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PROBATION

Issue 23: March 2022

Quarterly

UNREALISTIC POLITICIANS AND FRUSTRATED PROBATION OFFICERS

TRACKING THE VOLUNTARY SECTOR'S EXPERIENCE OF THE PROBATION REFORM PROGRAMME

The commissioning of day one services

BUILDING BETTER RELATIONSHIPS?

Exploring responsiveness in a probation-based domestic violence perpetrator programme

MISSED AND LOST OPPORTUNITIES

Recognising maternal trauma in probation supervision

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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 people on probation 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 (Note: we do not publish requests for research participants)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. Please also read our [language policy](#) which asks all contributors to avoid stigmatising language.

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.

Jake Phillips

Editor, Probation Quarterly

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WELCOME TO PROBATION QUARTERLY ISSUE 23



Jake Phillips
Editor, Probation Quarterly

I am - as ever - delighted to be publishing Issue 23 of *Probation Quarterly*. I am keen to publish more articles from people with lived experience of punishment in the community. There have been positive developments in efforts to amplify the voices of people with lived experience in the context of probation in recent months. For example, HMI Probation has recently appointed User Voice to ensure that people on probation can feed into inspection judgements. This is important and will - hopefully - lead to meaningful change in policy and practice which is grounded in the experiences of people under probation supervision. I would like *Probation Quarterly* to play a role in these positive developments and so if you have - or know someone who has - lived experience of probation then I would

like to hear from you. Submissions could be a reflection on what life is like under supervision, an engagement with academic research and how that relates to your own experiences, or something more creative.

I am also interested in hearing from practitioners, another group of people who have important things to say, but whose views are often missing from the broader conversation. I can support you with the writing and editing process as well as with getting approval to publish from HMPPS. My hope is that *PQ* can continue to act as a vehicle for connecting academic researchers and practitioners but also be active in bringing seldom heard voices into the open.

Although this issue does not have a themed section (as in the previous two issues) a pattern emerged as I put the articles together with several of them focussing on women in the criminal justice system. It is for this reason that I am starting with a poem by [Helen Mort](#) - a poet whose work we should all read - called 'Difficult Women'. In many ways, the poem encapsulates the 'difficult' position that women are forced to inhabit when under supervision by the criminal justice system:

The voice of the poem makes out they are being difficult - 'crowding' the bus stop, 'refusing to budge' or worse 'driving cars'. But the reality that the voice tries to create is only a version of reality. In truth - the Difficult Women in the poem are just living.
([Kim Moore](#))

The contradictory ways in which women are seen by society - as conveyed in the poem - is reflected in the articles in this issue.

The issue starts with an article by Nicole Renehan which focuses on people who are under probation supervision for a domestic violence offence. The article highlights the challenges for the men under supervision but also shines a light on the difficult work that - on the whole - is being done by women. Lucy Baldwin's article on mothers in prison hones in on the difficult lives which many women in prison have experienced. Lucy highlights the importance of taking a trauma informed approach, especially for women who have experienced maternal trauma. Simon Shepherd - director of The Butler Trust - then introduces the Kathy Biggar trophy. Kathy - as many readers will know - was the founder of the Prison Listeners scheme. It was her tenacity - her

embodiment of Mort's difficult woman - which led to the creation of the scheme which has helped so many people in prison. Charlie Weinberg - director of Safe Ground - provides a personal and challenging reflection on how women are seen and treated by the CJS. They are, according to her, the epitome of the difficult woman, still seen as little more than mad, bad or sad.

On the face of it King and Willmott's history of probation told through the accounts of justice secretaries and policymakers covering the last 30 years is about men. Indeed, just one woman has held the role of Justice Secretary since its creation in 2007. Their book - which explores this in much more detail - is a must read for anyone interested in the history of probation and the connections between policymaking and politics. Returning to Mort's poem, I can't help but think that had there been more difficult women in ministerial roles we might not be in the position we're currently in with a probation service that is understaffed, a prison system which is over-populated and set for further growth and a court system that is creaking at the seams.

