

The magazine of the Probation Institute

PROBATION

Issue 18: December 2020

Quarterly

This Way ?

That Way ?

A Smarter Approach to Sentencing

A collection of responses to the Government's White Paper

The Importance of Education and Skills Training for Rehabilitation

Kirstie Donnelly, Chief Executive of City & Guilds Group

Peer Mentoring in Criminal Justice

The opportunities and challenges of peer mentoring

Core Correctional Skills

A new book and training kit by Ioan Durnescu

PROBATION *Quarterly*

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The range of articles in this issue of Probation Quarterly is possibly our widest yet, though there are a number of themes that, hopefully, give a coherence to the whole.

The publication of the White Paper *A Smarter Approach to Sentencing* gives a clear indication of the future of criminal justice as envisaged by the present government. This issue of Probation Quarterly includes three responses from Mike McClelland, Gwen Robinson, Lol Burke and Steve Collett, introduced by Helen Schofield, Acting CEO of the Probation Institute.

Also looking to the future organisation of criminal justice, an article by Suki Binning of SEETEC Justice gives a fascinating insight into the benefits of a model based on employee ownership, following their recent appointment of an employee director.

Working with young adults and developing educational and work skills more generally are the themes of two articles by the Transition to Adulthood Alliance/Barrow Cadbury Trust and the City and Guilds Group.

Readers may have noted that we don't have a regular book review section but that we occasionally include reviews of particularly pertinent new publications. This time, we seem to have a feast of such publications. Two book reviews by practitioners, Kevin Smith and Clare Griffiths, cover important collections on the themes of privatisation and marketisation in criminal justice. Ioan Durnescu, who is well known in European probation circles, introduces his new book and toolkit for practitioners on core correctional skills, while Gillian Buck discusses the

opportunities and challenges of peer mentoring in criminal justice. Finally, and following on from Tom Brown and Andrew Fowler's innovative article in the last issue of PQ, Mark Doel talks about his delightfully accessible research book on 'social work in objects' - an entertaining 'must read' and a highly recommended gift for friends or colleagues!

The Probation Institute recently ran a very successful research webinar on working with Domestic Abuse and Anne Burrell has provided an informative summary of the presentations. We are hoping to follow this theme up in the next issue of PQ with fuller articles by some of the speakers and we would welcome other submissions from readers and organisations working in this field.

Helen Schofield and Jane Dominey provide updates on other PI matters, including the Sir Graham Smith Research Award scheme for practitioners. As Chair of the PI Research Committee, Jane would also welcome expressions of interest from practitioners/managers in joining the committee. At the moment, we're not looking to expand academic membership of this committee. However, we would welcome new members to the Academic Advisory Panel, so if this interests you, please contact Jane, Helen or myself.

As we reach the end of an extremely difficult year, I would like to thank all readers and contributors for your exceptional support. If you have enjoyed reading PQ this year and are not yet a member of the Probation Institute, please consider joining and enabling its important work of informing, developing and, hopefully, entertaining you to continue.

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

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What's going on at the Probation Institute?

An update from Helen Schofield, Acting CEO

The Pandemic arrived at a critical time in Probation - as steps to integrate case management and end five years of "Transforming Rehabilitation" were commencing. Within three months the original decisions to outsource interventions and unpaid work had been reversed and the focus on the Target Operating Model and the Dynamic Framework sharpened. In parallel, practitioners across CRCs and NPS have had to manage a number of new challenges - how to work from home using technology for communication, to assess risk, enforce orders, influence sentencers and seek to help service users struggling in the lockdown. The next six months are critical for the National Probation Service in setting the structures and cultures of the new service from June 2021. In this issue of PQ friends of the Probation Institute help us to understand how the White Paper on sentencing may also shape the future.

The Probation Institute has responded to the professional implications of these challenges. In April we commenced and we continue fortnightly open online discussion meetings with practitioners, academics and PI Fellows with the impact of Covid19 as the focus. Discussion has ranged through remote supervision, domestic abuse, mental ill health and the impact of Covid19 on BAME staff and services users. Since August we have engaged members of the professional discussion group in helping us to respond to various aspects of the Target Operating Model due to be released in the new year - in particular Court Work including remote hearings, young adult transitions and criteria for interventions. A new Position Paper on Court Work will be released in December.

We remain concerned that the Dynamic Framework for commissioning additional services from the voluntary, community and private sectors will again exclude smaller voluntary and community organisations, many of whom have been funded by charitable grants, have often provided services free to probation and are now struggling due to the pandemic. The Probation Institute Position Paper on Probation and the Voluntary and Community Sector was released in the summer including principles for an effective partnership and is available on our new website <https://www.probation-institute.org/position-papers>

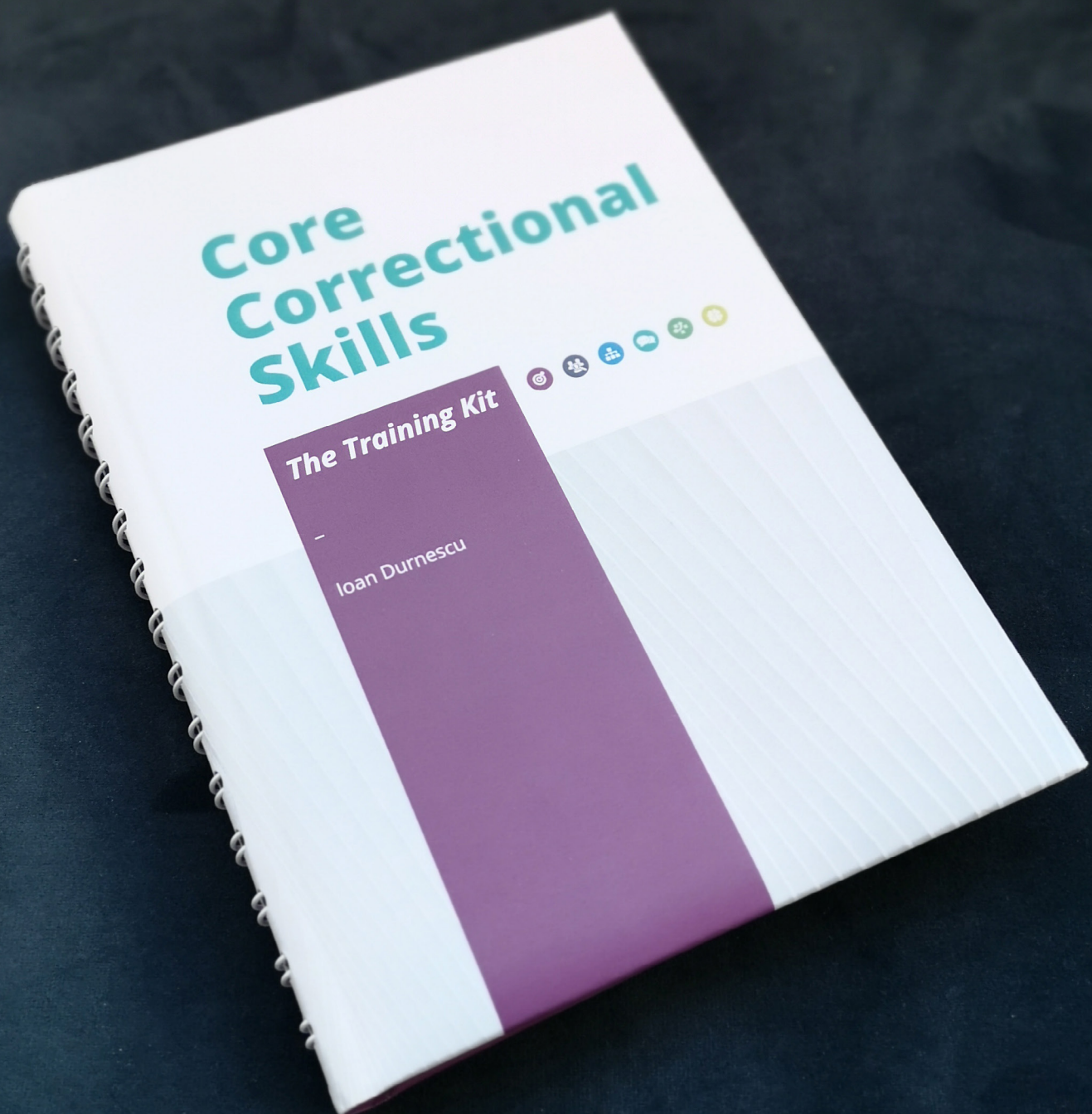
A paper entitled "[A Probation Service Fit for the Future](#)" was circulated for comment and is now published on our website and [LinkedIn page](#). In September we also held an online Research Event looking at Domestic Abuse Practice and Research with over 50 participants. This model, led by our Research Committee worked very well with important contributions. We hope to host a further online Research Event in the new year. In November we held the first of two online professional events for Probation Trainees.

We hope you will enjoy this issue of Probation Quarterly. The publication is "free to air" and you do not need to be a member of the PI to enjoy it. The Institute works exclusively to promote professional development in probation and the wider rehabilitation sector. Membership is a statement of commitment to our work - join us:

<https://www.probation-institute.org/how-to-join>

Core Correctional Skills: From then until now

Ioan Durnescu, University of Bucharest and co-editor of the European Journal of Probation, talks about his new book and training kit.



Since the beginning of probation history, the probation officer has been cast as a person with special attributes: 'a great teacher and the good shepherd' (Trought, 1927: 194); a person with 'tact, patience or common sense' (Le Mesurier, 1935: 58); 'a man of God ... full of the milk of human kindness' (Jarvis, 1972: 8) and so on.

More recently, these attributes have been described in terms of skills or competencies that are correlated in many meta-analyses with desistance or significant reduction in recidivism. Numerous writers have suggested that interventions based on the principles of risk, need, and general responsivity (RNR) are associated with important reductions in reoffending.

Several skills or core correctional practices have also been associated with important reductions in reoffending. Dowden and Andrews (2004), for instance, have demonstrated that effective use of authority, anti-criminal modelling and reinforcement, problem solving and the quality of interpersonal relationships make an important contribution to correctional interventions. The same conclusions have been reinforced and further elaborated in many jurisdictions - Trotter (2006) in Australia, Bougon et al. (2010) in Canada, Raynor et al. (2010) in Jersey, for example. Based on these findings, many governments have introduced wide reforms in criminal justice to enhance correctional effectiveness (e.g. UK, Netherlands, US etc.).

In order to support practitioners and educators in this direction of evidence-based practice, I have designed a training kit that covers five main competencies: how to create a working alliance, pro-social modelling, problem solving,



Ioan Durnescu

University of Bucharest and co-editor of the European Journal of Probation

motivational interviewing and cognitive restructuring. I have called them core correctional skills to follow the terms already accredited in the literature. They could be described in many other ways - rehabilitation skills, criminal justice skills, for example.

Each skill is presented in a different section: what it is, what the evidence behind it is, how it is practised and how it is developed through different exercises or rehearsal. At the end of each chapter, the readers can find suggestions for further reading and useful video links, with tests and scales to measure the performance of that particular skill. For instance, to measure the quality of the relationship, readers will find in the Annex of the second chapter the Session Rating Scale (Johnson et al., 2000).

