

The magazine of the Probation Institute

# PROBATION

Issue 19: March 2021

*Quarterly*

## **The Domestic Abuse Bill and the role of the Domestic Abuse Commissioner**

The importance of legislation progressing through Parliament

### ***A time whose idea has come***

*The case for the professionalisation of Probation*

### ***The future of the Sentencing Council***

*A reflection on Rob Allen's recent report*

### ***Remote Supervision***

*Getting the balance right*

# PROBATION *Quarterly*

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Readers will be aware of the Domestic Abuse Bill making its way through Parliament at the moment. We're delighted that the Domestic Abuse Commissioner, Nicole Jacobs, has written an article for PQ, summarizing her role as well as the Bill and its implications for Probation. On the same theme, we have two further articles that follow up last autumn's Probation Institute research event. Chris Edwards discusses the challenges that are informing the NPS Domestic Abuse strategy and Nicole Westmarland and Rosanna Bellini provide an international perspective on the move to online programmes for perpetrators.

Jane Dominey and colleagues are also concerned about the use of remote supervision more generally, especially over the past year, and present research into its opportunities and challenges.

We were sad to hear of the death of David Faulkner, who was a good friend of probation within the civil service for several decades. He served in the Home Office from 1959 until 1992, being involved in probation's expanding role in prison after-care in the 1960s and becoming Deputy Secretary for criminal justice, including probation, in 1982. He was Principal Private Secretary to James Callaghan and appointed Companion of the Order of the Bath in 1985. He was subsequently a fellow of St John's College, Oxford and an associate at the University of Oxford Centre for Criminology. He has written and lectured widely on how criminal justice policy is formulated and about the relationships between civil servants and elected politicians. Steve Collett provides a tribute to David and we are also re-publishing the article that he wrote for Probation Quarterly two years ago.

Mike Nellis writes on behalf of the Bill McWilliams Memorial Lecture Steering Group to announce this year's online lecture on 8th July. For those unfamiliar with Bill's name or his work, Mike provides background to the lecture series which is now in its 23rd year and will be presented by Mark Drakeford, the Welsh First Minister and former probation officer.

Phil Bowen's article about the professionalisation of probation will be challenging to many readers who have long debated the meaning of the term 'professional' in the probation context. Phil argues that the existence of a 'licence to practice' and a system of formal registration are central to the concept.

Two articles on different aspects of sentencing look to the future of a renationalised Probation Service. Penelope Gibbs reflects on the future role of the Sentencing Council, while Tony Margetts argues for a greater use of sentence conditions that include drugs treatment.

Helen Schofield updates readers on Probation Institute activities. We are also pleased to draw your attention to a recent Russell Webster blog written by Andrew Bridges, PI Fellow and former Chief Inspector of Probation: <https://www.russellwebster.com/modern-probation-theory/>. For further information about Andrew and his publications, go to: <https://www.andrewbridgesprobation.com>

Finally, Anne Burrell reflects on a recent Probation Institute online professional discussion featuring Jake Phillips' research on the architecture of probation offices. I'm pleased to announce that Jake will be a guest co-editor of the next issue of PQ which will be published in June. The deadline for submissions is Friday 7th May.

# 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 **Target Operating Model** for the new National Probation Service to launch in June 2021 was released in February - offering hopes of a stronger service, better at ease with itself, and prioritising service users, practitioners, leaders and partner organisations. Directors of the Probation Institute have commented on various aspects of the operating model and hope that we have had a positive influence.

The model is focussed around five key areas:

- Leadership Structures
- Improvements to Sentence Management Delivery
  - \* Advice to the courts
  - \* Delivering sentence management
  - \* Resettlement
- Investment in the Workforce
- Improved Interventions
- Modernisation of the Estate and Technology

The Target Operating Model also announces £155 million additional investment in Probation from 2021. Time and experience will tell if this model and increased funding will provide the framework and resource to "build back better" but if you are reading the Probation Quarterly I'm guessing that you, like us, very much hope that the new NPS will succeed.

Two areas of continuing concern in the new service include workload pressures and recruitment, and the risks of the Dynamic Framework resulting in commissioning predominantly large organisations at the expense of the voluntary and community sector. We hope that the actual reintegration of staff will

be achieved with the usual professionalism and energy of practitioners and leaders.

Two recent reports from HMI Prisons Inspectorate have alarmed us in the Probation Institute - The Inspection **Report** on minority ethnic prisoners' experiences of rehabilitation and release planning and the Inspection **Report** on "What happens to prisoners in a pandemic?". We hope that the arrival of Charlie Taylor as Chief Inspector is a sign of even stronger commitment to change in prisons, above all by reducing the numbers.

On 30th March, on Zoom between 1pm and 2:30pm, we will be hosting a further Probation Institute Research Event, "Recall - Research and Practice". Speakers confirmed:

- **Dr Matt Cracknell - Middlesex University** - presenting research about the post-release experience of short sentenced prisoners "Resettlement of Short Term Offenders".
- **Kate Parsons - National Probation Service** - presenting her research for the Sir Graham Smith Award - "Rebuilding Trust After Recall".
- **David Miners and Laura Burgoine from HMI Probation** speaking about their recent thematic inspection report "Thematic review of probation recall, culture and practice".

Please register if you would like to join us by email to [admin@probation-institute.org](mailto:admin@probation-institute.org) providing your name and organisation. There is no charge for joining this event.

Enjoy PQ19 but please also read the above!

# Memorialising Bill McWilliams (1932-1997)

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Mike Nellis, on behalf of the Bill McWilliams Memorial Lecture  
Steering Group.



Who needs annual Memorial Lectures? Many long established organisations have them, posthumously honouring individuals who have made outstanding contributions to them, sustaining scholarly attention down the years on the lines of thought with which they had been preoccupied, and the mission to which they were committed. Until I co-created one for my friend Bill McWilliams, along with his wife Brenda and sons John and Carl, on the strength of a suggestion I'd made in an obituary for him, the Anglo-Welsh Probation Service, then in its ninth decade, had not had one. Now, nearly a quarter century later, Bill, with his roots in probation practice, his pride in what the Service at its best tried to stand for, his constant and critical eye on its prospects - and recognition that not everyone wished it well - still seems an apt choice to have built a *probation* memorial lecture around.

The first lecture, given by Bill's old friend Professor Ken Pease was hastily organised in 1997, the year Bill died, with support from De Montfort University. We have come a long way. This summer the *twenty third lecture* will be presented (online, from the University of Cambridge) by Mark Drakeford, First Minister of Wales (and formerly a probation officer). In the intervening years, with the support of various universities and local services as well as some individual donations, lectures have been given (and published in *The Howard Journal*) by a range of concerned academics and managers. They have addressed enduring and new "probation issues" in the scholarly and critical spirit that Bill had applied in his own work on the Service of his day.

I had first met Bill and Brenda in the 1980s at the University of Cambridge Institute of Criminology where they were working on the research project to which I was an attached PhD student. Bill's reputation as a Probation Service thinker was then at its height, largely because of a quartet of

articles he had published in *The Howard Journal* on the history of the Service. It offered timely perspective on change and continuity in the Service's idealist traditions at the very moment when the then government began reframing probation as "punishment in the community". An alternative way forward was implicit in this quartet, and Bill's opinions were regularly sought by probation authorities dealing with the government's challenges.

So who was Bill? He was the Liverpool-born son of a General Practitioner (and ship's doctor), who worked a while in Australia before returning to England and training as a nurse (later a mental health nurse), and then becoming a "direct entrant" in the London Probation Service, working out of the Borough High Street Office. In the late 1950s he returned to Liverpool to care for his widowed mother and continued as a probation officer in that city, before being seconded a decade or so later to the Home Office Research Unit (HORU) - where he and Brenda met - to work on the IMPACT study, a pioneering evaluation of "probation and after-care" (as it was then called).

In 1974, after a brief stint as senior probation officer in Nottingham, Bill was appointed as Research Officer in the Sheffield Probation Service, the first *national* post of its kind, created by the city's far-seeing Chief Probation Officer, Hugh Sanders. Bill formed a close intellectual partnership with Tony Bottoms, then a newly appointed Professor of Criminology at the University of Sheffield. Responding to largely North American evidence (premature, as it happened) that "nothing works" better than anything else, including punishment, to change offenders' behaviour, they proposed a new paradigm for probation practice. When Tony moved to become Director of the Institute of Criminology in Cambridge, Bill accompanied him, and the rest of his career was pursued there.