The final two articles move our focus away from women. Anne Burrell provides a summary of a recent Probation Institute trainees event which covered the Tackling Unacceptable Behaviours Unit, human trafficking, and recent work by the Criminal Justice Alliance on community-based scrutiny of probation services. Finally, Clinks provides a summary of key findings from their recently published research into the experiences of the VCS and unification.

Thank you to all our contributors and I hope you enjoy this issue of PQ as much as I enjoyed putting it together.

What's going on at the Probation Institute?



Helen Schofield
Acting Chief Executive
Probation Institute

The Probation Institute recognises that there are huge strains on the Probation Service as unification continues through a period of severe staffing issues; we recognise the impact of these pressures on practitioners and managers. We hope that the essential progress in areas clearly identified by HMIP will continue, albeit in some instances more slowly. This may not immediately seem to be a good time to introduce regulation through an independent Regulatory Body but we would suggest that these steps are essential at this time, to firmly establish Probation as a Profession and this to enhance attractiveness for new recruits. The ongoing period of unification should be underpinned by a licence to practice as a strong commitment to the professional future.

We are recently very pleased to welcome new Directors at the Probation Institute - Roz Morrison PQIP lead at De Montfort University, Anne Burrell Practice Tutor, and Andy Smith consultant and formerly Assistant Chief Inspector HMIP. Details are on our [website](#).

We are currently seeking nominations to become the Chair of the Probation Institute. We have posted [an invitation](#) on our website and on [LinkedIn](#). This is a challenging role in which there is huge scope to make a positive difference.

Since the last issue of PQ we are pleased to have launched the e-learning "[Understanding Drug Use and Treatment](#)". The package takes about an hour to complete and includes detailed information about drug types, effects and risks, contributions from Dame Carol Black, engagement with people with lived experience, four case studies linked to the justice system, and a resources section. The course is designed for probation, prison and voluntary sector practitioners, is on our website, accessible to all at no charge. We hope you will find it helpful. Please send any feedback to admin@probation-institute.org

The next Position Paper from the Probation Institute will be on Race Equality - including setting out some key principles including consultation and listening, use of language, acknowledging previous experience, valuing difference. If you would like to know more about this project please contact admin@probation-institute.org

The Position Paper responds to the ongoing Race Action Programme in the Probation Service; we are listening to the programme leads and seeking to respond in helpful ways. This will include offering a monthly discussion group for black, Asian and minority ethnic practitioners which will be chaired by Roz Morrison. Please contact admin@probation-institute.org if you would like to join this group discussion which will start on 24th March.

We are close to completing the final report of our research project on the life histories of veterans who have committed offences of serious harm

- "*Pathways to Harmful Behaviour*". We are pleased that the Government Office for Veterans Affairs have released an Action Plan to support the recent Veterans Strategy - in the [Action Plan](#) there is a commitment to "*Follow up on the findings from the Probation Institute's upcoming research publication into ex-service personnel journeys into harmful behaviour. The MoJ will consider the findings from this research and explore what preventative interventions could be put in place to lower risk.*"

In the new year we were very pleased to welcome new members of our [Academic Advisory Panel](#) whose role includes:

- Providing a link between the Probation Institute and academia.
- Promoting the work of the PI in the academic world.
- Ensuring that the PI is aware of relevant current and emerging academic research.
- Responding to consultations relating to research matters.
- Contributing to Position Papers, Probation Quarterly and other PI documents as appropriate.
- Mentoring Sir Graham Smith Research Award candidates.

Finally, we would like to attract more members into the Probation Institute from the voluntary sector. We would welcome suggestions from readers letting us know what we should be doing to be more relevant to the voluntary sector; including how Probation Quarterly represents your interests and views.