In order to assist with the teaching and training, I have also included in the manual many exercises, reflection points, practice tips and so on. For example, when illustrating different levels of empathy, I offer extensive examples, like the one here for Level 5 - High level of empathic responding:

Client: 'I think my life is falling apart. I have too many problems and I simply don't know how to handle them'

CO: 'I know you are fighting some problems. I know you have conflicts with your wife and your job is not secure anymore. I can see these issues put you under a lot of pressure and this makes you feel like you lose control. I remember you are afraid of this. I can also see you keep fighting and I am here to work with you on these problems.'

The manual is useful in particular to rehabilitation practitioners - such as prison treatment staff, probation officers, parole officers and others who want to update their knowledge and skills. The kit is also useful for students or those who are getting ready to take on such jobs. Trainers and teachers will be able to find many useful examples, exercises and tools that they can use in their courses. Researchers will find also useful tools for pre-post test or other forms of evaluation.

Without disclosing too much about the training kit, I wish you all happy reading!!

For more info: www.corecorrectional.eu

References

- Bourgon, G., Bonta, J., Rugge, T. and Gutierrez, L. (2010), 'Technology transfer: the importance of ongoing clinical supervision in translating 'what works' to everyday community supervision'. In McNeill, F., Raynor, P. and Trotter, C. (eds) *Offender Supervision. New directions in theory, research and practice*. Abingdon: Willan
- Dowden, C. and Andrews, D. (2004), 'The Importance of Staff Practice in Delivering Effective Correctional Treatment: A Meta-Analytic Review of Core Correctional Practice', *International Journal of Offender Therapy and Comparative Criminology*, 48(2): 203-214.
- Jarvis, F. (1972), *Advise, Assist and Befriend. A history of the Probation and After-Care Service*. London: National Association of Probation Officers.
- Johnson, L.D., Miller, S.D., Duncan, B.L. (2000) *The Session Rating Scale 3.0*. Chicago: IL. ICCE
- Le Mesurier, L. (1935), *A Handbook of Probation*. London: The National Association of Probation Officers.
- Raynor, P., Ugwuodike, P and Vanstone, M. (2010), 'Skills and strategies in probation supervision: the Jersey study'. In McNeill, F., Raynor, P. and Trotter, C. (eds) *Offender Supervision. New directions in theory, research and practice*. Abingdon: Willan
- Trought, T. (1927), *Probation in Europe*. Oxford: Basil Blackwell.
- Trotter, C. (2006), *Working with involuntary clients*. Crows Nest: Allen & Unwin.



Domestic Abuse: Research and Practice

Anne Burrell reports on a Probation Institute
Research Event held online on 15th October 2020.

It is now well recognised that the impact of COVID-19, and the associated measures taken to seek to manage its impact, have exposed inequalities, and other significant social and economic issues, across societies in the UK and globally.

From the earliest days of the lockdown, the effects of the restrictions served to highlight the extent and scale of domestic abuse in households across the world. For probation practitioners, this imposed the additional pressures of managing risk in such cases, via doorstep home visits, telephone contact, and information sharing - all conducted from practitioners' own homes.

The Probation Institute identified this as a key topic for an autumn online conference, in place of its usual face to face event held in London. In particular, the Institute wanted to work with academics undertaking current research, and with leading practitioners in the statutory and voluntary sectors, particularly with regard to measuring the scale of the issue, and evaluating the effectiveness - or otherwise - of interventions delivered remotely.

The online format enabled the Institute to work with a prestigious group of presenters, with around 60 participants joining the event, many from the Probation Services, and with good representation from voluntary sector and other organisations.

Stacey Musimbe-Rix, probation researcher from Kent Surrey and Sussex CRC, drew on current research findings into domestic abuse in the time of coronavirus. She noted the spike in domestic homicides in the UK during April - the highest figure for 11 years. The victims included 11 adults and 2 children - raw facts which are alarmingly shocking. Stacey also informed the conference of the huge increase in demand for domestic abuse advice services, with many services receiving well over 120% in their usual call traffic.

Stacey was explicit that the lockdown did not *cause* these outcomes, but that it did enable abusive behaviours, notably with regard to



Anne Burrell

Practice Tutor Assessor and member of the Probation Institute Research Committee

coercive control - and the massive diminution in opportunities for victims to seek appropriate help and support, from friends and families as well as support services - in addition to financial constraints.

For many audience members, on the frontline of working with risky situations, a critical question is that of how to work with perpetrators when face to face contact and group work are not available.

Professor Nicole Westmarland from the University of Durham, and Director of the Centre for Research into Violence and Abuse, outlined findings from a key piece of research conducted in Minnesota, USA. The research evaluated a pilot of delivering online a perpetrator programme predicated on the Duluth model (which is also the basis for much group work conducted in the UK). The pilot pre-dated COVID-19 and lockdown restrictions, so the findings are timely.

Professor Westmarland noted the historic resistance to delivery of interventions online, although there have been limited previous attempts to do so, notably in Australia, where sheer geographical distance makes face to face contact highly challenging. In fact, the findings of the research were predictable in some regards - but surprising in others. It could have been anticipated that technical performance, for both facilitators and participants, was a key consideration - access to WiFi and the efficiency of the method of delivery being critical.

Equally, the accessibility of the programme was welcomed by both facilitators and participants – perhaps unsurprisingly in a programme of 24 weeks' duration, which demanded a significant evening commitment.

Facilitators reported finding it much more challenging to assess participants without the non-verbal clues of body language, tone of voice, and even body odours, to identify discrepancies in what was being said, and how it was being said. Facilitators also noted that participants were more likely to communicate directly with them, rather than with each other – thus possibly missing the mutual challenges and support, which are key components of successful group work.

Equally, some participants felt more comfortable in sharing highly personal information in a remote context – a possibly unexpected finding. Professor Westmarland also noted that this pilot had the advantage of time to prepare, unlike the cliff edge which occurred when lockdown was first imposed, when practitioners had a weekend in which to identify, and start to undertake, very different methods of delivery.

Two key issues arising from the findings are, firstly, the absolutely critical need to involve victims/survivors in the evaluation of the work. Professor Westmarland identified that this was a significant deficit in the research into the pilot project, which she would want to see addressed in any future work. The other consideration was the impact on practitioners – the consequences for staff morale and wellbeing of vicarious trauma, which will demand considerable organisational commitment and resources to manage. It was constructive to learn that, following on from the pilot, work is taking place in the preparation of a 'safe practice' toolkit for online work with Respect.

With regard to work with victims, the conference was privileged to hear from **Nicole Jacobs**, the first Domestic Abuse Commissioner in England and Wales. Nicole was appointed just over 12 months ago and described how she sees her role as championing victims and survivors, and asking difficult questions regarding policy, and service delivery. She noted that the Domestic Abuse

Bill, currently going through the House of Lords, will make it a requirement for public bodies to respond to recommendations made by her office – providing her with welcome statutory authority. Nicole's current strategies include commissioning research into practice with regard to work with perpetrators, and particularly Probation practice. In addition, there is much work taking place with regard to the operational tasks linked to the provisions for Domestic Abuse Protection Orders, which would take effect on the implementation of the Domestic Abuse Bill. The DAPO can include both prohibitive requirements, and requirements to undertake appropriate interventions, including to address alcohol and substance misuse, as well as perpetrator programmes. The legislation strengthens the Domestic Violence Disclosure Scheme, which gives individuals a 'right to ask' and a 'right to know' about information that shows they may be at risk of domestic violence.

Nicole outlined her weekly multi-agency meetings during COVID-19 to review the extent of domestic abuse incidents and call outs, and the specific impact of delays in legal proceedings for victims, from first appearance in courts to extended remands in custody. The pressure on Independent Domestic Violence Advisers has been considerable during this period and there is a mapping exercise to evaluate the gaps in support for victims. Nicole described how mapping is aimed at evaluating what works, and what is needed – to identify what services and interventions operate in specific locations, and 'what a *good* service looks like.'

A number of presenters had made references to the work of Respect. **Alastair Sherlock**, Accreditation Manager for Respect, explained that it is a membership organisation for services working in the field of domestic abuse, and also community-based providers of perpetrator programmes. Respect has created Quality Assurance Standards for the delivery of community-based perpetrator programmes.

Respect has also conducted an evaluation of practice during COVID. The findings mirrored those of other research findings discussed during the event.

During lockdown, many perpetrators worked with interventions delivered one to one, either online or via phone and, whilst there was a good level of engagement with these interventions, there was also a surprising level of commitment to returning to group work when possible.

He noted that online delivery demands that participants themselves are in a safe and private space, where confidentiality of *all* participants can be assured - and that this can be challenging. He also reiterated the concerns for facilitators in managing the isolation and vulnerability associated with remote working from home.

As Professor Westmarland had discussed, Alastair identified that work with victims is critical. In this regard, he noted that outcomes with regard to MARACs taking place online had been variable; where successful, the absence of long journeys had improved attendance and participation by agencies.

Chris Edwards, NPS Lead on Domestic Abuse, concluded the presentations with a discussion of the HMPPS Domestic Abuse Policy Framework, published in April 2020. The paper identifies key policy and practice initiatives in Probation for working with domestic abuse, including designated management leads, prioritising training for practitioners, and appropriate professional support for staff. He outlined the opportunities presented by the reintegration of Probation Services from 2021, notably with regard to assessment at the point of sentencing, which will no longer be split between service providers, and which provides the mechanism for far greater consistency in practice.

Chris identified positive developments in probation practice through an Integrated Offender Management approach as well as the pilot of toolkits for Probation practitioners to work one to one with perpetrators.

A key conclusion from all speakers is that changes in the delivery of services will be required to continue to adapt and evolve - that a return to previous models of practice is neither feasible nor possible. All were keen to develop innovative and effective practice, based on research, and were acutely aware of the challenges this presents for

practitioners, service users and, most importantly, victims.

Following participants' discussion, a list of priorities for Probation was compiled, which can be viewed below. The event concluded with the Chair, **Jane Dominey**, expressing appreciation to all presenters for their contributions to a highly informative, lively and interesting event. This report and accompanying presentations are available online on the Probation Institute website.

Participant Priorities

A number of priorities for the development of practice, policy and research were identified by seminar participants. These are set out below and will help inform the planning of future Probation Institute seminars and workshops.

Inter-agency work

- Probation to be able to request police DV callouts when it is the victim on probation (i.e. as well as when the perpetrator is the supervisee).
- Probation to work more closely with the non-statutory perpetrator sector.

Probation organisation

- Linking the DV framework with the OPD pathway so that the OPD pathway supports practitioners to engage well with service users in the area of domestic abuse.
- Expanding victim services.
- Bringing together the services offered by CRCs and the NPS.

Probation interventions with perpetrators

- The development of blended interventions (online and face-to-face).
- The development of interventions that move away from a 'one size fits all' approach.
- The development of early and preventative work.
- Research to evaluate the impact of the Building Better Relationships (BBR) programme, including on desistance and on reducing the risk of re-offending into the future.