Bill was erudite, but not a conventional academic. He had no first degree and had to get a special dispensation to undertake a PhD (on social enquiry reports) at the University of Sheffield. As an adult, he was an avid reader of history, philosophy and organisation theory, all of which he eventually used to illuminate a Probation Service that he considered indispensable to a "just" criminal justice system, its possibilities obvious from past experience, its potential still unrealised.

Bill wondered "what works?" well before that phrase became totemic in the Probation Service. His primary concern, though, was with defining and defending the moral heart of probation supervision, and with the knowledge, responsibility and craft of individual officers themselves, which he famously did not want dictated by "policy" or "managerial" requirements. He nowhere explained the personal roots of this preoccupation with effectiveness, but his familiarity with medicine as both a morally authoritative and evidence-based profession, autonomous even when embedded within the state, may well have underpinned his mission to achieve similar status for the Probation Service.

The Probation Service that Bill wished to see never materialised. Conceptions of best and progressive practice changed, dimensions of analysis added that Bill had not considered. Our memorial lecturers have borne witness to that. But the tension between what probation could be at its best and what government tries to force it to be, remains, and many lecturers have engaged directly with the politics of probation in our distinctively dark times, rarely without some hint of optimism. What survives of Bill in the lectures now, whoever the steering group asks to do them, is the same fused spirit of commitment and loyalty to probation ideals on the one hand, and intellectually informed critique on the other. What probation officers need to know to practice well, how they should be trained, supported and organised, what goals are feasible and desirable (and what are not) and where political support for it lies - all these still *bear thinking about*, perhaps now more than ever. Bill McWilliams was good at thinking. He would have found as much to argue with as to agree with in the things that have been said in his name over the (almost) past quarter century, but I am certain he would wholeheartedly support the enterprise.

### SAVE THE DATE

#### Twenty-third Annual Bill McWilliams Memorial Lecture

Online - hosted by the Institute of Criminology, University of Cambridge

#### *Public Policy and Probation: Is there a Welsh Way?*

to be given by

**Rt Hon Mark Drakeford MS**

*First Minister of Wales*

with respondents **Richard Garside** (*Director, Centre for Crime and Justice Studies*)  
and **Alex Osler** (*Head of Operations, National Probation Service, East of England*)

**Thursday 8 July 2021, 1.30pm**

**To be held Online**

This is the twenty-third of a series of annual memorial lectures given in the spirit of Bill McWilliams's work.

*Details about registration will be available in the next few weeks.  
In the meantime, please save the date.*

# Tribute to David Faulkner (1934-2020)

By Steve Collett, Adjunct Professor, School of Justice Studies, John Moores University and formerly Chief Probation Officer, Cheshire Probation Area.



I did not know David when he was a Deputy Secretary in the Home Office but colleagues who did spoke of his intellectual clarity, genuine humility and commitment to humanitarian criminal justice policies. I do, however, remember the first time I met David at a series of seminars that he ran at Birmingham University on behalf of the Institute of Local Government Studies in the mid-1990s. I am tempted to say that he took me under his wing, but I suspect that all of the attendees felt the same. He was the perfect antidote to the emerging narrow correctional vision and he engaged with everyone in what seemed to be a perfectly effortless and always supportive manner.

I got to know David much better over the recent past and he was a constant source of insight, critical perspective and academic support. He was a brilliant resource for our discussions and exchanges with Lord Ramsbotham over opposing the Government's *Transforming Rehabilitation* strategy.

David was the primary intellectual force behind what many consider to be a very fine piece of sentencing legislation - the 1991 Criminal Justice Act - which delivered for the first time a realistic and rational opportunity to reduce the prison population by integrating two often opposing notions of retribution and rehabilitation. Thirty

years later, I was hoping to see his analysis of the White Paper, *A Smarter Approach to Sentencing*, published recently by the current Justice Secretary Robert Buckland. Sadly, we will not be able to benefit from David's wisdom regarding this White Paper, but I think his views, expressed in a letter in to The Guardian (Harsh Lessons for the Coalition 8th May 2012) regarding plans for what turned out to be the disastrous *Transforming Rehabilitation* strategy gives us a shrewd idea. He urged the government to provide 'a clear principled sense of direction based on prevention, rehabilitation, problem solving and restoration ...' which would be consistent with the older traditions of the Conservative Party.

In a recent article ('Dominic Cummings take note: even Thatcher had liberal civil servants', The Guardian 11th November 2020) Martin Kettle reflected on the 'fairness, transparency, fact-based policymaking and the openness to ameliorative ideas that marked Faulkner's approach'. If ever a Government and a Justice Secretary needed such an approach it is now and any current or aspiring civil servant hoping to shape future criminal justice policy and Probation's position within it could do no better than to read David's book *Servant of the Crown: A Civil Servant's Story of Criminal Justice and Public Service Reform*, published in 2014.

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# Probation in Post-Liberal England

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A personal view by David Faulkner.  
Originally published in *Probation Quarterly*  
Issue 10 in December 2018.

The government and the Labour Party have both instigated reviews of the probation service. No-one would deny that change is urgently needed but the government certainly, and the Labour Party probably, will be looking for conclusions which fall conveniently within their own comfort zones. The situation calls for a more radical approach which takes account of the wider social and economic context.

The reviews are taking place at a time of exceptional uncertainty about the United Kingdom's future direction as a country, and for many people their prospects as individuals. The dividing lines are shifting between those who 'belong' and those who are part of the 'other', and between those who command authority and respect and those who do not. Identity is displacing class as an identifier in politics and social interaction. Old landmarks have disappeared and new ones have not yet taken their place.

It has long been one of the principles of good government and good public management that decisions should be based on rational judgement,

attention to evidence and respect for expertise, while decision-makers have at the same time to take account of how things look and feel. They have to pay attention to sensibilities, impressions and emotions. Governments have increasingly done so over the last 25 years, and yet 'ordinary people' have continued to feel neglected and overlooked, by the criminal justice system but also by government more generally. Brexit in Great Britain and Trump in the United States have been attributed to the 'establishment's' failure to respond.

That failure is associated with three things. One is the increasing politicisation of government and public services, as party political advantage, political dogma and party management became confused with, or took the place of, the wider national interest. Another is the advance of neo-liberalism and its substitution of metrics, targets, markets and contracts for professional judgement, public responsibility, public accountability and democratic control. The third is austerity whose effects on probation and prisons have now become all too visible.

At the same time the boundaries of criminal justice have been extended into new areas of behaviour, beginning with anti-social behaviour orders, with serious implications for standards of justice. Probation has become essentially an agency of punishment, while the police have increasingly been expected to act as a social service when other services have been withdrawn or not available.

An effective and influential probation service is especially important in a situation of this kind. Probation works in those places where people's lives are most precarious and their future most uncertain, and where the effects of social, economic and criminal justice policy come together. The country needs the service to do much more than punish offenders and coerce them into socially acceptable behaviour. Probation staff should encourage offenders to find opportunities and take advantage of them, to find a direction and purpose in their lives and to have some hope for the future. The service should establish or re-establish a place for itself in the communities which it serves, with a presence, an identity, a sense of belonging and an authority to make itself heard and felt in those communities.

Staff should concern themselves not only with the offenders assigned to them but also with offenders' families and the environment in which they have to make their lives; they should show that they are responsive to those who are affected by or concerned about crime or trouble

in their communities or neighbourhoods, and that they have something to contribute. They should work closely with the courts, other services (and not only those which are thought of as part of the criminal justice system), local government and civil society. They should be out and about and not spend too much time in offices or looking at computer screens.

Probation should not be thought of as being somehow apart from and nothing to do with 'ourselves', or with ordinary people going about their lives. The arrangements for probation's management and accountability should reflect and facilitate that wider role, and should enable work to be arranged to suit local conditions as well as comply with national standards and objectives.

The parameters for the service's reform should therefore include:

- Separation from the Prison Service;
- A local structure based on a suitable number of geographical areas;
- Accountability to probation authorities that are representative of local communities and stakeholders;
- Strong and independent professional leadership;
- The private sector's role, if any, should be confined to specific, limited tasks commissioned by the new probation authorities.

# Probation Domestic Abuse Policy: a summary

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Chris Edwards, Regional Probation Director for Greater Manchester and national lead for Domestic Abuse policy, provides an overview of recent developments and future strategy.