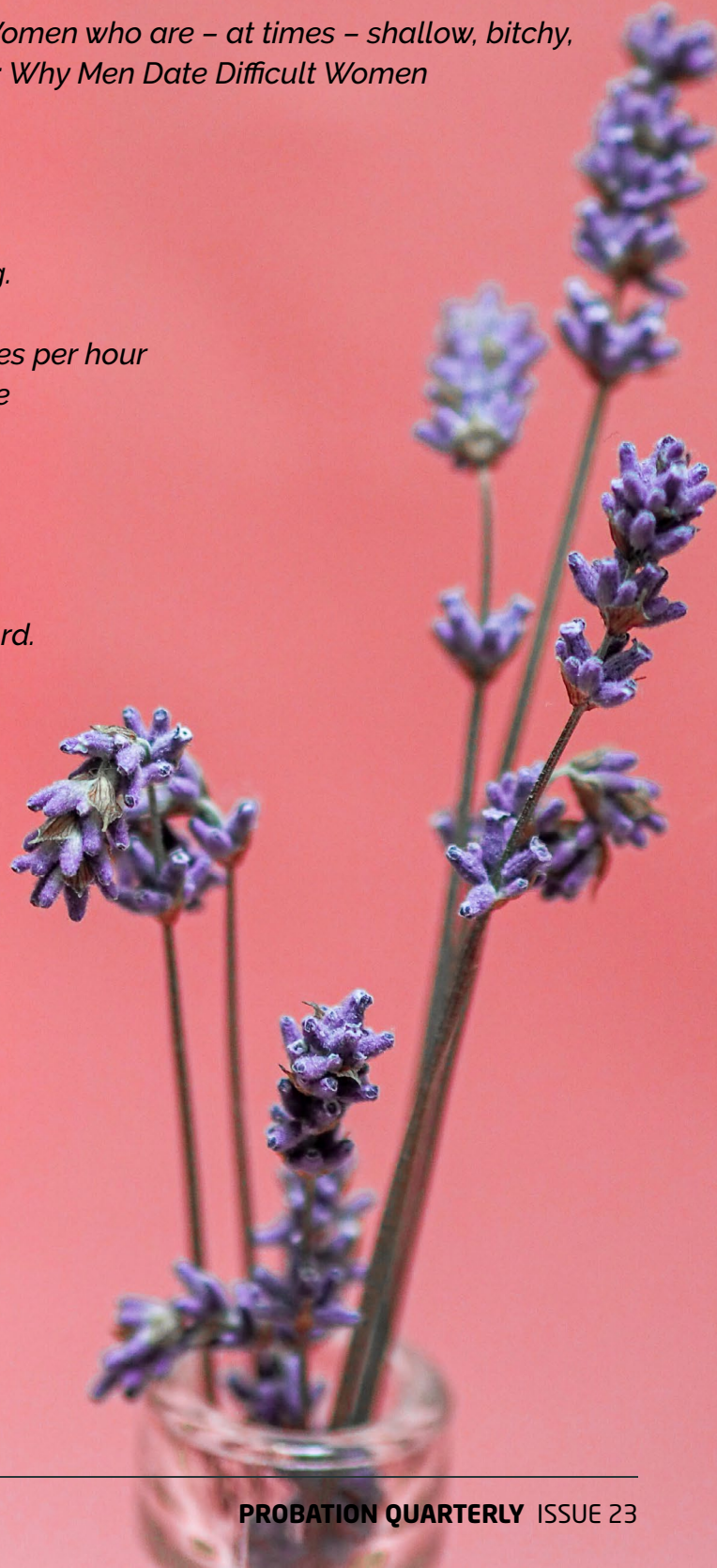
Difficult Women

By Helen Mort

"God knows there are difficult women out there. Women who are – at times – shallow, bitchy, selfish, dishonest and, of course, crazy." – AskMen: Why Men Date Difficult Women

Difficult women don't care what time it is, they're crowding the bus stop with their difficult bodies, refusing to budge for the light, or in the parks, dragging their difficulty behind them like a fat dog. Some of them are running, cycling, or worse, driving cars. If a difficult woman hits you at 30 miles per hour you have a 50 percent chance of survival. At home difficult women are more like walls than windows but if you lean on one, you fall straight through and sometimes at night they show your face.