Transition to Adulthood Alliance

Gemma Buckland, Policy & Public
Affairs Manager, T2A Alliance and
Laurie Hunte, Criminal Justice
Programme Manager, Barrow Cadbury
Trust.

Although not a household name, some of you may be familiar with Transition to Adulthood (T2A) which is an initiative of the Barrow Cadbury Trust's criminal justice programme. T2A is supported by a coalition of 16 leading criminal justice, social enterprise and social justice organisations to produce and promote evidence on effective ways of working with young adults (aged 18-25) who commit crime.

Young adults are statistically the age group with the highest offending rates but they also have the most potential to stop offending. They are resource intensive as they are often challenging to work with and are more likely to be assessed as having a higher risk of reoffending.

T2A makes the case for greater investment in the criminal justice system to enable it to be more developmentally responsive, such as through staff training and more intensive support. More resources for this age group would pay dividends in decreased overall costs, by reducing incidents of violence in prisons and to society, and by bringing down rates of offending and the creation of further victims.

The Barrow Cadbury Trust established the Alliance over 10 years ago and have committed sustained investment to build up the evidence base and pilot programmes. This has included testing new approaches, determining effective practice, examining what we can learn from international developments, and funding new academic research.¹ In the last few years, the Justice Select Committee has published two reports drawing on T2A evidence, recommending that a much more ambitious approach be taken by HMPPS.² Unfortunately, the development of distinct approaches for this cohort largely stalled under the Transforming Rehabilitation programme. The current reforms provide a fresh opportunity for action to be taken by the National Probation Service.

T2A's aim is to ensure that the evidence base about maturational development and the need for a distinct approach to young adults is



Gemma Buckland

Policy & Public Affairs Manager
T2A Alliance



Laurie Hunte

Criminal Justice Programme Manager
Barrow Cadbury Trust

embedded in practice and championed across the Probation Service.³ Effective leadership is key to meeting the distinct needs of young adults - making specific commitments to meeting health, development and resettlement needs. It is not just about pockets of good practice. There is a collective need to promote and add to the evidence base, and ensure that we continue to build our understanding.

One important element of the evidence T2A is building is the inclusion of the voices of the young adults themselves. T2A has worked closely with Leaders Unlocked for the past five years to ensure the views of young adults with experience of the criminal justice system are heard by policy makers and practitioners. Leaders Unlocked's innovative and effective model works with young adults, providing them with the training to participate in policy discussions.

Feedback from a young adult probation project Leaders Unlocked are working on tells us that there was considerable dissatisfaction amongst the young adults including some negative comments on lack of continuity and opportunities:

"During the first six months, every two weeks I saw a different probation worker, where I had to re-explain my story, what I needed help with, what my issues were. Do you know how demotivating that can be? When you have just been released from prison, ... trying to remain positive ... you're repeating yourself to a different person every time, ... The same notes are being typed and yet none of their superiors noticed. I was unable to build any kind of relationship, I withdrew and any intention of benefitting me went right out of the window."

And there was also recognition that the transition from 18 to 'adulthood' meant a shift in staff attitude and approach:

"Staff members don't know how to deal with young adults. It's just sat in a room and being interviewed again. You are across a desk from them like you're being interviewed in a police station. Youth probation do go out of their way to help you. Transition to adult, they literally don't care."

But there was praise for the staff that listened to them and treated them as individuals:

"My personal thanks and gratitude is given to my probation worker for the remainder of my license. Even though when you ask her she will say I did all of this on my own, without her guidance, support and encouragement I may not have got this far. She placed an opportunity in my way that she knew I would use to my best of abilities ... applying for Leaders Unlocked has made a dramatic change in my life for the better."

Their comments are testimony to the importance of having probation staff who can relate to their

clients, something not always easy to put into practice when staff are overstretched following years of change and upheaval.

Neuro-scientific evidence⁴

One of the other things T2A would like to see is greater availability of assessments for young adults with atypical maturational development, such as those with learning and communication difficulties and/or traumatic brain injury.

Young adults in the justice system are likely to have compromised core cognitive abilities including poor impulse control (thinking before acting) and difficulty in evaluating risks, including dealing with unanticipated challenges and adapting to changed circumstances. The 'immature brain', coupled with an increased motivation to achieve rewards which develops in adolescence and young adulthood, is thought to be behind poor problem solving and poor decision making, leading to risk-taking behaviours.

Maturation may also be hindered or compromised by traumatic brain injury, psychiatric and neuro-developmental disorders and adverse childhood experiences, as this young adult says:

"I think if you are working with young adults, being trauma-trained is the most important aspect when working with people from ranges of backgrounds, races and religions. They should look for people who have had experience and personal interest in the criminal justice system, not just looking after young people but trying to help shape them as individuals."

This period of development is a particularly good time to promote the development of positive opportunities for learning, personal growth and the development of a 'pro-social' identity. However, young adults can quickly become disillusioned and disengaged from professionals if support is not sufficient, relevant or timely, and there is a risk that engagement with justice practitioners can compound their 'pro-criminal identity'.



Staff training

Staff should be better trained to understand what's happening in young people's lives and why they might be exhibiting the behaviours that brought them into contact with the criminal justice system. The young adults we speak to feel that they are seen largely as risks to be managed rather than individuals with strengths (as well as weaknesses), with developing personalities and identities.

Leaders Unlocked Young Adult Policy Advisers feedback:

"There should be more peer to peer work. The majority of the staff aren't in touch with what's going on for young adults, and they look at everything from a fear-based point of view. They need to stop recruiting people who are 'from the outside looking in'."

"Get me to train them! Get individuals like young advisors to train them and sit down with them regularly, weekly and monthly, to keep them in tune with young adults."

TZA would like to see this change. A dilemma for the Probation Service is whether this is done by training everyone to understand maturity or by creating teams which become specialists in working with young adults.

Evaluation and Impact

Another challenge for the Service as a whole is how to evidence the impact of its practices and find out why they are or aren't working. In addition to training practitioners to understand the developmental status of this cohort, practitioners also know what support and guidance works best for young adults. One important element of TZA's legacy has been promoting the role of voluntary and community sector organisations, such as Leaders Unlocked, which are able to build individual relationships with young adults.

A final key consideration for individuals aged 18-25 is that this is a crucial period for the development of their identities and family relationships. Supporting young adults to develop a positive self-identity by working through an 'identity lens' should enable them to move away from crime and towards a productive future.⁵ Where those relationships are constructive, the development of good family relationships – with parents, grandparent, siblings and children – can also effectively support the process of desistance.

Improving practice works best when we are doing it together. TZA looks forward to working with Probation Services to ensure that the reforms deliver positive outcomes for young adults.

TZA would like to thank the Young Leaders at Leaders Unlocked who have shared their lived experience, insight and expertise in this article.

¹ See <https://www.t2a.org.uk/t2a-evidence/research-reports/>

² House of Commons Justice Committee (2016) The treatment of young adults in the criminal justice system, Seventh Report of Session 2016-17, [HC169](#); House of Commons Justice Committee (2018) Young adults in the criminal justice system, Eighth Report of Session 2017-19, [HC419](#)

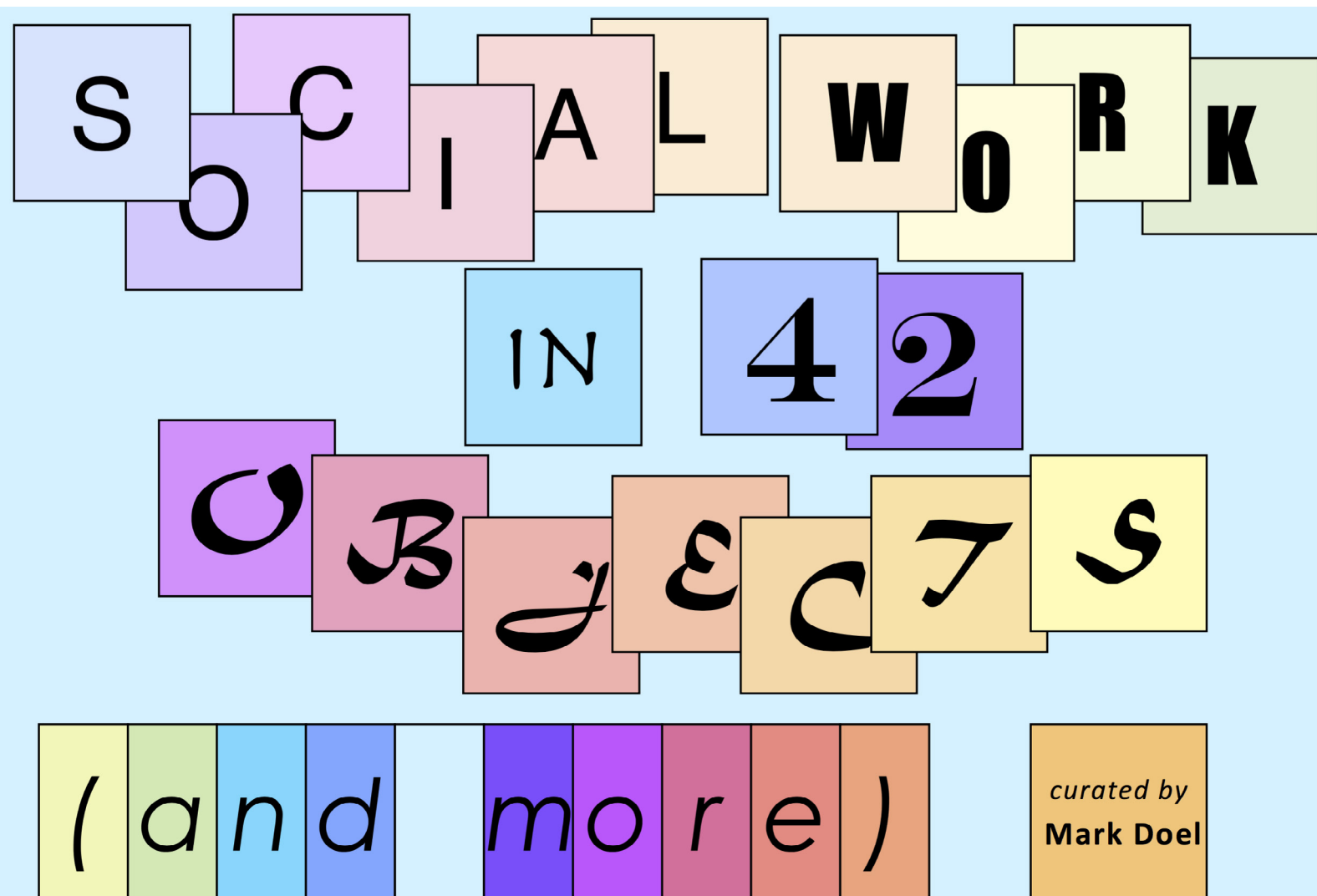
³ See Clinks & Social Justice Solutions (2012) [Going for Gold: Developing effective services for young adults throughout the criminal justice process](#), London

⁴ See for example, Scottish Sentencing Council (2020) [The development of cognitive and emotional maturity in adolescents and its relevance in judicial contexts](#), University of Edinburgh.