I took up post as Regional Probation Director for Greater Manchester on 1st of April 2020 and was assigned a national lead role for Domestic Abuse alongside this appointment. Some early landscape scanning showed that a recently compiled Domestic Abuse Policy Framework - essentially a Probation and Domestic Abuse state of the nation analysis as at March 2020 - was gathering dust, arriving as it did just before the impact of Covid. It was also clear that the National Domestic Abuse Group built around Probation's Divisional structure had ceased to run at the start of 2020 so there was no vehicle immediately available to breathe life into the Policy Framework across the newly constituted structure comprising 12 Regions.

As a result, a new Domestic Abuse National Reference group was set up with representatives from each of the new Regions. The majority of these reps, although not exclusively so, are Regional Heads of Public Protection, with the group augmented by a number of other subject matter experts and supported by colleagues from Business Strategy and Change.

Whilst driven by the need to raise the profile of the Policy Framework, two new policy priorities soon emerged. In the context of Covid and the impact on Accredited Programmes, the reduced delivery of Building Better Relationships (BBR) created and continues to create a backlog of interventions. As part of the overall recovery strategy for Interventions generally, there has been a drive to scale up 'toolkits' to support structured and sequenced 1:1 activity with service users. One of these is Skills for Recovery (SRT) designed for working with perpetrators of Domestic Abuse. The National Reference Group was tasked with accelerating the roll out of SRT to mitigate the impact of disrupted group interventions such as BBR.

A network of Regional Champions and Senior Probation Officers was established to receive a briefing and cascade the learning back to practitioners. Two briefing events were delivered to representatives covering all 12 Regions - monitoring of ongoing roll out continues via the National Group.



**Chris Edwards**

Regional Probation Director for  
Greater Manchester

It should be acknowledged that SRT roll out has been expedited because of Covid, but the longer-term intention is that it stays the course as a sustainable option for practitioners into the future post-unification of Probation in June this year. In line with this ambition, and utilising innovation funding from the Home Office, a project is underway to upgrade the materials used in SRT to enhance its position in the portfolio of practice options.

The second priority which has emerged is a longer standing concern raised in a number of inspections in the recent past. There is a lack of a consistent approach to obtaining Domestic Abuse collateral information at the point of sentence with the knock-on impact for subsequent assessments, not least for CRCs in the current system. Some locations do have something that is working well, with good relations with Police colleagues, but these successes are relatively few and far between. The National Reference group has driven a self-assessment exercise which confirms that no region has resolved this issue consistently. On the back of the self-assessment, Regional Probation Directors have been briefed and momentum will be maintained towards improvement supported by ongoing monitoring by the National Group - and the sharing of successful approaches.

So, there are two tangible priorities which are the focus for Probation nationally - SRT roll out and information sharing across partners. In the background is the Policy Framework and the ongoing need to raise and maintain the profile of this piece of work given its useful overview covering all aspects of Probation in this area: identification and sentencing; assessment and monitoring; risk management; release planning; planning and implementing the sentence; reviewing the risk; accredited interventions; non-accredited interventions; information sharing and storing; information exchange; multi-agency working and referral routes; victim safety; the victim contact scheme; safeguarding; domestic homicide reviews. Clearly this is work ongoing and will remain so into the future. Anyone interested in this area of practice is encouraged to dig out and read the document.

Looking ahead, it is an understatement to say that the environment is fluid with implications for how Probation approaches its work with DA perpetrators at pace and scale in competition with other priorities. Recovery from Covid and unification lie ahead. There will need to be considerable thought, creativity and resource as to how BBR is rebooted to pick up delayed starts, operating alongside other types of interventions. Unification requires there to be a rationalisation of the range of non-accredited interventions being delivered currently across CRCs, many of which appear to be working well and it's clear that a modern, unified Probation Service should have as broad a portfolio as possible of options for perpetrators of all types - accredited and non-accredited groups, 1:1 activity - and taking the learning from Covid, utilising technology and

virtual approaches where necessary. A rich area for research. CRC caseloads currently have high numbers of DA perpetrators, and it is important to ensure that appropriate scrutiny is maintained as a new tiering system is imposed and teams are reconfigured. Add on to this the perennial need to improve SARA usage and quality, to understand DA risks in the context of new commissioning approaches, to realise the benefits of Homelessness Prevention Taskforces and more. It is clear to see that the future in this area of work, as with all Probation work, represents a great opportunity to drive standards and consistency in balance with local variation.

From my perspective as Regional Probation Director lead in this area, I'm keen that anyone reading this piece logs the existence of the National Reference Group and that there will be representation from their region, for an opportunity to feed in local issues and initiatives at any time, or just pose questions. The current priorities of the group are set out above, but it also acts as a focus for discussion, a chance to share good practice - including for practitioners and policy leads outside of Probation - and a place to escalate and unblock issues of concern.

For further information go to:

<https://www.gov.uk/topic/law-justice-system/domestic-violence>

or contact:

[NPS\\_eastmidlandsbusinessstrategyandchangeteam@justice.gov.uk](mailto:NPS_eastmidlandsbusinessstrategyandchangeteam@justice.gov.uk)

## Drug treatment and the new model probation service: an opportunity to reduce re-offending

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Tony Margetts, former partnership manager for Humberside Probation and Commissioner for Drug and Alcohol Treatment for the East Riding of Yorkshire, now a self-employed consultant, currently working for Camurus, a Swedish pharmaceutical company, considers the role of Probation in the future of drug treatment.



Be creative



## Introduction

The probation service is emerging from a difficult period in its history and is facing new challenges in 2021. One of these is the relationship between drug treatment and the work of the National Probation Service. This article addresses drug, particularly illicit opiate use (mainly heroin) rather than alcohol treatment and is focussed on community criminal justice and treatment rather than treatment provided in prisons. Though drug treatment is an effective and well-evidenced way of reducing offending and re-offending, this has not been fully utilised in community criminal justice services and this has increased both the numbers of dependent drug users continuing to offend and the pressure on prisons. This trend has been made more acute by reductions in funding in treatment services and those services placing less emphasis on drug users within the criminal justice system. The paper aims to look at the role of partnership working and commissioning within the probation service, to engage with recent developments in government thinking on drug treatment and to respond to these challenges.

## Background

Illicit drug use places a heavy burden on the criminal justice system. This has not escaped the current government, which has realised that the current state of drug treatment is creating pressures in other areas, including acute hospital beds, homelessness and mental health services. In 2019 the then Home Secretary Sajid Javid, asked Dame Carol Black to lead a review into the extent of drug problems in the UK and then to suggest policy responses. The first part of the review was published in February 2020 and the second is due in 2021.<sup>1</sup>

Dame Carol Black estimated that a third of people in prison have drug problems. The current prison population is around 80,000 and yet the number



**Tony Margetts**  
Self-employed consultant

of community sentences with a treatment requirement is tiny. In 2019 only 4 per cent of all community sentences with a requirement (7,624) were Drug Rehabilitation Requirements (DRRs). The recent 'Smarter Sentencing'<sup>2</sup> white paper recognises concerns over the low number of community sentences with conditions, concerns over pre-sentence assessment and the use of short sentences. There has also been recognition of the importance of continuity of care. Dame Carol Black recognised the efforts made to treat prisoners but noted that pressures on prison regimes and the short length of many prison sentences means 'there are significant problems with the transition of prisoners to community treatment on release. Only a third of people referred for community treatment after release go on to receive it within three weeks. For non-opiate users, the figure is only 1 in 10'.

## A brief history

Tony Blair's government produced the first National Drug Strategy in 1999. This focussed on heroin use and associated crime, and the key intervention was Opiate Substitution Therapy (OST), specifically the prescribing of methadone and buprenorphine.

<sup>1</sup> Dame Carol Black Review of drugs phase one report: <https://www.gov.uk/government/publications/review-of-drugs-phase-one-report>

<sup>2</sup> A smarter approach to sentencing, white paper, September 2020: <https://www.gov.uk/government/publications/a-smarter-approach-to-sentencing>

OST is well-evidenced and is the most widely used drug treatment in the UK. In addition to new funding for treatment via the Department of Health the drug strategy saw the Home Office create the Drug Intervention Programme to increase access to treatment for offenders. OST was extended to prisons in 2006 with the introduction of the Prison Integrated Drug Treatment Service.