*Difficult women don't know they're born.
Difficult women don't know the meaning of the word.
There could be one folded into your newspaper,
holding her breasts like oranges. There might be
one carrying your coffee, or moving to your road.
In London, it's said you're never more than 6 feet
from a difficult woman. Have you or a colleague
had a difficult woman in the last 6 months?
If so, you may be entitled to compensation.
Do you have difficulty with our questions?
Are you afraid you may be difficult yourself?*





Building Better Relationships? Exploring responsiveness in a probation-based domestic violence perpetrator programme

By Nicole Renehan - ESRC Research Fellow, University of Durham

Between 2018 and 2019, I undertook fieldwork for PhD related research at a Community Rehabilitation Company where the accredited domestic violence perpetrator programme (DVPP), Building Better Relationships (BBR), was being delivered prior to the unification of Probation Services. BBR is a cognitive behavioral, strengths and skills-based programme which aims to teach male participants non-violent alternatives to resolve relationship conflicts through emotion regulation, and by targeting attitudes that are pro-violence and abuse. BBR departed from the gendered underpinnings of its predecessor programme (IDAP)¹, adopting a more individualised approach that prompts male participants to explore what they think has happened in their lives to shape their offending.

My research explored the lives and experiences of facilitators responsible for delivering BBR and those of a cohort of male participants who had been mandated to attend. I wanted to understand how and whether BBR worked, for whom and under what circumstances it did work, what role facilitators played in this process, and how practice had been impacted by Transforming Rehabilitation. To do so, I conducted in-depth interviews with all research participants, which were complemented by five months of on-site observations (usually two days a week) during which I observed pre-sentence reports and male participants' programme reviews.

Below I provide a summary of my research findings² with a specific focus on emotions and responsiveness because being attentive to troubling feelings emerged as an important but neglected aspect of practice. In my study, being responsive was not just about diverse learning styles but being attuned to the emotional antecedents that can be implicated in domestic abuse; difficult feelings that many of the men in this study brought to the delivery room.



Nicole Renehan
ESRC Research Fellow
University of Durham

Who was in the room?

Male participants

Firstly, in the room, were the male participants, many of whom presented as defensive and aggrieved at having to attend a DVPP. Most had been incarcerated for the current or previous domestic abuse offences, while others had been to prison for robbery, drugs, and/or other violent crimes. Two of the men in my interview sample were homeless, several were struggling with drug and/or alcohol addictions, and others had (prospective) diagnoses of attention deficit hyperactivity disorder (ADHD), autism, personality disorder, depression and/or psychosis.

¹ Hughes, W. (2017) [Lessons from IDAP for the implementation of BBR](#)

² Renehan, N. (2021) Building Better relationships? Interrogating the 'black box' of a statutory domestic violence perpetrator programme. [Summary report](#)

In terms of motive, the men's violence and abuse narratives elicited during my interviews were rigidly gendered and coercively controlling. To varying degrees, the men admitted to violent, emotionally abusive, and stalking behaviours. These were often rationalised as out of character, in self-defense, alcohol-instigated, or 'not real domestic violence' like some of them had observed in childhood. Some talked of the fear of witnessing serious incidents as children, shielding their siblings, and being subjected to assault if they intervened. Some had been singled out amongst their siblings for violence by their fathers or stepfathers while others expressed unresolved pain of growing up in emotionally neglectful households.

It was evident that these difficult experiences had created insecurities that played out in gendered ways within their intimate relationships but were masked and expressed in ways that positioned them as reasonable in their violence and abuse. For example, 'Dale' presented as self-loathing and emotionally dependent upon his partners to make him feel loved. Afraid they might cheat on and leave him, Dale attempted to control his partners' movements and physically assaulted them when these tactics failed. In the aftermath of violence, such behaviour was justified by investing in traditional gender norms and expectations, ultimately externalising blame onto his partners.