⁵ Nacro (2020) [Using an identity lens: constructive working with children in the criminal justice system](#), London. This toolkit has been developed for youth justice practitioners but is equally applicable to those working with young adults. TZA is likely to conduct further work on this in 2020-21.

Developing Object-Based Social Work and Probation Practice

Mark Doel, Emeritus Professor of Social Work, Sheffield Hallam University, responds to research by Andrew Fowler and Tom Brown in the last issue of PQ.



I was delighted to read the research by Andrew Fowler and Tom Brown (*Probation Quarterly*, 17, *Probation in Objects*) in which they consider the possibilities for expressing the identit(ies) of probation work through the materiality of objects. As they rightly note, no single object has come to symbolise probation work, unlike the scales of justice for law and stethoscope for medicine (Fiol and O'Connor 2006). I wish them well with their creative project to gather as many donations of objects as possible from people with diverse perspectives on probation work – practitioners, managers, policy makers and educators. As Fowler and Brown (2020) note, it was an offender who remarked on the notebook as marking out one of the authors as “from probation”, so the insights of probationers themselves will be especially illuminating.

Objects and their stories

The exploration of social work via objects has elicited more than 150 donations, and growing (Doel 2016). These objects have come from 26 countries around the world, giving us confidence that the notion of artefacts translates across cultures and national boundaries (Baudrillard 1968/2005; Wallendorf and Arnould 1988).

Ileke Ibile (Yoruba for Traditional bead) was proposed by Enakele Seun David, a newly qualified social worker from Nigeria:

'I grew up in a small village in Nigeria where Ileke Ibile is a symbol of power and caring for others. It indicates a traditional ruler in the village. As a young boy I loved Ileke Ibile and always wished to wear it because of the passion the Village Head has towards the villagers ... Today, I see social workers as wearing the Ileke Ibile, one which cannot be physically seen or observed. To me, the social work profession is the Traditional bead' (Enakele, in Doel 2017).



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What Enakele does is to use *Ileke Ibile* to stand for power and compassion, which in turn he identifies as his ideal for social work. It is a good example of metonymy, where a single object stands for abstract ideas, just as ‘Suits’ is used to epitomise managerialism and proceduralism.

Equivalent objects

The first object that was donated to the project was Liz Allam’s *A-Z street finder*. If it were in its own perspex case in an Exhibition of Social Work, you would see how very well-fingered it is, probably a couple of decades old. As a visitor to this Exhibition you could weave your own associations between this object and ‘social work’, but the project began to reveal the benefit of a short backstory, a ‘side plaque’ as it were. In this case, Allam tells us that it was her constant and essential companion as she covered a large swathe of east Birmingham as a mental health social worker in the days before satnav. Additionally,

'in a metaphorical sense the A-Z represents how as social workers we are expected to do everything, to cover it all, from A-Z ... It makes me think about how each service user is located within a particular context, linked to a wider network' (Allam, in Doel 2017).

Allam's own personal story attached to the A-Z provides depth to the object, and it encourages us to think of our own *equivalent objects*. We may or may not have our own A-Zs, but we all have the experience of being a newly qualified practitioner: what object or objects from those early days in practice do we retain and what understandings and feelings do they evoke? (Turkle 2007).

A profession's timeline through objects

One of Sheffield's museums celebrates the city's long association with cutlery by displaying table knives through the centuries, showing the changing technologies and styles. First thoughts about the *social work in 40 objects* project was that it would produce a similar set of objects that took us through the social work story from early philanthropy, through the Settlements, Beveridge and Seebohm to the present day (Chambon et al 2011). It soon became apparent that the gifts of objects would be far more wide-ranging than a singular historic line, and much the richer for it.

Nevertheless, there were objects that spoke to that history and two in particular from probation and court work. Mike Shapton's *Crown coin* was a direct reference to probation's beginnings, in Frederick Rainer's 1876 donation of a crown towards a fund for practical rescue work in London's Police Courts. 'Offenders would be released on condition that they kept in touch with and accepted guidance from what were originally called Police Court Missionaries' (Shapton, in Doel 2017). A crown was worth five shillings, a lot of money in 1876, but just 25p now.

Ruby Marshall, a retired Child Care Officer who started her professional life as an almoner,

proposed a *Court hat*. 'When attending Court, female Child Care officers had to be "hatted" or they would not be permitted to the court' (Marshall, in Doel 2017). Marshall uses the hat to launch into further stories of life as a CCO in the 1960s and the professional mores and attitudes of the time. The fact that these stories are pinned to the hat, so to speak, gives them a material power that would be absent from a story standing alone.

Object-based practice

Objects have proved valuable in releasing stories of professional practice, and these in turn can help to communicate the profession's identity (Doel 2019). Is it possible to take a further step and use objects in direct practice - with children, families, service users and probationers? Could objects unfasten stories more creatively and more readily than the usual talk-talk of *Tell us about yourself?*

There are a few, but not many, examples of experiments to bring objects directly into practice, largely with children. A notable one is *Kitbag*, based on principles of mindfulness and used with children who have experienced trauma (Ruch 2020). In each *Kitbag* is a bag of objects that the practitioner can use in direct work with children to help open up communication. As well as providing objects, practitioners might request the person they are working with to bring, or create, their own object, from which to draw out a part of their own life story? This is the focus of my current research with Coram/BAAF Adoption and Fostering Academy. Could object-based practice be developed in the field of probation? I would love to hear from any practitioners already engaged in the active use of objects in their practice.

Probation work and social work

I completed my social work training almost fifty years ago, alongside many Home Office students training for probation practice. Indeed, my first placement was in probation, which is where I developed a lifelong love for social groupwork. It is especially pleasing to see these parallel projects in social work and probation, each of us looking for the stories that help to track our similar histories and our diverse identities. I wish Andrew Fowler and Tom Brown every success in the gathering of objects for their project - and fun with the bricolage of shaping and reshaping the various collections within it.

Editor's note

All profits and royalties from sales of Mark's book go to TARA NGO Children's Centre in Delhi. TARA rescues street children and gives home, education and love. So far, sales of the book have raised £1226 for TARA. Copies can be bought from: enquiries@kirwinmaclean.com

References

- Baudrillard, J. (1968/2005) *The System of Objects*, London, Verso.
- Chambon, A., Johnstone, M. and Winckler, J. (2011) 'The material presence of early social work: The practice of the archive', *British Journal of Social Work*, 41(4), pp. 625-44.
- Doel, M. (2016), <https://socialworkin4objects.com/>
- Doel, M. [ed], (2017) *Social Work in 42 Objects (and More)*, Lichfield, Kirwin Maclean Publishing.
- Doel, M. (2019) 'Displaying social work through objects', *British Journal of Social Work*, 49(3), April 2019, 824-841.
- Fiol, C. and O'Connor, E. (2006) 'Stuff matters: Artifacts, social identity and legitimacy in the US medical profession', in Rafaeli, A. and Pratt, M. [eds], *Artifacts and Organisations: Beyond Mere Symbolism*, Mahwah, NJ, Lawrence Erlbaum Associates, pp. 241-59.
- Fowler, A. and Brown, T. (2020) 'Probation in objects' *Probation Quarterly*, 17, pp 4-43.
- Ruch, G. (2020) 'The small bag making a big difference to children's lives', <http://www.sussex.ac.uk/broadcast/read/49555> and <https://www.youtube.com/watch?v=hrllDxmMYoc>
- Turkle, S. (2007) *Evocative Objects: Things We Think With*, Cambridge, MIT.
- Wallendorf, M. and Arnould, E. J. (1988) 'My favourite things: A cross-cultural inquiry into object attachment, possessiveness, and social linkage', *Journal of Consumer Research*, 14(4), pp. 531-47.

Book Reviews

By Kevin Smith, Probation Officer,
and Clare Griffiths, Senior
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Criminal Justice and Privatisation: Key Issues and Debates

Edited by Philip Bean, published by Routledge (2020)

With the knowledge that much of the Transforming Rehabilitation (TR) agenda is now accepted as a failure, it would be easy for a collection of chapters on the subject of privatisation to read as a sparring match with TR as the punch bag. With that in mind, it is of benefit that the majority of chapters in *Criminal Justice and Privatisation: Key Issues and Debates*, edited by Philip Bean, were written prior to the government announcement regarding the creation of a unified probation service. The result is a collection that is not a collective attempt to throw stones at the TR agenda, but an insightful and critical collection of essays exploring the role of privatisation within the criminal justice system.

The book would be missing something if it did not give attention to the avoidable mistakes and foreseeable consequences of the TR process, but it does so within the context of the wider issues. This is positive and keeps the content away from a lament for the service as it was. There is a familiar undertone of 'we told you so', but it is delivered with support of evidence and research from a broad range of sources. This book is as concerned with exploring the presence and possible merits of privatisation within criminal justice as it is with highlighting the errors of its introduction to the probation service in England and Wales.

The collection begins with several chapters exploring the history of the topic, covering the ideological, ethical and political debates surrounding privatisation and its relationship with punishment and rehabilitation. It then progresses to a specific look at areas of the criminal justice system to which privatisation has been applied, such as John Harding's chapter *Through the Gate* and Russell Webster's exploration of the use of payment by results. These chapters offer research findings about the success and failures of these approaches to probation delivery. Later chapters explore the impact of privatisation on service users. For example, in *What does privatisation mean for probation supervision?* Jane Dominey considers how the implementation of privatisation within probation has affected the supervisory relationship between practitioner and

the individual at the receiving end of the criminal justice system.

The collection of chapters ensure this book is suitable for anyone with an interest in changes to the Probation Service in recent years, but will be of particular interest to new staff and students in need of an accessible and easy to digest introduction to what has become a key ideological issue within the criminal justice system. More specifically, existing/long-serving staff who are currently struggling with their role may benefit from reading both Maurice Vanstone's *Who Needs Experts?* and John Deering's *Legitimacy in probation and the impact of Transforming Rehabilitation*. Read together, they provide an insight into what may be going on at a psychological level for practitioners working for a service experiencing changes that, it could be argued, take it further out of reach from the values of those who joined it.

The strength of this book is in the range of contributions and the breadth of information this creates. It provides an overview of the debates around the presence of privatisation in the criminal justice system and then explores existing examples where this has been attempted. The contributors make it clear that there is no place for an ill-conceived experiment such as TR to be tried again, but do not rule out the possible merits of an evidence-based approach to introducing the private sector in certain areas. The book also contains more specific and detailed chapters about the impact of TR on probation delivery, which taken together serve to highlight that failed agenda as a cautionary tale for future policy makers. The book also considers privatisation away from the Probation Service in England and Wales, meaning that there is content to explore beyond the impact of TR on Probation.

This is a thought-provoking read in easy to digest chapters and is recommended to anyone with an interest in the changes within the criminal justice system in general and the probation service in particular.