The Coalition Government's drug strategy of 2010 placed less emphasis on OST and drug treatment services funding was reduced as austerity hit public services - particularly after 2013 when drug treatment became a responsibility of Local Authority Public Health teams. This change also removed the requirement for local consultation through Joint Commissioning Groups, which included representation from the probation service. Reduced funding for drug treatment services coincided with the "Transforming Rehabilitation" reforms in the probation service.

2012 saw the creation of 42 elected Police and Crime Commissioners (PCCs), replacing the former Police Authorities. PCCs inherited some of the Home Office money for drug treatment. Most PCCs continued to fund drug treatment, although what they fund and how much they contribute is up to them. Some PCCs have taken an active interest in drug treatment and this may be combined with an interest in drug law reform. The Home Office has announced additional funding to address drug related offending and some pilot schemes called 'Project Adder' in England and Wales, which is coordinating law enforcement activity, alongside expanded diversionary activity and treatment/recovery provision.<sup>3</sup> It will be interesting to see if this will

lead to a new version of the Drug Intervention Programme and how this sits with local PCC initiatives.

## Where are we now?

The years after the first drug strategy saw a reduction in crime, but a rise in the numbers of people in prison and a fall in the use of community sentences.<sup>4</sup> It is tempting to blame all the probation service's problems on "Transforming Rehabilitation" but the reduction in community sentences started around 2010 and the rise in prison numbers appears to have been a trend going back to the late 80s with a projected increase from the current 79,000 to 98,000 by 2024.<sup>5</sup>

The government's own prevalence figures would suggest that there were 261,294 opiate users in the UK in 2019 and less than half of these were in treatment.<sup>6</sup> People are less likely to be in treatment when their opiate use is combined with other problems, particularly offending, homelessness and mental health. There is evidence that women and ethnic minorities are under-represented in treatment services. There would appear to be room both to increase the capacity of treatment services and to look at innovative ways of bringing more people into treatment, including those in the criminal justice system. There are some examples of good and innovative work, including initiatives from Police and Crime Commissioners, piloting pre-court diversion schemes, a national pilot to increase the use of CSTRs, including DRRs, recovery programmes in prisons such as HMP Holme House and the Home Office funded 'Project Adder' pilots which are (among other things) linking treatment services more closely to local criminal justice systems.

<sup>3</sup> See government press release: <https://www.gov.uk/government/news/148-million-to-cut-drugs-crime>

<sup>4</sup> See the excellent Crest Report "Community Sentences, where did it all go wrong" <https://www.crestadvisory.com/post/community-sentences-where-did-it-all-go-wrong>, more recent figures are quoted in the "Smarter Sentencing" white paper, see pp39-40

<sup>5</sup> For prison population numbers see: [Prison Population Projections 2020 to 2026, England and Wales \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

<sup>6</sup> See the annual report on numbers in drug treatment from [Public Health England: Substance misuse treatment for adults: statistics 2019 to 2020 - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

## Next steps

Drug treatment is a good example of where the new probation service will be required to work with a network of other statutory bodies including local authorities and elected mayors, Police and Crime Commissioners, Public Health Teams and Community Safety Partnerships. This has been recognised in the draft Target Operating Model and the new probation regions have been asked to set up Partnership Boards and appoint Community Integration Heads. Working in partnership includes recognising shared goals and objectives. It also requires recognising potential conflicts between competing, but legitimate, objectives and managing these conflicts. Commissioning, which is discussed within the NPS Target Operating Model, can be defined as the four-phase business cycle of 'review - assess - co-commission and design - deliver'. Co-commissioning and delivery also involve developing skills of working with external providers, including voluntary charitable and community providers. This includes much more than the mechanistic management of contracts through counting 'performance indicators'. These commissioning and partnership skills are particularly important in managing complex areas of public policy, including drug use but also in reducing risk of re-offending by offenders who may have other needs including homelessness, mental health, meeting the needs of women, LGBTQ groups or ethnic minorities. Training in these areas should be part of the process for managing the 'dynamic framework' for engagement with the voluntary sector. Clinks, a consortium of voluntary organisations working with the Community Rehabilitation Companies produced a critical report of work with the voluntary sector in 2018 which highlighted difficulties in engaging small providers, an over-reliance on activity, rather than outcome-based contracts and a lack of engagement at a local and community level.

A further key challenge is providing probation staff with the skills to engage drug-using offenders and to enable them to work effectively with treatment providers. Probation staff do not need to be experts in all aspects of drug treatment, but they would benefit from a good basic understanding of drug use and dependency and in particular the skills to assess the relationship between drug use and offending. Recent changes in drug use are beyond the scope of this article but while heroin and crack cocaine are likely to dominate probation caseloads there has been a rise in the types of drugs being used and the complexity of patterns of use. This has included new, often synthetic, drugs, the use of Image and Performance Enhancing Drugs (IPEDs), the illicit use of prescription medicines and a rise in poly-drug use. Probation staff have a unique contribution to make in assessing the treatment needs of drug users and the relationship between drug use and offending will enable probation staff to make better decisions on sentencing recommendations, supervision plans, risk management and proportionate and informed enforcement.

## Conclusion

Ensuring offenders have access to effective drug treatment is a well-evidenced way of reducing re-offending. Improving training and regarding this as a part of continuous professional development, building local partnerships with treatment providers and engaging with service users to learn from their experiences may be ways to start this process. The recognition by this government of the need to improve the quality and reach of drug treatment services gives the probation service a unique opportunity to improve the drug treatment available within the criminal justice service. This will require a wider re-engagement with partners and treatment providers but has the potential to make a real difference to the lives of offenders, their families and wider society.

# The future role of the Sentencing Council

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Penelope Gibbs, Director of Transform Justice, reflects on Rob Allen's recent report.

*'A mechanism will need to be found to limit the growth in the prison population. The need to do so is simply unavoidable.'*

Nick Hardwick, former Chief Inspector of Prisons, was speaking about a new estimate by the government of the future size of the England and Wales prison population - 98,700 by September 2026.

The actual size of the prison population has not risen for ten years, and has actually reduced in the pandemic due to fewer cases being heard. But there is a steady trend of sentence inflation (the average custodial sentence for all offences has increased 40% in the last ten years to nineteen and a half months) and the government have legislated for many prisoners to be released after serving two thirds of their sentence rather than half. Sentences have increased for many offences even when primary legislation hasn't changed. The work of the Sentencing Council might provide some explanation. This non-departmental public body (NDPB) issues guidelines for sentencers to follow, suggesting how a sentence should be decided. The Sentencing Council rarely sets out to increase average sentences. But in a number of cases new guidelines seem to have led to, or at least not prevented, sentence inflation. Sentences for ABH, GBH, burglary, sexual offences, theft and robbery have become harsher following new guidelines. In every case, the Council did not estimate that this sentence inflation would occur (or for GBH, underestimated the level of inflation).



**Penelope Gibbs**  
Director, Transform Justice

A new report by Rob Allen for Transform Justice [https://www.transformjustice.org.uk/wp-content/uploads/2020/12/TJ\\_November\\_2020\\_IA\\_3.pdf](https://www.transformjustice.org.uk/wp-content/uploads/2020/12/TJ_November_2020_IA_3.pdf) calls for reform of the Sentencing Council. It suggests that the Council should try to curb sentence inflation and prevent new guidelines contributing to the problem. But the current Council seems unwilling to grasp the nettle.

The Council is, under statute, supposed to promote effective sentencing. But sentencing guidelines seldom allude to how effective a particular sentence is likely to be. One way they could do this would be to advise against the use of short prison sentences.

# Transform Justice

There is already strong evidence that short prison sentences achieve little, with subsequent reoffending high. Of the 65,000 people sentenced to prison for the more serious offences last year, 17,000 were sentenced for theft, 9,000 for drug offences and 7,000 for miscellaneous crimes against society. 27,000 were sentenced to six months or less. In March 2018, almost a thousand people were in prison for shoplifting, 25 for theft of a bicycle and 11 for possession of cannabis. The law requires that a custodial sentence must not be imposed unless the offending crosses the so-called custody threshold - that it 'was so serious that neither a fine alone nor a community sentence can be justified for the offence'. If the Sentencing Council defined 'so serious' and made it quite a high bar, many short prison sentences could be avoided.

