whereas a collection of objects might elucidate a rich and more inclusive picture. Probation work is a contested issue and even the title of the people undertaking the work is contested, with some preferring 'Probation Officer' over 'Offender Manager'.



The Confederation of European Probation states that probation:

*...relates to the implementation in the community of sanctions and measures, defined by law and imposed on an offender. It includes a range of activities and interventions, which involve supervision, guidance and assistance aiming at the social inclusion of an offender, as well as at contributing to community safety (CEP 2019).*

It is even less simple to describe probation *culture*: what the work means to staff. And perhaps it is even harder to identify visual symbols connected to the work. Mawby and Worrall (2013) identify cultural characteristics in probation under five headings: motivation, artefacts, job satisfaction, meaning and (re) presentation. Following their interviews with over 60 probation officers they note that in relation to artefacts as cultural characteristics there is a lack of 'visual cultural symbols' (2013: 141). They lament that the prison, courts and police have clear visual symbols while probation has nothing comparable to the police helmet, uniform or gadgetry, the prison officer's keys or the court's architecture or wigs.

## Probation and visual methodologies

Research considering identity in probation practice has mainly involved semi-structured qualitative interviews (see Robinson and Svensson 2014). In cultural criminology, there is a growing use and recognition of visual methods in research. The Routledge Handbook of Visual Criminology (Brown and Carrabine 2017), for example, is an anthology of the use of imagery in criminology. There are two chapters that address the visual in probation, the first by Worrall, Carr and Robinson, the second by Fitzgibbon, Graebisch and McNeill. The former involved photovoice and probation officers taking

photographs of their working environment. This was to elicit discussion to open a window on the environment where probation supervision took place. The latter involves photo-elicitation. This project was interested in how people experience supervision and asked participants to photograph their experiences which were then discussed with the researchers. In probation research, Healy and Fitzgibbon (2018) present some of the benefits of a visual approach, in *Supervisable*. Their research into experiences of probation supervision using photo-elicitation allow researchers to step into another person's lived reality. Using photography allows the researcher to elicit new information not captured previously using verbal methods. The use of photographs can also be seen as truly collaborative with the research population by empowering experts in the field and co-researchers to represent what probation means to them (see Fitzgibbon and Stengel's research with women, 2018).

## Conclusions

The curated objects in Doel's *Social Work in 42 Objects* represent metaphor, personal, practical, historical and the socio-political. Many objects cut across categories. For example, the theme 'tools of the trade' included a picture of juggling balls, which represented the metaphor of keeping many balls in the air, but also an aid to managing stress.

The theme of 'social work on the move' included a car. This was a car the participant had owned since training, where they had reflected, laughed, cried and used as an office. The theme of 'documenting social work' included the Magna Carta, a cartoon image, the mental health act, guidance and the cartoon strip of 'Clare in the Community.'

Similarly, we have started research to tell a story about probation practice from the photographs of objects. We will act as curators, classifying and grouping the submitted objects with the accompanying descriptions from practitioners.

We will build on and borrow from Mark Doel's research:

*If this were a physical exhibition of artefacts, various rooms would house collections of objects illustrating different themes; in this spirit I set about arranging the objects into smaller collections (Doel 2017:7).*

Following Doel's approach we will arrange the objects in smaller collections along themes that emerge and will post the results on a blog site. Doel's work reveals a rich, textured, colourful culture in social work through the objects submitted. He argues that this is to 'give expression to what social work thinks it is' and 'stand up for social work' (2017:9). We are planning to do something similar for probation work.

Andrew Fowler at [a.fowler@shu.ac.uk](mailto:a.fowler@shu.ac.uk) and Tom Brown at [T.Brown@shu.ac.uk](mailto:T.Brown@shu.ac.uk).

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**Andrew Fowler**  
Sheffield Hallam University



**Tom Brown**  
Sheffield Hallam University





# Information for Families and Friends of Prisoners

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Glenn Gathercole<sup>1</sup>, from the Parole Board, demonstrates how research can lead to practical improvements for prisoners.



The restrictions put in place as a result of the COVID-19 pandemic have presented huge challenges right across the criminal justice system and we are in unprecedented times. The Parole Board for England and Wales needed to adjust swiftly and significantly to develop an interim operating model to overcome the restrictions. Despite the difficulties, it has managed to issue over 8000 parole decisions since the lockdown.

Whilst this has been a success in progressing parole reviews, members have reported on the huge impact the lockdown has had on prisoners. They have reported feelings of isolation, being forgotten, and crucially having no access to the vital support network of family and friends, following the lockdown. It is well documented how important maintaining links to family, friends, and significant others is for the wellbeing and morale of prisoners, and for the important role such relationships can play in rehabilitation and resettlement back into the community.

Shining a light on the important role of family and friends has never been more important, but equally never more challenging. It is timely, therefore, that the Board is about to publish an information booklet for families and friends about supporting someone going through parole.

There are already many hurdles to overcome in maintaining contact. One of the few highlights for prisoners is looking forward to when loved ones are able to visit. Progress was being made with all prisons required to have a *Family and Significant Other Strategy*, and the excellent research and studies undertaken, as set out in the last edition of *Probation Quarterly*, provide a wealth of evidence on the difficulties experienced, but more importantly, some of the solutions, clever initiatives and good practice identified to overcome them.

Overnight, much of this was simply no longer possible, with restrictions on travel brought in by the lockdown, social distancing measures, and prisons having to change regimes to ensure the safety of everyone on site.