Kevin Smith

Marketisation and Privatisation in Criminal Justice

Edited by Kevin Albertson, Mary Corcoran and Jake Phillips,
published by Policy Press (2020)

This thought-provoking book starts by distinguishing between what is privatisation (the sale of public assets to the private sector) and marketisation (the purchase by the state of public services in markets) and suggests that little has been explored to date in relation to marketisation in the CJS. The collection concludes that there needs to be an overhaul towards the social and away from the financial in order to serve the public, which is the ultimate purpose of the Criminal Justice agencies.

The costs and benefits of privatisation and marketisation during a period of austerity relate not just to the often cited prison and probation changes but reach to the lesser documented agencies such as immigration centres (Monish Bhatia and Victoria Canning) and women's services (Vicki Cooper and Maureen Mansfield). This therefore is a very broad and interesting read which makes the reader consider the impact of changes for a range of agencies. As a long serving staff member of the National Probation Service, I have been very focused on the impact of Transforming Rehabilitation and the reunification of the probation services but have not necessarily considered the impact on the third sector agencies which we work with. Whilst it is right to give attention in almost all of the chapters to the results of the Transforming Rehabilitation agenda, this is also used to illustrate the impact across the criminal justice system as a whole.

An overall question that is asked is whether the marketisation and privatisation of the key agencies results in justice. Personally I would suggest that the answer is unfortunately no. For most, public services are for protection and not profit. Therefore, it is hard to understand how agencies can be both effective and efficient through changes and reductions in their resources. A key theme that is portrayed throughout the chapters is the lack of resources

for all agencies and the impact that this has on the quality of the services that they are able to provide and as a result the public's confidence in those services. Another factor is that there is a failure to see the service user as an individual. The overarching theme throughout the chapters is that when agencies change in the direction of marketisation and privatisation, the change is by and large for the worse.

Of note is the link with the media and how the portrayal of change affects the public's perceptions of agencies. For example, when new companies such as the Community Rehabilitation Companies (CRCs) and G4S are introduced, they do not have the opportunity to succeed before the public and media may already negate their professionalism. Throughout the chapters there is also attention given to how accountable agencies are and how accountability changes through marketisation and privatisation. With this is also the exploration of the balance of responsibility between agencies and the state.

One of the main strengths of the book is the breadth of information that is given to the reader about the different agencies that make up the Criminal Justice System, from GPS tracking (Mike Nellis) to Police outsourcing (Roxanna Dehaghani and Adam White). Intertwined with this is theory to consider from Bourdieu's field theory (Jake Phillips) to Neo-Liberal imaginaries (Mike Nellis). Another strength is that it focuses on both practice and policy and includes some first-hand quotes and experiences from workers who have undergone changes. There is a cast of strong academic contributors to the book, which make this a very thought provoking read, accessible to anyone working for or interested in the Criminal Justice System.

Clare Griffiths

A Smarter Approach to Sentencing

A collection of responses to the White Paper from Lol Burke, Steve Collett, Mike McClelland and Gwen Robinson.

Published in mid-September, the White Paper proposes significant changes to sentencing legislation and some measures intended to strengthen Probation. The agenda set by the White Paper is that of the Secretary of State for Justice and Lord Chancellor, Robert Buckland QC MP, former barrister, Recorder, Solicitor General and Minister of State for Prisons – without doubt a person who understands the way criminal justice works, how it impacts and what it costs.

We invited different perspectives on the White Paper from Gwen Robinson from Sheffield University, Steve Collett Author and former Chief Officer, Lol Burke, former Editor of Probation Journal and Mike McClelland, a Director of the Probation Institute and former National Official at Napo – who share their understanding of the likely implications of the proposed legislation and measures, and also share the view that there are many missed opportunities here.

Helen Schofield
Acting CEO, Probation Institute

Probation and the White Paper

In September the government published its White Paper, 'A Smarter Approach to Sentencing'. As the title suggests, the focus is largely on sentencing reform. Not unexpectedly there is an emphasis on tougher sentencing, notably in respect of serious offences and high-risk offenders. In places the level of detail regarding sentencing changes is almost too granular for a White Paper though perhaps this reflects, at least in part, the fact that we now, refreshingly, have a Lord Chancellor and Secretary of State for Justice who actually knows the business of the Ministry over which he presides.

In the Ministerial Foreword, Robert Buckland observes that the system is confusing and needs to be made better and smarter. On that count he is probably right although it is arguably also true that much of the confusion arises as a consequence of continued 'meddling' by politicians in criminal justice matters over the years - often for political ends. Nowhere is this more apparent than in the world of Probation where the damage caused by Transforming Rehabilitation (TR) has been near-fatal.

The detailed review of sentencing in the White Paper is certainly not without its merits but the basis of this article will be a look at the sections covering Probation and community sentencing. In the Introduction the Paper states that confidence in non-custodial sentencing options is low, which is a little ironic coming from a Government that foisted TR on what had previously been an excellent public service. Fundamental to Probation work is a recognition of where one has done wrong, owning one's mistakes and learning from them. That is a complete process that successive governments, not least the current one, might usefully adopt in order to restore confidence in themselves. Restoration of confidence is a key theme in this White Paper. The importance of restoring the confidence of the courts and sentencers in non-custodial disposals is accepted as a key factor and the importance of quality PSRs is central to this - an issue covered elsewhere by Gwen Robinson in this edition of PQ. There is an abiding sense of



Mike McClelland

Probation Institute Board of Directors

deja-vu about this and other initiatives that the White Paper has re-discovered, such as problem-solving courts. The penny has almost dropped regarding the centrality of basic supervision too, but it is unclear as to whether this will be re-introduced as a basic requirement in the suite of potential requirements of community orders - perhaps to replace the deeply flawed and confusing Rehabilitation Activity Requirement. There is recognition of the potential for unpaid work to be rehabilitative as well as punitive with the potential to develop vocational skills through work-related education or training for up to 20% of hours completed. This also builds on the research about effectiveness in unpaid work orders. It seems the collective memory in Probation is something requiring rather more nurture. Surely this too is something of a 'blast from the past' to use a colloquialism.

The Paper recognises the problems of short custodial sentencing particularly with regard to re-offending rates but could be more robust in its understanding that herein also lies the key to the resourcing of non-custodial alternatives. Set a target for returning levels of incarceration to those that existed thirty years ago and huge savings are achieved in terms of prison resources but even more so in terms of lower re-offending rates and the concomitant costs of crime. This would, however, require very significant up-front resourcing which is recognised in a commitment to training more Probation Officers but which needs to go much further.

There is a potentially worrying theme in the quest for making community orders more robust and responsive. This is the developing reliance on new technology in the form of various methods of electronic monitoring. That said, there is also a suggestion that probation staff should enjoy greater control over these modern 'tools of the trade'. The time has long since arrived when the Service has to embrace such new technology and exercise more control over it, as opposed to fully outsourcing private contracts. Similarly, there will be lessons to be learned from the pandemic and new ways of working, such as remote supervision, that can also be developed but there should never be any attempt to escape from the centrality of the relationship between supervisor and supervisee and within this, face to face work as the primary methodology. Trust and confidence are not just concepts that need to be rekindled in the public and the courts. Probation after all is a process of testing and observing the character or abilities of a person to change their behaviour. It is about investing trust as opposed to removing someone from the streets and placing them in custody. End to end sentence management, with an identifiable and constant supervisor, is a very good starting point.

There are encouraging signs in the White Paper about re-establishing the Probation Service as central to the task of reducing re-offending. Yet there are also some significant missing elements in the coverage entitled 'Empowering Probation.' Surely if the public is ever to have proper confidence in Probation as a truly professional service then professional recognition, registration and regulation are key. An independent and objective structure needs to be established to replace the very far from perfect system currently operated under the guise of the long-outdated Probation Instruction 31/14. In some quarters there has long been a misconception that a training regime of a few weeks, as continues to exist in the Prison Service, is sufficient and might also be suitable for Probation. Cheapness rarely equates to quality and qualifying training for Probation should not be diluted or foreshortened in the interests of expediency and cost saving. Certainly it needs review and certainly some of the suggested alternative routes into the profession are worth exploring but all aspects of

Probation work depend on skills, knowledge and experience that not only need to be painstakingly developed but also well-maintained through continuous professional development linked to a renewable licence to practice.

Equally fundamental and similarly unaddressed in the White Paper is any consideration of exactly what the Probation Service is. Thankfully, the disastrous experiment with privatisation is drawing largely to a close. Ongoing outsourcing of certain interventions to the private and more properly the voluntary sector via the curiously titled 'Dynamic Framework' seems to be a quite appropriate structure for enabling Probation staff to broker and signpost interventions requiring other specialist skill sets. But where is the proper home for Probation? Is it in the Civil Service or more rooted in local communities as in days past? Is there not a fundamental conflict of interest between being a civil servant and being an officer of the court? The executive and the judiciary are two of the three branches of government. They are separate and problems arise when seeking to serve two masters. It's my belief that the Civil Service is not the right home for Probation and surely now is the time to consider this very fundamental question. Maybe there is a compromise to be achieved such as Non-Departmental Public Body (NDPB) status.

Although the focus of this proposed primary legislation is to be sentencing reform nevertheless it provides the opportunity to do some fundamental rethinking about the concept of Probation. It would be a pity if this opportunity was missed. Admittedly time is against us in the sense that undoing TR and moving most Probation staff back into the NPS from CRCs has a pressing timetable of its own but unless the basics are right, the system will never work properly. There is Probation legislation that needs to be reviewed, notably the 2007 Offender Management Act. Central to that also is a recognition that offender management and Probation mean and are different concepts. I believe we can do without the former. So, whilst welcoming some enlightened thinking in respect of the future of Probation I would at one and the same time urge an admittedly difficult extension into what Probation is and where it should live.

'Smart Sentencing' and the role of Pre-Sentence Reports

Much of the White Paper is very pertinent to probation services and practitioners - not least what it has to say about the failures of the current criminal justice system in delivering rehabilitation. For example, the Ministerial foreword includes an acknowledgement that our system of sentencing is 'not properly equipped' to support those whose offending is fuelled by underlying problems which fail again and again to be identified and addressed, leaving many individuals 'stuck in a revolving door of crime' (Buckland 2020: 3). A 'smarter' approach to sentencing, Buckland asserts, must be 'agile enough to give offenders a fair start on their road to rehabilitation' (2020: 4). I would imagine that few working in probation today would argue with this general ideal; nor with the attendant focus on pre-sentence reports (PSRs), which play a vital role in advising the courts about the particular needs and circumstances of defendants, and the suitability of different sentencing options as potential gateways to appropriate (but proportionate) help and support.

The White Paper devotes a short but very interesting section to 'improving pre-sentence reports' (paras 151-158), which begins by evidencing their declining use in magistrates' courts in the last decade and goes on to propose initiatives both to reverse that decline and to enhance the quality of PSRs. Although no concrete details or dates are supplied, the White Paper indicates that plans are afoot to pilot new ways of working for National Probation Service (NPS) court teams. Specifically, a PSR pilot is promised to explore (i) new ways to identify offenders who would benefit from a PSR; and (ii) the use of 'fuller' PSRs for cohorts of offenders identified with more complex needs. As far as an initial pilot study is concerned, these cohorts are identified as women, young adults (18-25) and those on the cusp of custody, and it is envisaged that reports produced might require a short adjournment of up to 5 working days.