Today's Sentencing Council seems disinclined to give any guidance on the effectiveness of sentences. But they have taken some small but significant steps towards highlighting bias in sentencing. The Council has published research showing that there are disparities in the sentencing of drug offences in the Crown Court: 'For Asian offenders and those in the "Other" ethnic group (which included offenders

who were not Asian, Black or White), the odds of receiving an immediate custodial sentence for the three drug offences were 1.5 times the size of the odds for White offenders. The odds of a Black offender receiving an immediate custodial sentence were 1.4 times the size of the odds for a White offender': <https://www.sentencingcouncil.org.uk/news/item/investigating-the-association-between-an-offenders-sex-and-ethnicity-and-the-sentence-imposed-at-the-crown-court-for-drug-offences/>. In the new guidelines the Council issued in January 2021 for drug offences they have drawn sentencers' attention to existing disparities in sentencing. It's a good start in trying to tackle bias in sentencing, but it remains to be seen if such a softly, softly approach can make a difference.

The Sentencing Council is pondering its future direction having run a public consultation on 'what next for the Sentencing Council?' Left to decide its own future, it is unlikely to plump for radical change. But one can only hope that the Council resolves to curb the seemingly inexorable rise in the length of prison sentences, and to make an attempt to judge the effectiveness of the sentences they recommend.

## **The move online - what does it mean for domestic abuse perpetrator programmes?**

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Nicole Westmarland and Rosanna Bellini from Durham University Centre for Research into Violence and Abuse (CRiVA) report on two recent research projects

In 2018 we were contacted about a new delivery method for a perpetrator programme - one that would be delivered remotely, using live video conferencing software (GoToMeeting). We were excited about being part of this and providing the research arm for a number of reasons. Nicole Westmarland had spent many years on a large award-winning programme of research into perpetrator programmes in the UK ([www.projectmirabal.co.uk](http://www.projectmirabal.co.uk)). Rosanna Bellini was researching how human computer interaction approaches to designing safe digital technologies could be applied to the field of domestic abuse. We were often asked about the opportunities that might exist if programmes were remotely accessed rather than in person. This was particularly an issue in countries such as Australia with distances that can make travel for an in-person group impossible. Indeed, one of the facilitators of the USA group we evaluated told us about a man on one of his previous in-person groups that had to take a flight to and back from the programme every week, for twenty-six weeks. This is clearly not sustainable on an environmental basis, and financially would be available to few.

A further reason for our interest is the recognition that in one way or another, the scale of perpetrator interventions must be scaled up substantially to start to see a real reduction in levels of violence and abuse in society. At the moment, access to perpetrator interventions is too piecemeal and limited (something the current call to action for a Domestic Abuse Perpetrator Strategy for England and Wales is also concerned with). Where programmes or other interventions are not available, there is a risk that perpetrators may be given the green light to return to the same context of abuse, unchallenged. Finally, we had some concerns about the move online and



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Durham University Centre for  
Research into Violence and Abuse

how the emerging field was starting to develop (through online materials rather than fully online facilitated programmes) and we wanted to be involved in this from the start as we saw its increase as inevitable (even before Covid-19).

This dual concern around inevitability and quality of practice was also the catalyst for the USA programme facilitators Melissa Scaia and Jon Heath - who are very experienced facilitators working out of Duluth, Minnesota and Maine respectively. The programme was a 'live', 'real time' men's non-violence programme designed by Melissa Scaia at Pathways to Family Peace. The programme has since been adopted as part of the core work on Global Rights for Women.



The programme used a combination of the Duluth Model 'Creating a Process of Change for Men Who Batter' and the 'Addressing Fatherhood with Men who Batter' curricula. After the intake interview, the men were required to participate in 27 sessions of 90 minutes group work. All of the men were court mandated but were unable to attend an in-person group - either because they lived in a rural location or because they were required to travel as part of their job, making regular attendance difficult. Men who did not have the technology required (in this case, a tablet or laptop), Wi-Fi strong enough to connect to the programme, or a quiet environment away from children or partners, were able to log in from their nearest probation office.

We attended the online sessions of the USA programme, conducted interviews with the programme facilitators, the six men attending the group, and eleven facilitators or managers of other programmes around the world who were given the opportunity to observe one of the sessions. It was a small-scale study with a number of limitations, and caution should be taken in extrapolating the findings. However, as we finished our fieldwork just the month before Covid-19 started, we knew it was important that we shared our findings as soon and as widely as we could. As programmes across the world started asking themselves how and whether they should continue their work with domestic abuse perpetrators, we had crucial information that helped guide responses in the early days.

In our research paper that will be published in the Journal of Gender Based Violence later this year, we argue that remote access programmes can be useful as an option where no in-person group is available. However, there remain a number of challenges. First, new facilitation techniques are required for the online environment. Second,



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Durham University Centre for  
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although remote delivery did solve some problems, others arose in their place, including access to technology, broadband speeds, and a private and safe space to participate. Third, we were not able to include interviews with victim-survivors or community partners in our study. Gaining these views remains a major gap, and we have identified that this gap has widened even further given the extent of online development over the last 12 months.

This limited victim-survivor voice, which extends to a limited victim advocate voice, is one of the similarities that we saw when we conducted a second study in the field of remote access perpetrator programmes. Between July and September 2020, we conducted 36 interviews with managers, coordinators, and facilitators of domestic violence perpetrator programmes across the UK, USA, and Australia. In this study we explored the extent to which perpetrator programmes had moved online in response to Covid-19 and how their experience of this move had been.

The other similarity we saw across the three countries alongside the limited victim-survivor voice was problems with technology, internet and technical proficiency - again echoing our previous study. However, we also saw positive similarities across the three geographical locations. Staff talked about feeling better connected to the national and international sector for example. Being able to attend webinars online rather than in person, greater networking and supporting each other through a period of rapid change were some features that contributed towards this feeling of connectedness. As one of the participants from the USA told us:

*'Despite being more socially isolated than ever ... I've never felt more connected to bodies internationally that are actively offering information.'* (USA participant)

*'Before Covid came along we didn't do a joint-sector meeting where everyone comes ... you get to hear the problems first-hand. It does feel like a family environment, you don't feel as isolated because you're chatting a lot more with people who are doing this kind of work. Once you get to see someone there is more of a connection because there's less guesswork.'*  
(UK participant)

Another area of agreement across all three locations was that things will never go back to 'normal' (i.e. before the impact of Covid-19) in terms of delivery of perpetrator interventions.

*'I feel like I've been given permissions to try new things out and be innovative. Until now it's been like you can't do this, you can't do that ... I feel freer now in this new world.'*  
(UK participant)

*'Covid has given us the impetus to put things in place to try to reach men who couldn't reach us. I think the pandemic stopped us getting too set in our ways!'*  
(UK participant)

Other participants talked about the way they would work differently in the future in terms of training and in terms of multi-agency practitioner meetings - with the acknowledgement that much of this work would continue online rather than going back to in-person meetings.

We cannot say with any certainty the effectiveness of remote access perpetrator programmes. Ours was not an outcome study, and victim-survivor voices have not featured prominently enough in any research that we have seen to date including our own. However, we are aware there is a huge step up in terms of research in this area due to Covid-19 including greater attempts to hear the voices of victim-survivors. While the future of remote programmes remains unclear, what is clear is that this area of work and doubtless many others will never go back to the way they previously operated. It is our hope that any move to remote working and programmes can be part of an holistic strategy to create a much larger and diverse suite of effective interventions for perpetrators of domestic abuse in order to increase the safety and freedom of victim-survivors.

## Further resources

Project Mirabal has a new website that brings all the articles, briefing notes, and resources for practitioners together in one place [www.projectmirabal.co.uk](http://www.projectmirabal.co.uk)

Our full research paper, 'A Problem Solved is a Problem Created - The Opportunities and Challenges Associated with an Online Domestic Violence Perpetrator Programme' will be published later this year in the *Journal of Gender Based Violence*.

To join the Call to Action for A Domestic Abuse Perpetrator Strategy for England and Wales see <http://driveproject.org.uk/wp-content/uploads/2020/01/Call-to-Action-Final.pdf>



## A time whose idea has come

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Phil Bowen, Director of the Centre for Justice Innovation, argues the case for the professionalisation of Probation.


 The logo for the Centre for Justice Innovation features four thick, horizontal black bars of varying lengths stacked vertically on the left side. To the right of these bars, the words "Centre for Justice Innovation" are written in a bold, sans-serif font, with "Centre" and "Innovation" on the top and bottom lines, and "for Justice" in the middle.
 