The Board followed the progress of the research undertaken by Harry Annison and Christina Straub from Southampton and Leeds Universities on the impact of the IPP sentence on families. This research was presented at the Probation Institute Research conference in March, and covered in the last *Probation Quarterly*.

The research drew on two areas of particular interest for the Parole Board: the IPP sentence itself, and the fact that over 2000 prisoners are still serving the sentence in prison and yet to be released, the majority being well over-tariff; and the role of families in rehabilitation and resettlement of these and other offenders. Both the Parole Board Chair, Caroline Corby, and the CEO, Martin Jones, were keenly interested in this research and contributed to a number of round table discussions as part of the early exploratory work. The Board felt it was important to have the membership represented in this work and Lucy Gampell<sup>2</sup>, Parole Board member for over ten years, volunteered to contribute. Lucy was asked to reflect on her involvement:

*'I have been pleased to be involved in this project having worked with children and families of prisoners for almost 30 years. The most consistent and arguably pressing issue throughout this time has been families' need for information to help them navigate the sentence alongside the prisoner. They need to know and understand not just how to maintain contact with their loved one in prison, but also, how to support their resettlement process. Instead, all too often they are left in the dark, or worse still, find themselves feeling guilty by association.'*

*'For indeterminate sentence prisoners, in particular, the position for families is further complicated by their lack of understanding of the parole process and our statutory test for determining release. Once someone has been released, they then face the fear of recall and being complicit in this if they go to the Probation Service with their concerns. Yet families are potentially the best source of information on signs of increasing risk. They often know and understand the prisoner's mental health, addiction or behavioural problems better than professionals, having tried to deal with them for years. Probation needs to work with and reassure families that any disclosures of possible signs of risk will not necessarily lead to recall. It is clear from the families involved in this project, and from my experience on the Parole Board, that families do not understand the recall process. They cannot comprehend why someone who has been recalled on allegations that do not lead to a conviction should remain in custody, pending a decision by the Parole Board. In a recent case, the prisoner had been back in custody for 4 years following his recall on suspicion of committing a rape. No charges were brought but successive panels of the Parole Board had not been satisfied that he met the test for release. His family had stopped contact with him believing that he must not be telling the truth about a further conviction. He had therefore lost a vital part of his support network.*

*'Probation officers used to have significant contact with families both during and after a prisoner's time in custody. Sadly, due to work pressures and priorities this is less often the case; often little or no contact has been made with the family by the Offender Manager, yet we are asked to*

*consider the degree to which families are both a supportive **and** protective factor for the prisoner. Prisoners frequently cite their children and family as their main motivating factor for staying out of prison. Whilst this is not in question, the lack of engagement with families in preparation for release and the parole process means this can be hard for panels to assess.*

*'We have a duty to consider the views of the children under the UNCRC on the 'Rights of the Child', and recent Council of Europe Recommendation CM/Rec (2018)5, passed by all 47 member states, concerning children with imprisoned parents. Article 43 states:*

*"decisions regarding early release shall take into account prisoners' caregiving responsibilities, as well as their specific family reintegration needs."*

*I therefore welcome the publication of the Parole Board's booklet and that alongside the other initiatives, it will pave the way for the greater involvement of children and families in the resettlement and parole process.'*

As the lead for research, I am always keen to review recommendations from studies and projects to see how the Board can build on findings in terms of policy and practice. It is also important that we utilise research to improve our transparency and to help develop a broader understanding of parole. The recommendations from Harry and Christina's research provided a clear message about the gap in information for families and friends about parole, and where something could be developed fairly easily, that could make quite a difference to a lot of people. In turn, this gave me the evidence to secure resources to start work on the information booklet.

# the Parole Board

working with others  
to protect the public

Lucy's knowledge and expertise has been invaluable in developing the booklet and ensuring the content was relevant, not overly complicated, and complemented existing information available.

The booklet, entitled *Information for family and friends of prisoners having a parole review* has now been published. I hope that this will provide a useful go-to document for anyone wishing to support someone in prison going through parole. It sets out who is involved in parole reviews, how to find a solicitor, how a family or friend might attend a parole oral hearing and much more. It also provides sign-posts to information and services that may offer other support and advice; for example, helplines, information about licences and further reading about the parole process. Alongside this, we have also published a guide for prisoners representing themselves with their parole hearing. The Board always

strongly recommends that prisoners should seek a qualified prison lawyer to advise and represent them in their parole hearing, but we do see a significant number of prisoners being unrepresented. This new guide will give valuable advice on preparing for a parole review. Whilst it is aimed at prisoners, it may also prove helpful to anyone supporting a prisoner.

The unprecedented situation we all find ourselves in does mean that normal arrangements are no longer in place and some of the information in the booklet should be read in that light. However, it did feel the right time to publish these booklets, as they may offer some support for family and friends who may be feeling bewildered, forgotten and frustrated.

Lucy and I would encourage probation colleagues to mention these documents when talking with their service users, and copies of both can be found on the Board's web pages:

<https://gov.uk/government/publications/info-for-family-and-friends-of-prisoners-having-a-parole-review>

<https://gov.uk/government/publications/getting-ready-for-a-parole-review-without-a-lawyer>

<sup>1</sup> Glenn Gathercole has worked at the Parole Board for over fifteen years and currently leads on research and new policy development.

<sup>2</sup> Lucy Gampell OBE has been a Parole Board member for over ten years, and has an extensive background working with families as a former Director of Action for Prisoners' Families (1993-2008) and as President of Children of Prisoners' Europe (2012-2020).