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The proposal to pilot 'fuller' PSRs has clearly taken into account the findings of a recent study of PSR quality which was published by the Probation Inspectorate in August (HMIP 2020). This study examined the quality of advice provided in 802 PSRs delivered in the 12 months to June 2019. The sample included 535 oral reports, 237 short format and 30 standard delivery reports. Of these, three in four (73%) were prepared on the same day as the plea or finding of guilt. Perhaps not surprisingly, the study found that where reports were judged by inspectors to have weaknesses this tended to be because they were insufficiently detailed or personalised, and there was a lack of information or clarity about an appropriate programme of intervention to tackle the defendant's needs. Some reports did not incorporate a sufficient range of sources of information - and sometimes this was because pertinent information could not be elicited in time. These weaknesses were more often a feature of oral reports than of either short format or standard delivery reports. The conclusion of the HMIP research was that 'any focus on speed and timeliness [in the production of PSRs] should not be at the cost of overall quality' (17). To put that another way, and echoing my own research (Robinson 2017), HMIP suggest that the quality of PSRs needs to be understood in relation to a mix of criteria that ought to be primarily qualitative, rather than quantitative.

At present, targets for the work of court teams are too focused on the speed of production, but as a sole or even primary measure of quality, this leaves much to be desired.

The HMIP research supports the idea that if probation court teams are to be given the best chance of producing PSRs that meet the Inspectorate's high quality standards, they need to be allowed sufficient time to collect and analyse information from a variety of sources. They also need to have a good understanding of the types of intervention and support that are available in order to make persuasive and robust sentencing recommendations. To these ends, the White Paper's proposal to pilot 'fuller' PSRs (which I take to mean enabling the production of more short format written reports, with the benefit of an adjournment of a few days) is to be welcomed. And, although not referred to in either the White Paper or the HMIP research, the reunification of the service in 2021 should mean that court teams will have better and more direct access to information about the interventions and resources available to service users in their area - including the new ones proposed in other sections of the White Paper. This significant structural change ought to go some way toward enhancing the quality of recommendations in PSRs.

What remains to be seen is whether efforts to enhance the quality of PSRs will be enough to reverse the worrying decline in their use noted in the White Paper. Although both the HMIP report and the Lammy Review hint at the problem of allowing too much judicial discretion to decide whether a PSR should be requested (HMIP 2020: 17; Lammy 2017: 35), the White Paper explicitly states that its proposals do not extend to altering the status quo in that regard (MoJ 2020: para 156). Instead, as noted above, the White Paper includes a proposal to pilot new ways to identify, earlier in the criminal justice process, offenders who would benefit from a PSR. For example, it sets out an intention to test the impact of a 'pre-plea' PSR protocol for certain offenders, alongside closer collaborative working with other criminal justice agencies to identify individuals

who would benefit from a report. Here there is no explicit mention of Black, Asian and Minority Ethnic (BAME) offenders, which is surprising given the Lammy Review's observation that PSRs may be particularly valuable in shedding light on individuals from social class and ethnic backgrounds unfamiliar to magistrates and judges (2017: 34).

Whether it should be the responsibility of NPS court teams to persuade sentencers that a PSR is needed is debateable, and here it might have been more efficient to educate and 'responsibilise' sentencers, perhaps after a period of emphasis on driving up PSR quality (the other strand of the promised reforms) to encourage uptake in appropriate cases. But either way, one thing is clear: the NPS needs to be properly funded, and its court staff suitably trained and experienced, to deliver on the promises set out in the White Paper. Without a considerable injection of resources, the potential of probation court teams to contribute to slowing down the revolving door of crime in which so many are stuck will not be achievable.

References

- Buckland, R. (2020) 'Ministerial Foreword', in Ministry of Justice, *A Smarter Approach to Sentencing*, CP 292, London: HMSO.
- HM Inspectorate of Probation (2020) *The quality of pre-sentence information and advice provided to the courts*. Research & Analysis Bulletin 2020/04. Manchester: HMIP. Available at: <https://www.justiceinspectors.gov.uk/hmiprobation/research/research-analysis-bulletins/> [Accessed 27/10/20]
- Lammy, D. (2017) *The Lammy Review: An Independent Review into the Treatment of, and Outcomes for, Black, Asian and Minority Ethnic Individuals in the Criminal Justice System*. London: Lammy Review.
- Robinson, G. (2017) 'Stand down and deliver: Pre-sentence reports, quality and the new culture of speed', *Probation Journal*, 64, 4: 337-353.

Plotting the Future and Reimagining the past

Have we been here before?

The Ministerial Foreword to this White Paper by Robert Buckland, the Lord Chancellor and Secretary of State for Justice, encapsulates very clearly the intention of the Conservative Administration to continue a policy of bifurcation in sentencing that has been championed by every Administration over the past 30 years:

'What we need is a new smarter approach to sentencing. A system that takes account of the true nature of crimes - one that is robust enough to keep the worst offenders behind bars for as long as possible, in order to protect the public from harm; but agile enough to give offenders a fair start on their road to rehabilitation.' (p3-4)

A continuation then of this age old rhetoric but interestingly the Secretary of State also returns to a New Labour theme from their early days in power (Social Exclusion Unit 2001) of the notion that every government department should be a justice department - '....and that means we must all come together - in healthcare, in welfare, in national and local government - to pull on every lever at our disposal to make criminal justice work better' (p4). However, what immediately hits the reader of this White Paper is that so many of the disastrous reforms of the past decade, particularly in relation to the role of probation in its sentencing and supervision responsibilities, clearly occurred in an alternative universe and now, this government will come to its rescue by building a *world class Probation Service* where 'probation practitioners ... have the time, support and the tools to develop productive relationships with those they supervise, to develop interventions directly, and to place offenders with other rehabilitative services' (p8). The notion of building a world class Service was explicit in the



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vision of the new director-general of probation, Eithne Wallis, at the outset of the creation of the new National Probation Service in 2001 and one can only lament that all the wasted human, intellectual and financial resources of the last two decades could have been put to better use.

This waste of resources has not only affected the internal world of probation. The constant undermining and redefining of the sentencing framework for England and Wales, originally established under the provisions of the 1991 Criminal Justice Act has also had a significant deleterious effect on the increasing use of custody whilst undermining the appropriate use of community supervision.

Indeed, the White Paper itself rightly acknowledges that recent developments in the system of sentencing have evolved in a piecemeal fashion (p5). However, if readers were hoping to engage in discussion of the principles of sentencing and the role of probation in a modernised structure of community supervision as the landmark White Paper of thirty years ago did (Home Office 1990), then they will be disappointed. Rather we have a document that contains references to *tough or tougher* sentences no less than 24 times, maps out a structure to increase the amount of time that serious offenders will spend in prison, champions the more intrusive and discretionary application of electronic technology and reacts idiosyncratically to the most recent events including the attack at Fishmongers' Hall and memorial vandalism (p20). The tone of the White Paper swings between its punitive and rehabilitative intentions but its underlying assumption appears to be that longer prison sentences and tougher community sanctions will bring about improved sentencing outcomes in terms of recidivism although there is little attempt to provide the evidence-base to support this contention.

A missed opportunity: building on a poor foundation

The sentencing of those convicted of serious, dangerous and terrorist offences has become more and more complicated over the recent past and the first substantive section of the White Paper provides a helpful breakdown of the current situation. The stated intention of future reform is to ensure that such individuals spend more time in prison. This is to be achieved in part through longer life tariffs, *whole life* orders and release at the two-third stage of the sentence rather than halfway point for those who have committed violent, sexual or terrorist offences. This appears designed primarily at securing positive headlines in the tabloid press rather than protecting the

public and could ultimately mean that probation staff will have less time to work with such individuals to bring about positive and lasting change (Napo 2020: 2).

As the White Paper acknowledges, this approach partly restores the distinction between short and long-term sentences (originally introduced under the 1991 Criminal Justice Act) for those convicted of very serious offences (p29). There are also plans for what is referred to as the *raising of the bar* in relation to the discretion of sentencers to impose less than minimum sentences for repeat offenders and, from our perspective, a deeply concerning suggestion that some individuals subject to a standard determinate sentence for non-terrorist offences may have their normally automatic release subjected to Parole Board oversight if they are considered a terrorist threat (p29).

This section needs a very careful reading but we are left with the overriding sense of a government determined to increase the use and length of imprisonment by further reducing sentencer discretion, lengthening post-release supervision, enhancing the role of the Parole Board over release decisions and further deploying risk assessment practice post-sentence. In contrast, the failure to consider the deleterious impact of the relatively new arrangements for the post-release supervision of short-term prisoners is a glaring omission. Rather than creating a coherent framework for the sentencing of those guilty of committing the most serious offences, this White Paper is simply part-rationalising the more punitive approach to dealing with some of the most troubled and troublesome individuals. As the Sentencing Academy has noted in its response to the White Paper, there is a danger that this will result in 'sentence inflation through the back door' as longer sentences for more serious offences filter down to an increased use of custody for less serious offences (2020: 5).

Breathing life into community supervision?

The White Paper confidently states at the beginning of the section on *Supervising Offenders in the Community* that 'Building on the lessons of the past...we will set out a new vision for community supervision that combines robust punishment and risk management with a renewed focus on addressing rehabilitative needs to break the cycle of reoffending' (p39). Accepting that reductions in reoffending are more clearly associated with community sentences than short-term custody, the Paper also acknowledges that there has been a significant drop in the volume of people starting community orders and suspended sentence orders, falling by 38% between 2009 and 2018. However, it is difficult to detect a rallying vision as such. Alongside enhancing existing provision (particularly in relation to Community Sentence Treatment Requirements), tidying up some underused orders (attendance centres) extending the reach and flexibility of electronic monitoring and introducing a new highly restrictive *House Detention Order*, breathing life into community supervision comes in the form of revisiting Pre-Sentence Reports, unpaid work and problem-solving courts. Within the economic constraints that will inevitably shape the post-Covid landscape, ensuring that sufficient resources are available to the courts will be as important as the measures themselves. Nor should it be assumed that technology alone will produce improved outcomes on their own. As the Centre for Justice Innovation (2020: 11) points out, 'Leveraging technology to enhance rather than replace professional roles is the key to getting the most from these new tools'.

Once again, as welcome as this renewed focus on probation is, we are left with a feeling of exasperation that the White Paper's intentions are about reconstructing some practice that previous administrations have watered down or abandoned. Those former colleagues who spent so much time and creative energy on developing Enhanced Community Punishment, for example, will read Paragraphs 136 -141 with a weary ironic smile. Additionally, just as there is an element of re-inventing the wheel here, so there is the

danger of repeating the mistakes of the past. The lack of a coherent overarching rationale for the diverse range of proposals contained within the White Paper runs the risk of resulting in more - and longer - prison sentences. The absence of a genuine commitment to making community sentences, rather than short-term imprisonment, the default position will undoubtedly restrict its rehabilitative intentions. Conversely, poorly targeted community sentences delivered by an under-resourced probation service that is having to cope with another period of significant organisational upheaval will do little to increase confidence among sentencers and the public.