## Centre for Justice Innovation

It was absolutely justified for many of us who saw the mounting disaster of the Transforming Rehabilitation reforms to feel a moment of sorrowful vindication when the current Lord Chancellor took the not easy decision to call time on it, and renationalise the probation service. So, when the Government White Paper, *A Smarter Approach to Sentencing*,<sup>1</sup> extolled the need to build a 'world-class probation service', it was equally seductive to expel an ironic snort.

The general response to the White Paper has suggested that, overall, it's a bit of a Frankenstein's monster of half-remembered policies and practices of yesteryear stitched onto punitive rhetoric and policies.<sup>2</sup> But, within the White Paper's twisted patchwork of the rehabilitative and the retributive, we should welcome the fact that the White Paper has opened, albeit only slightly, the door to the idea of professionalising the probation service—the Government have committed to 'explore options' for the professionalisation of probation.

The professionalisation of the probation service is not a new idea. It's one of those ideas that has bubbled to the surface almost every time a Government has decided to re-arrange the probation service, which, in the English and Welsh context, means more frequently than birthdays for people born on 29th February. That frequency can feel like an emblem of ageing— if probation professionalisation is being explored again, it must mean it's time to book my next eye test.

But, for all the issues that fans of probation have with the White Paper, as optimists we

have to see the opportunity in every difficulty. The renationalisation of the National Probation Service, the White Paper's focus on empowering probation, and the Government's overall narrative of building back better (no eye-rolling at the back) have to be seen as opportunities, opportunities that have not been present in the probation firmament since the mid-2000s.

The argument for it is simply made. One of the core purposes of probation services is to protect the public, and yet there is reason to suggest, in recent serious further offence reviews, that the lack of continuous professional development and clear standards (as well as a lack of funding and continuous and damaging reforms) has meant probation is not always discharging its services as effectively as the public demands. If the Government wants a world-class probation service, it should set consistent, coherent and agreed standards and qualifications to which all practitioners, managers and leaders in probation services adhere.

Moreover, if the Government sees probation empowerment as part of building back better, we need a probation service that the public, service users and the courts have confidence in. The obvious corollary of more powers is to create a system in which the right to practice is independently monitored, continually re-assessed, open to external scrutiny. In short, placing probation on a similar basis to other closely allied professions including social work and law may give the service the credibility that it has, for far too long, been denied.

Finally, placing probation services on a professional basis would bring England and Wales into line with other UK jurisdictions. While the standard of qualification expected in the three jurisdictions is at the same level, what does not happen in England and Wales is the same requirement for practitioners to be registered, nor having to conduct continuous professional development in order to be regularly re-registered, nor having to abide by a set of ethical and professional standards in the same way. There is no good reason why the English and Welsh public deserve lower standards for their probation services than those in Scotland and Northern Ireland.

This is why, in our recent briefing, we have set out a particular vision of professionalisation.<sup>3</sup> Fundamental to probation professionalisation is the requirement that all probation practitioners and managers hold a licence to practice— that in order to work in community supervision, practitioners must be able to demonstrate that they have attained a shared and consistent level of competence. Over time, this would be required for all practitioners and managers of practice in probation and rehabilitation, whether employed by public, private or voluntary sector employers. We also need clear ethical and professional standards, signifying what good probation practice looks like as well as setting out what probation's code of ethical conduct is. These ought to be developed independently from Government, and created with and alongside practitioners and service users in the sector, and with public input into their development.

As licences to practice are granted, professionals would be required to enrol onto a central professional register. This registration would be the key way in which individuals would be able to demonstrate their compliance with the

regulations and their licence to practice. This registration would be specific to the individual and would transfer with the individual and would need to have a clear process for removing people from the register. As part of that requirement to register, all regulated practitioners and managers would be required to submit evidence of continuous professional development completed across a defined period.

Implementing these policies would be immeasurably strengthened if an external, independent regulatory body was created to establish and oversee them. Many related professions are overseen by an external, independent regulatory body; for example, the Nursing and Midwifery Council oversees nursing. There is an open question as to whether there is an existing body which could play these roles, but there is also an opportunity, in the forthcoming legislation to implement proposals in the White Paper, to establish a separate regulatory and professional body for probation in statute. This would ensure the independence of that body, and provide clarity about its status and the wider status of probation. There are good arguments that the size and diversity of the probation and wider offender management workforce, and the specialised nature of probation work, requires a separate body to take on these roles.

Of course, all of this depends on people within probation, and the Ministry of Justice, and outside, seizing the opportunity of the current difficulties to help take this critical step in creating a world class probation service. But, maybe, just maybe, the confluence of the renationalisation of the probation service, a new sentencing bill and a Government committed to building back better mean the idea of probation professionalisation has finally found its time.

<sup>1</sup> Ministry of Justice. (2020). A Smarter Approach to Sentencing. Available at: <https://www.gov.uk/government/publications/a-smarter-approach-to-sentencing>

<sup>2</sup> See: essays in Criminal Justice Alliance. (2020). A smarter approach to sentencing? A response to the government's White paper on sentencing', (ed) Criminal Justice Alliance: available at: <http://criminaljusticealliance.org/wp-content/uploads/2020/12/CJA-sentencing-white-paper-response-FINAL-1.pdf>; essays in Probation Institute. (2020). A Smarter Approach to Sentencing: A collection of responses to the Government's White Paper, Probation Quarterly: Issue 18. Available at: <https://www.probation-institute.org/probation-quarterly>

<sup>3</sup> Bowen. (2021). Delivering a Smarter Approach: Probation Professionalisation. Centre for Justice Innovation. Available at: <https://justiceinnovation.org/publications/delivering-smarter-approach-probation-professionalisation>

## The architecture of Probation Offices

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Anne Burrell, Practice Teacher Assessor, reflects on the Probation Institute's recent Professional Discussion about the significance of the physical environment of probation office space.

The Exceptional Delivery Model for Probation Services generated in response to the COVID-19 pandemic has inevitably brought into sharp focus the working environments of probation practitioners. For most of probation's history, the notion of working from home has been regarded as almost heretical, not least due to issues of data protection and confidentiality. In practice, the 'flexible' working arrangements necessarily put in place via the EDM have demonstrated both positive and negative aspects of remote working, some of them unexpected.

Alongside this, HMPPS has recently published its 'Probation Offices Design Guide - key principles' (HMPPS 2021). This document appears unusual, in that it starts from the premise of effective probation practice, and the physical environments which might best support probation work. In this respect, the design guide could be regarded as aspirational. It is notable, for instance, that there is no discussion about the reorganisation of probation offices as the private and public probation services reintegrate later this year.

In this context, it was instructive to participate in a Probation Institute event, held via Zoom, on January 6 2021, during which Jake Phillips, Reader in Criminology at Sheffield Hallam University, led a discussion about the impact of probation buildings on the people obliged to use them.



**Anne Burrell**

Practice Teacher Assessor

In a paper published in the Probation Journal in 2014, entitled 'The architecture of a probation office: a reflection of policy and its impact on practice,' Phillips makes the point that the current locations of probation offices 'represent probation's move away from the communities it serves' (Phillips 2014:117). Practitioners with any length of experience will recollect working out of locally situated, sometimes part-time, offices, in a variety of locations, not always fit for purpose, particularly in respect of health and safety, accessibility and managing risky and volatile situations.

Phillips suggests that several drivers have shaped the current provision of probation offices, which now largely comprise larger functional premises, often located on out-of-town business parks. He asserts that this model reflects 'policies of health and safety, managerialism, and specialisation, as well as a desire to "rationalise" the service's estate' (Phillips 2014:118). This point was reiterated by a former probation practitioner, now an academic, at the PI event, when he informed participants that the decision to relocate to industrial estates was primarily predicated on 'reducing the square footage' of probation office accommodation at a key point in the late 1990's, with the objective of reducing public spending where possible.

Phillips mourns this loss of localisation of services, and with justification. Most of our public services are now enormously centralised and accessing them has become increasingly formulaic, challenging and, arguably, discriminatory - as people without access to electronic communication may lack the means to be kept informed of their statutory appointments, and may also lack the means of accessing facilities. In this context, Phillips references Durnescu's (2011) arguments about the 'pains of probation' and notes that 'offenders' experiences of getting to appointments impact on how "painful," and thus punitive, offenders perceive their sentence' (2014:122). At the PI event, former service users, now working with Revolving Doors, were articulate and passionate in emphasising that the challenge of travelling to a remote and isolated location was definitively experienced as an additional 'pain' of probation, and could detract from their relationship with their supervising officer; it certainly affected their perceptions of the Probation Service.

In contrast, it is notable that some Community Rehabilitation Companies were swift to adopt the notion of 'agile working' and were early champions of local delivery of practice. In some instances, this appears to have meant issuing practitioners with laptops and smartphones, and sending them out into communities to conduct supervision in local coffee shops. Whilst there may be some merit in this method of operation, it is equally apparent that there are intrinsic flaws, notably regarding confidentiality, and the robustness and quality of supervision in such contexts. I would also argue that supervision via these methods, however superficially user-friendly, demeans the professional status and role of probation practitioners. The identification of premises and their purposes have an impact on what is done and how the people involved feel about it.

In his paper, Phillips also considers the layout and setup in contemporary probation offices, arguing that gaining access to the building presents its own set of challenges. Invariably, entrances and reception areas are screened by CCTV. Access to the building requires being buzzed in by whoever is staffing reception, verification of the identity of the visitor, to whom they are reporting, and confirmation of a prearranged appointment. Phillips expresses concern, that 'the health and safety agenda masks a deeper fear of offenders which has begun to permeate the physical space in which probation is practised' (Phillips 2014:124). He suggests that the process results in a situation in which 'offenders are increasingly "othered," even if they do not pose greater extant risk' (Phillips 2014:124).



In the period since Phillips' paper was published, it would be true to say that probation is indeed working with increasingly risky individuals, most notably people convicted of terrorist offences. But it remains the case that the vast majority of people supervised by probation present little risk to anyone other than themselves, and possibly those already known to them. For them, these levels of security are both disproportionate and may have a negative impact on their rehabilitation. Whilst it is apparent that the emphasis of probation locations is on providing an efficient, business-like and, as far as possible, risk-free environment, both for practitioners and service users, this does not mean that the context for probation needs to feel oppressive, remote and distant from the lives of the people who are required to access its services.

These are complex and multi layered arguments regarding the working spaces of probation practitioners and the impact on professional values and on professional relationships. What is apparent, and is emphasised by the Probation Institute in a Position Paper produced in 2016 (now in the process of revision and updating) is that the spaces in which probation work is conducted need to be conducive to forming an appropriate and supportive team culture; to enable confidential and private activities and discussions to take place; to permit creative collaboration between practitioners; and to offer places where both practitioners and service users can feel safe and be reflective. Considerations of office space will inevitably continue to form part of the evaluation of how and where probation work is practised post the EDM phase. It would be rewarding to see the issues of professional practice, accessibility and location form part of any decision-making process.

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# The Domestic Abuse Bill and the Role of the Domestic Abuse Commissioner

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Nicole Jacobs, Domestic Abuse Commissioner, explains her role and the importance of legislation progressing through Parliament.



Domestic abuse is a horrific crime which is perpetrated on victims and their families by those who should love and care for them, which makes it a crime like no other. Domestic abuse can happen to anyone, and we will all know someone who is affected by it, whether we are aware of it or not.

It's a crime that's often hidden or overlooked but costs our society so much socially, emotionally and financially. The Government estimated the cost of domestic abuse for the year ending March 2017 was approximately £66bn for victims in England and Wales. Statistics from the ONS last year showed that 2.3m people were subjected to domestic abuse - 1.3m women and approximately 750,000 men. Still, sadly, on average, 2 women a week are killed by a current or former partner.

Over the past year, as a society we've become increasingly aware of the dangers of domestic abuse, particularly as victims have been forced into lockdown with abusive partners. We have seen huge increases in the number of victims seeking help through domestic abuse helplines and online chats, as well as concerned friends, families and neighbours contacting helplines for advice.

The prevalence of domestic abuse remains far too high and we need to do so much more to address it. While we have seen many improvements, they remain patchy and the national and local response is inadequate to deal with the scale and complexity of the problem. What we are seeing at the moment is a 'postcode lottery' when it comes to services responding to domestic abuse and supporting survivors, with significant variations across England and Wales. Not only does the specialist domestic abuse support available vary in both quantity and quality, but the wider community response from health, housing, education or social care varies considerably.



**Nicole Jacobs**  
Domestic Abuse Commissioner

As the Domestic Abuse Commissioner, my role will be to stand up for victims and survivors, raise public awareness and hold both agencies and government to account in tackling domestic abuse. Since I took up my role as the Designate Domestic Abuse Commissioner for England and Wales in September 2019, I have put my 20 plus years of experience in domestic abuse policy and intervention to work to drive improvements to transform the response to domestic abuse. I am as committed now as I was at the beginning of my career to championing victims and survivors of all ages, status, and backgrounds, and to shine a light on practices that fail them.

I started my career at the Alabama State Coalition Against Domestic Violence in the United States. I came to London in 1999 and have worked in a number of well-respected sector organisations, most recently as the CEO of Standing Together Against Domestic Violence. It is through this experience and my understanding of the domestic abuse sector and local services that I have shaped my priorities as the Domestic Abuse Commissioner, and it has driven me to campaign for a better response to victims and survivors.

The role of the Domestic Abuse Commissioner is enshrined in the Domestic Abuse Bill which is currently going through the House of Lords. We are hoping that the Bill will get Royal Assent by the Spring, and when that happens, I will have specific legal powers that will help to drive up our response to domestic abuse across England and Wales. These powers will mean all statutory agencies and Government Departments will have a legal duty to cooperate with my office and to respond publicly to any of my recommendations within 56 days.

The Domestic Abuse Bill is described by the Government as a 'landmark' legislation which will create a statutory definition of domestic abuse, emphasising that it is not just physical violence, but can also include emotional, sexual, mental and economic abuse.

Other key aspects of the Bill include the provision for a new Domestic Abuse Protection Notice and Domestic Abuse Protection Order (DAPO). This will bring together the wide range of civil orders currently in place to create one single, stronger mechanism that will seek to keep victims and survivors safe. The new DAPOs will allow for positive requirements to be placed on perpetrators of domestic abuse, rather than just restrictions, which could help to better manage their behaviour through, for example, requiring participation in a perpetrator behaviour change programme.

Local authorities in England will also have a statutory duty to provide support to victims of domestic abuse and their children in refuges and other safe accommodation. I am also supporting an amendment which would mean that local

authorities would have a duty to provide community-based support. These frontline services are often a lifeline for victims. Other measures included in the Bill will stop perpetrators of abuse from cross-examining their victims in person in the civil and family courts in England and Wales. There will be a statutory presumption that victims of domestic abuse are eligible for special measures in the criminal, civil and family courts, and the guidance supporting the Domestic Violence Disclosure Scheme ('Clare's law') will be placed on a statutory footing.

The Bill means that all eligible homeless victims of domestic abuse will automatically have 'priority need' for homelessness assistance and where a local authority, for reasons connected with domestic abuse, grants a new secure tenancy to a social tenant who had or has a secure lifetime or assured tenancy (other than an assured shorthold tenancy) this must be a secure lifetime tenancy.

There's no doubt that the Bill contains many positives that will help victims and survivors across England and Wales but for this to truly be the landmark legislation the Government set out to create it needs to go much further.

Therefore, I am supporting a series of amendments that will truly make this legislation transform our response to domestic abuse. These include extending the controlling and coercive behaviour offence to post-separation abuse, better support for migrant victims and survivors, including creating safe avenues for them to report, and requiring local authorities to provide the full range of domestic abuse services, not just refuge spaces.

I'm also supporting amendments that would introduce a statutory defence for survivors who offend due to abuse, paid leave and employer support for victims, and changes to the family court process to keep victims and their children safe. I hope that the Government will see the need for these changes which are being championed by parliamentarians across the political spectrum and campaigners from the domestic abuse sector.

But it's not just the Bill that can improve our response to domestic abuse. We all have a role to play, whether it is as healthcare workers, friends, family, neighbours, or probation officers. I gather there is likely to be a significant process of change within probation when it comes to domestic abuse following the inspectorate report in September 2018 which focused on how well Community Rehabilitation Companies (CRCs) were doing to reduce domestic abuse and protect victims. I very much looking forward to working with the renationalised NPS in the coming months to address some of the gaps that were identified.