Ultimately, a smarter approach to sentencing that drives innovation can only work if the government of the day commits to *year on year hard targets* for the reduction in the imposition of custodial sentences. This White Paper misses even that modest aspiration.

References

- Centre for Justice Innovation (2020) *Smarter Community Sentences*. <https://www.justiceinnovation.org/publications/smarter-community-sentences> (accessed 27 Oct 2020).
- Home Office (1990) *Crime, Justice and Protecting the Public – The Government's Proposals for legislation*, London: HMSO
- Napo (2020) *White Paper Briefing: A Smarter Approach to Sentencing*. <https://www.napo.org.uk/sites/default/files/BRF06-20%20Briefing%20on%20White%20Paper%20-%20A%20Smarter%20Approach%20to%20Sentencing.pdf> (accessed 27 Oct 2020).
- Sentencing Academy (2020) *Response to the publication of the White Paper: A Smarter Approach to Sentencing*. <https://sentencingacademy.org.uk/2020/09/sentencing-academys-response-to-the-a-smarter-approach-to-sentencing-white-paper/> (accessed 27 Oct 2020).
- Social Exclusion Unit (2002) *Reducing Re-offending by Ex-prisoners*, London: Office of the Deputy Prime Minister



The Importance of Education and Skills Training for Rehabilitation

Kirstie Donnelly, Chief Executive of the City & Guilds Group

The conditions into which offenders will be released from prison today are probably the most challenging we have ever seen, particularly with regards to their employment prospects. It is therefore critical that we find opportunities for prisoners to develop skills that will have genuine value to employers in the new economic climate – or we risk exacerbating the cycle of re-offending for this generation of prison-leaver.

Education and skills training have long been a cornerstone of rehabilitation strategy. We know that ‘work works’ and helping people gain skills that support them getting and keeping a job should be a priority. Skills training does take place in jails where possible, probation officers can and do help prison leavers into jobs with great success and some enlightened employers and organisations are set up to help provide pathways into employment for ex-offenders.

In a questionnaire completed as part of the recently published 2019 Chief Inspector of Prisons Annual Reportⁱ, which predates Covid, 61% men and 59% women said it was easy to get education in prison. 83% women and 79% men had accessed education in prison and 59% women and 49% men said it was easy to get a prison job.

Yet in recently published research by User Voiceⁱⁱ, a survey of 300 people in prison and on probation found that whilst education was cited by 70% as a major factor in their rehabilitation 47% listed this service as poor – offering limited opportunities for them on release. This was commissioned pre-Covid, so we can see that even in normal circumstances, somewhere in the system something is going wrong.

Not everyone gets the same opportunities. Different courses are available at different prisons, and it’s just bad luck if a prisoner ends



Kirstie Donnelly

Chief Executive, City & Guilds Group

up somewhere where the waiting list is too long, or there isn’t access to the type of careers advice that is so critical to making good decisions about what to study that gives a better chance of a job outside. Prison skills and training programmes can be disjointed and focus on jobs available in prison and serve an “internal economy”, in which prisoners take on jobs that are available in the prison system rather than work to a plan to meet the needs of what local employers need and the jobs available. There’s a clear disconnect and a missed opportunity on many levels.

As our economy navigates the impact of Covid-19 it is hugely important that we recognise the potential in every individual and ensure that ex-offenders have the skills and training they need to have the chance to find work on release and avoid re-offending. The pandemic has reduced opportunities to undertake training on the inside and is leading to huge changes in the jobs market on the outside. Going forward, unless we do everything we can to prepare prisoners for the workforce they will be joining on release, we are setting them up to fail.

There are some great initiatives around, that seek to deliver high quality and impactful education that starts from entry into prison and continues right through to sustained employment; but this needs to become the norm, rather than the exception. That is why the City & Guilds Group - which for more than 100 years has been at the forefront of workplaces skills training - is putting funding into finding innovative solutions that will help untie this knot. We have established The Future Skills Commission for Prisons, through our Foundation, which is working with innovative organisations to cut re-offending through employment opportunities. We want to ensure that meaningful workplace training and not just basic skills courses can be given to offenders inside prisons, and that ex-offenders are not forgotten about afterwards but given continued support into employment.

We think unlocking that potential is about three things:

- getting the skills training right and making it more personal to what offenders want and have the potential to do
- providing ongoing personal support before and after release that connects and carries that skills journey through
- matching ex-offenders and the skills and potential they have to the right jobs, with the right employers, especially in highly skilled jobs of the future or where there is an economic need.

That way training is focussed and useful, support is personal and more meaningful, and jobs are more likely to be successful and long-lasting.

Work really becomes a successful method of rehabilitation when it's not just about providing a form of income that isn't from crime. It all comes

back to giving prisoners and former prisoners a sense of positive purpose because everyone has at least one thing they're good at, whether it's technical, creative or academic. It's just for so many of our prison population their lives haven't allowed them to find or develop it yet.

Studies show that prisoners have skills and experiences that can be better utilised:

- Offenders are more likely to have a functional level of numeracy than the wider general public. Eighty per cent of the prison population had numeracy skills at EL3 and above (defined by Skills for Life as 'functional numeracy'), compared to 76 per cent of the general population.ⁱⁱⁱ
- Around a quarter of inmates have held a steady job within the two years prior to their sentence (but it takes two years after release for employment rates to recover to that level, during which vulnerability to re-offending is high).^{iv}
- Prisoners who take any form of learning activity have a significantly lower re-offending rate on release than their peers.^v

It is however important to appreciate that when they come out of prison ex-offenders have a lot of complex issues to contend with. There are many practical considerations such as licence conditions, housing, and transport to consider alongside dealing with the impact that going to prison has had on their families. Many feel that they're on the 'scrap heap' and their lives are over and their confidence is low. In short, they need a helping hand throughout the process. Employment pathways therefore need to be individual, focus on developing the individual potential, provide ongoing support, and matched to employment opportunities.

This bespoke approach is what the City & Guilds Foundation is keen to champion. Earlier this year it invited charities, prison governors and other potential providers to come forward with plans that can be supported this year and rolled out more widely if successful. Our first award of £285,000 has been made to Groundwork and will support a land-based employment project geared towards Green industries. It will provide a bespoke package of carbon literacy, construction and land management skills and employability working with a range of employers to provide work placements and pathways into employment. The programme has been designed and pilot courses will begin in two prisons in the new year, at HMP Peterborough (both men's and women's cohorts) and HMP Forest Bank. The model of support involves developing individual action plans, 121 coaching to address individual barriers, site-based and transferable skills development, training e.g. CSCS card, and employability skills including support to secure onward employment. It is focussed on developing individual confidence and potential matched with employment opportunity.

We know there is great potential in delivering this project at scale. A similar recent Groundwork

project - Groundwork Fencing and Landscaping - delivers commercially secured contracts of fencing, landscaping and maintenance. It uses those contracts to provide 6-month waged jobs for ex-offenders to help break the cycle of re-offending. This has employed more than 200 people recently released from custody or completing community orders - including PPO's and MAPPA cases - with 42% sustaining employment for more than 6 months and 85% completing an accredited qualification.

Meaningful employment that provides stability for ex-offenders is a game-changer. Regular, reliable work is a lynchpin that helps to stabilise their lives in other areas such as stable accommodation, being able to pay rent and improved personal relationships. The City & Guilds Foundation wants to support projects like this that help train offenders due for release to secure jobs that we know employers need to fill. People leaving prisons at this moment in time are exceptionally vulnerable, and it is therefore paramount that we find new and innovative ways to help them build skills and find practical routes into employment, no matter what their circumstances.

ⁱ Chief Inspector of Prisons Annual Report 2019 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/927361/hmi-prisons-annual-report-accounts-201920.pdf

ⁱⁱ https://www.uservoice.org/wp-content/uploads/2020/09/Reducing-reoffending_User-Voice-West-Yorks-PCC.pdf

ⁱⁱⁱ Source: Creese, B. (2016). An assessment of the English and maths skills levels of prisoners in England. *London Review of Education*, 14(3), 13-30.

^{iv} Source: MoJ (2014). Experimental statistics from the 2013 MoJ /DWP /HMRC data share: Annex C - Additional tables and underlying data for the tables in Chapters 2 and 3, Table 1.2b & Table 1/5

^v MoJ & DfE (2017). Exploring the outcomes of prisoner learners: analysis of linked offender records from the Police National Computer and Individualised Learner Records: Joint experimental statistical report from the Ministry of Justice and Department for Education



Seetec Employee Ownership Journey

Suki Binning, Executive Director, Seetec Justice, argues that employee owners have a stronger voice at a time of uncertainty for probation.



Suki Binning

Executive Director, Seetec Justice

The pandemic has highlighted how important it is for the probation service to embrace new and innovative approaches that deliver better outcomes. Seetec supervises and supports around 19,100 offenders categorised as low- and medium-risk in the South of England. In Wales, we deliver programmes that help people to turn away from crime, including community payback.

In January, Seetec moved to an employee-owned structure. Our new model aims to shake up the way organisations who deliver public services operate. In May this year, an Employee Council, including a representative from Seetec Justice, was elected and held its first meeting in June. An election was also held in September for our first Employee Trustee Director. This new role represents the views of Seetec's 2,300 employee owners at board level to influence the future strategy and direction of the Group. Seetec is now the 16th largest employee-owned company in the UK, according to the Employee Ownership Association.

The principles of openness and accountability have been strengthened in our business because of the move to employee-ownership. Seetec is bringing in new talent who are passionate about

the change in structure too. Senior leaders in the business take their responsibility seriously to drive this change in structure forward and are committed to encouraging a culture shift that reflects where the business is today. The probation services we provide are already benefitting from the move.

At a time when the probation service is going through changes, I believe that our new structure has embedded a stronger culture of collaboration, putting our frontline teams first. This has helped to build stronger levels of engagement to better understand the views of our probation teams as we head toward the June 2021 deadline for the transition of offender management to the National Probation Service. The morale and wellbeing of our employee owners has been impacted by the decision to renationalise, but we have worked closely with them and listened to the Employee Council to put in place the support they need.

Seetec's priority is to continue delivering the best possible services through our offender management programmes to ensure a smooth transition, but we will not shy away from providing constructive challenge to ensure the Ministry of Justice is able to make informed decisions about what lies ahead. Our employee owners have been involved in shaping our response to the transition throughout.

The delivery of a professional 'exit' has been made more challenging by the coronavirus outbreak, but we intervened early to implement new ways of working so that offenders could access help.

Because of the pandemic, many former prisoners and those serving community sentences have had to be supervised remotely by probation officers - through phone calls or Skype; probation officers had to prioritise only seeing the highest risk and most concerning cases face-to-face. Prior to November's lockdown, Community Payback delivery in Kent, Surrey and Sussex returned to 100%. Probation services will once again be delivering Community Payback and accredited programmes according to government guidelines as we enter a second lockdown.

A new volunteer and mentoring unit in the South West of England and Wales probation services, set up during the pandemic to deliver a wraparound support for people on probation, has joined established services in KSS that have seen service needs double based on pre-COVID levels. Our team of domestic abuse safety advisors quickly adapted services too, meeting survivors in cafes, or walking together in parks and set up a dedicated day in the office to provide help.

By changing Seetec's structure, our employee owners have been more involved in helping to shape the response to the challenges caused by the pandemic and we continue to deliver a high standard of offender supervision thanks to their continued professionalism during these unprecedented times.

We believe the positive changes brought in because of employee ownership and our local response to the pandemic illustrate that a local approach and focus on specific offender interventions works. For me, it's why we must protect regional innovation and important localised interventions when the government increases nationalisation of probation services in June 2021.

The government recognises that employee ownership is a structure that allows workers to have an improved stake in a business but there is a great deal that, in collaboration with other businesses, could be achieved to further enhance this model. Pursuing the delivery of more accountable practices that add value and boosting efforts to focus more on community engagement are key priorities.

There is still more progress to make as part of our own employee ownership journey, but it's been an exciting year to test the boundaries. What is emerging through the change in governance structure, engagement priorities and culture we are pursuing is an even stronger commitment to deliver real social value.

Employee-owned businesses are able to take on a more prominent leadership role to deliver social impact. From a probation perspective, this means better understanding the path offenders take through the justice system and pinpointing what interventions work best to help them change their lives for the better.

There is an opportunity for employee-owned businesses like Seetec, the government and other key local justice leaders to further enhance the delivery of probation services by listening more to frontline teams. It is the experienced professionals on the ground who, thanks to our structure, are shaping a vision for offender management that delivers locally driven interventions that are responsive, driven by evidence and mindful of ensuring community benefit.

Learn more about Seetec Justice here:
<https://www.seetec.co.uk/justice>

International Series on Desistance and Rehabilitation

PEER MENTORING IN CRIMINAL JUSTICE

Gillian Buck

Gillian Buck, University of Chester, discusses the opportunities and challenges of peer mentoring.



People with lived experience provide enormous benefit to organisations working across the criminal justice sector. However, their involvement in designing, delivering and managing services, as well as influencing policy and practice, remains unexplored and undervalued (Champion, 2020: 36).

Governments internationally are emphasising the importance of service user involvement in public services (Weaver, Lightowler & Moodie, 2019) and criminalised people play varied roles in criminal justice services and advocacy around the world (Buck et al., 2020), yet this work is often 'undervalued' and criminalised people have been largely absent from the literature on involvement and service user movements. My new book *Peer Mentoring in Criminal Justice* begins to address this significant gap by examining a key area of participatory criminal justice. This article introduces the practice of [Peer Mentoring in criminal justice](#) and considers how it may be sensitively facilitated within Probation contexts.

What is 'peer' mentoring?

Peer mentoring involves criminalised people and community members (with a personal interest in criminal justice) working or volunteering in helping relationships in the criminal justice system. It can involve one-to-one sessions, groups or informal leisure activities.

Peer mentoring and Probation

In the UK, Probation Services aim to protect the public through the rehabilitation of criminalised people and to tackle the *causes* of offending, enabling people to turn their lives around (NPS, 2020). These goals align closely with those of peer mentoring and there is growing, international evidence that peer mentors can provide effective support to people as they try to leave crime behind.



Gillian Buck
University of Chester

Peer mentoring can reduce reoffending, aggression and drug use and help people feel more in control of their lives. It offers high contact time and flexibility for mentees and can provide a bridge to other services. Peer mentoring may support 'desistance' efforts by building new social ties and encouraging self-belief, it also offers an employment opportunity to people who may struggle to re-enter the workplace with a conviction. However, there can be problems to overcome, such as having enough suitable mentors, getting the 'match' right between mentor and mentee, and making sure mentors are properly supported and not re-traumatised (HMIP, 2016).

Peer mentors support people in criminal justice systems in (at least) Sweden, the Netherlands, Finland, USA, Canada & Australia. Mentors can be employed directly by criminal justice authorities or work for non-profit organisations, which are commissioned by Probation and/or prisons. In the UK, peer mentoring often takes place in the voluntary sector of criminal justice (e.g. St Giles Trust, 2020; User Voice, 2020). This sector has a workforce bigger than prisons and probation combined and has (collective) potential to broker change at multiple levels (Tomczak & Buck, 2019).

Research findings from the book

Peer Mentoring in Criminal Justice (Buck, 2020) draws on a four year study of seven community-based non-profit peer mentoring services in England, including: a project attached to a Probation Service; a charity working with women seeking employment; a project for young women at risk of 'gang' involvement and a charity working with people with a history of local authority care and criminalisation. Forty-four interviews were undertaken with peer mentors, mentees, service coordinators and Probation Officers. Observations of practice were also undertaken, including peer-led group work, volunteer recruitment, training and supervision. Five dominant themes emerged in the findings: *Identity, Agency, Values, Change and Power*.

Identity is often used by mentors to inspire change and elevate the credibility of knowledge based on lived experiences. A desire to desist from crime may be generated by the example of peers who are often respected by mentees. Interestingly mentees are often [inspired](#) to help others in ways they have seen modelled by their mentors. This is an important finding, given that desistance often involves "'earning" one's place back in the moral community' (Burnett and Maruna 2006: 84). However, there is also potential for (role) models to be rejected. Correspondingly, both mentees and potential mentees often expressed doubts, or a complete rejection of mentors' examples. This is problematic for policies which position mentoring *for all* as a generic 'good' (National Offender Management Service, 2011).

Agency, or a sense of self-direction, emerged through interactions with the *physical* and *social*

environment. Mentees were offered opportunities to 'practice a new identity' in community-based settings, embed new routines and take part in activities they found pleasurable. Dividers of authority were often consciously rejected. Instead mentoring regularly happened in parks, cafes, shops, gyms - places where people feel like co-community members, rather than 'offenders'. As a result, they came to hold new perspectives of themselves and hope for the future. Mentors, in turn, reinforced these new identities by encouraging a positive sense of self and applauding mentee efforts. In this light, desistance emerges falteringly as a dialogue between the self, socially available spaces and socially available recognition.

Values or [core conditions](#) of peer mentoring commonly include *caring, listening and encouraging small steps*. These become antidotes to what people often perceive as distant and technocratic criminal justice practices. Peer mentoring is claimed to release suffering and encourage new directions, given mentors are seen to 'genuinely care' and are tolerant of slip-ups. However, there are also tensions, including the expectation of emotional toil for little financial reward within the context of an increasingly 'results'-driven criminal justice system.

Change can be a [terrifying](#) and difficult struggle characterized by unsettling practical and personal losses. Yet peer mentors can alleviate the weight of the crisis, by providing a blueprint of change, while appearing to be non-authoritarian. These are important components given that mentees often describe their interactions with authority figures as embattled.

Power is at play within mentoring relationships and within the [contexts](#) that surround them. Mentoring can position people in new ways and ask questions of established approaches. In this sense it has potential to foster egalitarian relationships and include subaltern voices. This may enhance learning on all sides. However, peer mentoring is also a sanctioned and contained practice, governed by professional norms. Volunteers often have their knowledge selected (through recruitment), shaped in professionally palatable ways (through training), and contained (through supervision). The danger here is that mentoring allows criminalised people a voice, but only insofar as they perform as cheaper (often unpaid) justice staff and adopt many of the same approaches.

Probation officers can resist the capture and reductionism described above by embracing the (sometimes challenging) messages inherent in lived narratives of crime and by working in solidarity with criminalised people to advance submerged forms of knowledge. Doing this may shift the focus of criminal justice toward social change, in addition to individual change.

References

- Buck, G. (2020) *Peer Mentoring in Criminal Justice*. Oxon: Routledge.
- Buck, G., Harriott, P., Ryan, K., Ryan, N. & Tomczak, P. (2020) All Our Justice: People with convictions and 'participatory' criminal justice. In H. McLaughlin, J. Duffy, P. Beresford, H. Casey & C. Cameron (Eds.). *The Routledge Handbook of Service User Involvement in Human Services Research and Education*. Oxon: Routledge.
- Burnett, R. & Maruna, S., (2006), 'The kindness of prisoners: strengths-based resettlement in theory and in action', *Criminology and Criminal Justice*, 6(1), pp. 83-106.
- Champion, N. (2020), Utilising lived experience for a better probation service. [Probation Quarterly, Issue 16](#), June 2020.
- Her Majesty's Inspectorate of Probation (HMIP) and Her Majesty's Inspectorate of Prisons, (2016), *An inspection of through the gate resettlement services for short-term prisoners*. Manchester: Her Majesty's Inspectorate of Probation. Available at: <https://www.justiceinspectors.gov.uk/cjii/wp-content/uploads/sites/2/2016/09/Through-the-Gate.pdf>
- National Offender Management Service (NOMS), (2011), *Mentoring in NOMS*. London: National Offender Management Service. Available at: https://essl.leeds.ac.uk/download/downloads/id/489/mentoring_in_noms.pdf
- National Probation Service (NPS), About us. Available at: <https://www.gov.uk/government/organisations/national-probation-service/about>
- St Giles Trust, (2020), *Harnessing the power of Peer Advisors*. Available at: <https://www.stgilestrust.org.uk/news/harnessing-the-power-of-peer-advisors>
- Tomczak, P., & Buck, G. (2019). The penal voluntary sector: a hybrid sociology. *The British Journal of Criminology*, 59(4), 898-918.
- User Voice (2020) Website Available at: <https://www.uservice.org>
- Weaver, B., Lightowler, C. & Moodie, K., (2019), *Inclusive justice-co-producing change: A practical guide to service user involvement in community justice*. Available at: <https://strathprints.strath.ac.uk/68901>

An opportunity for practitioner research - but not quite yet

Jane Dominey, Chair of the Probation Institute Research Committee, provides a brief update.

The Sir Graham Smith Awards (GSAs) provide an opportunity for practitioners (in probation, resettlement and rehabilitation) to undertake a small piece of research. The Probation Institute hosts the awards and publishes the research reports on its website (<https://www.probation-institute.org/sir-graham-smith-research-awards-reports>). Recently completed studies have investigated topics such as reflective practice, the assessment of protective factors, integrated offender management, peer mentoring, training for work with personality disorder and rebuilding trust after recall.

The GSAs were created in memory of Sir Graham Smith, former Chief Inspector of Probation, and are a recognition of his commitment to 'what works' and to innovative practice. They enable practitioners to explore an area of particular interest, putting 'theory into practice' and 'practice into theory'. Award holders, supported by their employers, take around 40 days over a six month period to undertake fieldwork, analyse the data and complete the report. The Probation Institute provides mentoring support, offering advice and guidance through all stages of the research process.



Jane Dominey
Chair

Probation Institute Research Committee

The Probation Institute has recently completed a review of the operation of the GSAs and plans to increase the support for award holders by adding two research workshops and providing a small financial grant to meet some of the project costs. Applications are not yet open for the next round of GSAs. Given the constraints caused by the pandemic HMPPS are only able to approve research in limited circumstances and the GSAs will need to wait until research access is easier. The GSAs provide a great way for practitioners to investigate important areas of practice, develop new skills (or dust off existing ones), and communicate findings to a wide audience - only not quite yet.