As probation officers, you will no doubt understand all too well about working with perpetrators of domestic abuse, and how to support them to change their behaviour and manage the risk they pose. That's why I am also calling on the Government to develop a strategic response to perpetrators and support the sector's Call to Action for a National Perpetrator Strategy. You can read more about it here ([https://hubble-live-assets.s3.amazonaws.com/respect/redactor2\\_assets/files/150/Call-to-Action-Final.pdf](https://hubble-live-assets.s3.amazonaws.com/respect/redactor2_assets/files/150/Call-to-Action-Final.pdf)).

Working with perpetrators is such an important piece of the puzzle, and now is the time to be clear about what needs to change, as the Government is currently asking for views through its Call for Evidence on a new Violence Against Women and Girls Strategy. You can access more information here (<https://www.gov.uk/government/consultations/violence-against-women-and-girls-vawg-call-for-evidence>)

To address the patchwork of provision locally, I am currently mapping perpetrator behaviour change programmes across England and Wales. This will help us to better understand what provision already exists, so that I can press both local and national government to address any deficiencies where we find them. This will fit into my wider mapping of services for victims and survivors, which will help me to address the 'postcode lottery' and hold national government and local agencies to account.

Finally, I'd like to end this article by reminding readers that domestic abuse isn't something that happens 'out there' to 'other people'. We all have a role in looking out for one another, now more than ever, so if you are concerned about a friend, neighbour or colleague, do reach out - and the national domestic abuse helpline can also provide support and advice. And to readers who are or have been subjected to domestic abuse, know that I stand with you and I will do everything I can to improve our response to these terrible crimes.

# Remote Supervision - Getting the Balance Right

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A research report by:

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The Covid-19 pandemic brought sudden and significant changes to probation practice. The HMPPS Exceptional Delivery Model required staff and service users to interact in different ways, including making much greater use of the telephone to keep in touch. A small team of researchers (from the Kent, Surrey and Sussex Community Rehabilitation Company Research Unit and the Institute of Criminology at the University of Cambridge) set out to explore case managers' views of the benefits and limitations of different methods of remote communication. The research sought to answer two key questions:

- What practice methods, skills and technologies are currently being used by case managers?
- What current practice measures do case managers experience as valuable, with the potential to be retained and developed in the future?

The research gathered data from an online survey (with 79 responses from staff in case management roles) and from 12 semi-structured interviews. These 12 interviews gave the opportunity to dig deeper into the themes that emerged in the survey. Data was gathered from the three CRC divisions run by Seetec. Interviews were conducted by telephone and videoconference in August and September 2020 and the survey was open for responses from July to September 2020.

### What did the research discover?

The telephone call was the most common form of remote supervision used by practitioners. Calls enabled a wide range of supervision tasks to take place, with staff deeming them more suitable for routine reporting and unscheduled welfare checks, and least suitable for induction

appointments. Video calls were not used to contact service users (this was a matter of CRC policy) but were regularly used for meetings with other professionals.

Text messages and emails were also commonly used (the former for quick and direct communication, the latter for passing on key health/employment documents) but had their problems in the form of data security breaches and the risk that information might be read by someone other than the intended recipient.

Research participants pointed to strengths and limitations of telephone supervision. It offered considerable flexibility to service users (e.g. for those with childcare responsibilities, work commitments, or physical health problems), but was not always felt to be inclusive (e.g. for those who had English as a second language, or who had hearing difficulties). The flexibility of telephone supervision appeared to increase compliance, but its less formal nature was said to risk complacency. Service users were answering the phone and hence maintaining contact while not necessarily actively engaging. Supervisors deemed remote risk assessment problematic and, significantly, telephone contact almost always felt unsuitable for cases involving child protection and domestic violence.

When working with service users with drug and alcohol problems, who were homeless, or who were experiencing mental health issues, practitioners saw challenges as they were unable to do visual checks for safety and wellbeing. Sight was significant, but telephone supervision deprived practitioners of other senses too. Practitioners also valued their sense of smell as a means of gathering crucial information about the well-being of service users and talked about the importance of tone of voice in difficult telephone calls.

Remote supervision also posed a challenge to building and sustaining professional relationships with service users. Indeed, familiar processes of listening, being friendly, and being clear about the purposes, expectations and options of supervision brought emotional labour, an intrinsic aspect of probation work, into sharper focus. The research was not directly investigating the experience of working from home, but inevitably the pandemic has blurred issues of remote supervision and working from home highlighting the complexity of setting appropriate boundaries for professional relationships. It was not always possible to separate work time from home time and some practitioners (who had not had a work mobile phone prior to the pandemic) found themselves accessible to service users in unfamiliar ways.

Finally, though already a part of frontline practice, the pandemic increased the use of video/ telephone conferencing for inter-agency work. Many staff were positive about this, citing the time saved by not attending in person, but others expressed concern that it was not easy to support someone, especially someone vulnerable, in a difficult virtual meeting.

## What did the research conclude, suggest, and recommend?

**1. Supervision cannot rely on telephone contact alone** - Deprived of the opportunity to see, hear (and sometimes smell) properly, supervisors were not getting the full picture of service users and reciprocally, service users were not getting a full picture of them. Telephone supervision constrained practitioner ability to gather the information needed to make accurate risk assessments, and was not always sufficiently formal given the statutory nature of probation

supervision. Remote supervision was also a difficult experience for vulnerable service users and those with complex needs.

**2. However, there is a place for telephone supervision** - Telephone supervision can work well in cases where staff and service user know each other well, where the service user's circumstances are stable and where risk is assessed as low. Service users, where this is appropriate, avoid the expense and inconvenience of travelling to probation offices. In some cases, telephone supervision enables conversations and reflections that are more comfortable, genuine, and purposeful than those that take place in the office.

**3. The importance of professional discretion** - Practitioners would like to continue with elements of remote supervision and would welcome an increase in professional discretion in this area. New guidance is needed to take account of these changes in working practices and professional boundaries, for example around use of work equipment, sharing of email addresses, security of data and recording of decisions about modes of contact. Increasing the scope for the use of professional discretion in this way also brings new support and training needs for staff.

**4. Thinking about video calls** - The research supports the continued use of video calls for inter-agency meetings. Though staff had no experience of video supervision, many saw the value of it through offering the prospect of seeing (as well as hearing) service users and their immediate surroundings. A trial of video calling would enable practitioners to explore the benefits and limitations of this technology, assess its usefulness and contribute to developing the necessary protocols and practice guidance.



### 5. Developing the use of internet resources for supervision

The research also points to the possibility of broadening structured supervision by drawing on online resources. Ability to use these resources was sometimes hampered by lack of smartphones (for practitioners), Wi-Fi issues in offices, security settings on work devices, and access issues for service users, but there was significant interest. Staff asked for more information about appropriate good-quality online resources, expressing enthusiasm for a resource library that could be used as part of individual supervision (e.g. a Targets for Change resource for the age of the internet).

### 6. Flexible working with greater use of remote supervision

‘Working at home’ and ‘remote supervision’ are two different things which, in the context of the pandemic, overlap. Some of the objections to telephone supervision seemed really to be objections to working at home, for example the sense of intrusion into the practitioner’s home. After the pandemic, it was hoped that the benefits of working from home might be maintained (including travelling less, staying late in the office less frequently, and managing their family responsibilities more easily) with staff allowed more opportunity for flexible working.

## Getting the balance right

This was a small study conducted within three CRC divisions (and the researchers are grateful to all the CRC staff who supported the study and participated in the survey and interviews). Further research and evaluation would usefully develop its findings by, for example, looking at practice in the National Probation Service, learning from countries elsewhere in Europe and including the perspectives of service users.

The full research report is available to read here:

<https://www.kssccr.co.uk/wp-content/uploads/2020/12/Dominey-Coley-Ellis-Devitt-Lawrence-2020-Remote-supervision-Getti....pdf>

Communication and human interaction are central to probation supervision. This research highlights ways in which remote supervision impedes supervision and hinders the process of building rapport and trust. However, it also suggests that there is a place for the telephone and internet resources as options available to enhance supervision. One of the interviewees in this study spoke for many of the research participants, explaining how her learning over past months encouraged her to continue with some elements of remote supervision alongside more traditional practice:

*‘I don't think we ever would have gone to this phone contact if it hadn't been these exceptional circumstances. It's been forced to come in. But there certainly have been some benefits... it's the mixture that's needed. That balance between the two.’*

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