Despite eliciting such difficult experiences, these were simply translated into cognitive distortions and targeted for restructuring in line with cognitive behavioural principles. I shall return to the consequences of this for the male participants later.

Facilitators

Facilitators were also in the room and played a key role in supporting desistance. The facilitators interviewed for this study were motivated to make a difference in people's lives and attuned to the fact that they were often working with *traumatising* and *traumatised* men. Nevertheless, some felt unable to deliver on their own values given BBR (and its loosely cognitive behavioural underpinning model) does not seek to address the emotional and psychological suffering that they elicited during the initial one-to-one sessions. They were also aware of the ethical implications of such practice and were concerned that men were left without adequate follow-on support:

There's a lot of vulnerabilities and I think, like I said, a lot of them do form this relationship, erm and this trust, and then we just cut that off.

In a recent *Probation Journal*³ article I highlighted that the limits of facilitators' responsiveness were compounded by a lack of emotional and practical support on offer to them as professionals. This was exacerbated within the context of Transforming Rehabilitation, where training structures, time for shadowing, and gaining vital experience on 'less complex', non-domestic abuse related programmes was compromised by staffing and the sheer quantity of referrals. This is not a criticism of facilitators but of the policy constraints and scarce resources within which they had to work.

³ Renehan, N. (2021) [Facilitators of probation-based domestic violence perpetrator programmes: who's in the room?](#)

A further important finding was that facilitators brought their own personal experiences to the room. For example, some of the facilitators had been motivated to do this work because of their own difficult lived experiences but this had both positive and negative effects. On the one hand, these experiences sometimes resulted in overidentifications which led to collusive practice. On the other, facilitators' identifications were used to bridge differences and humanise male participants. Indeed, one facilitator was able to use their own experiences to make sense of and relay complex material and concepts:

So sometimes I can get a little bit wrapped up in oh, God, I've got to do what the manual says...but if I don't overthink that and try and just relate, er, to where they're [men] coming from, I think I can just talk to them on a level that helps them to kind of understand what it is that we're talking about or, you know, make things a little bit more simple for them.

This shows the need to harness the lived experiences and personal qualities that facilitators embody. But it is equally crucial to provide them with emotional support, supportive supervision, and opportunities for reflective practice to ensure their own feelings are disentangled from those of male participants and to promote their own wellbeing.

Responsiveness, emotion management and the limits of 'thinking skills'

Through my research, it was evident that neither the male participants nor the facilitators were a blank canvas. Both brought their experiences and vulnerabilities to the room. Such feelings are not simply erased or subdued in probation practice⁴. Rather, they are key to understanding how people relate to others and the world around them. Nevertheless, facilitators often masked their own feelings to meet organisational goals⁵. Similarly, male participants were encouraged to manage their emotions, rather than understand and work through the specific meaning of these and the purpose their violence holds. This resulted in what I called a two-way performance.

A rigid and premature preoccupation with cognitive restructuring appeared to contribute to some men *physically* disengaging from the programme, with one man leaving after his initial one-to-one session:

She [facilitator] was sort of trying to – it was like she was trying to get me to say, well, no, we want you to think that you would have done something differently and, do you know, try and change the way I'm thinking. It's like, well, no, no matter what – how much course I do, how much time goes on, I'd have done things exactly the same...I did every-thing I could to not react in the way I did but it come to that (Richard, interview one).

⁴ See Knight, C., Phillips, J. & Chapman, T. (2016) [Bringing the feelings back](#)

⁵ See Westaby, C., Fowler, A. & Phillips, J. (2020) [Managing emotion in probation practice](#)

For another male participant, a rigid focus on 'thinking' and taking responsibility contributed to him *emotionally* disengaging. While Tim had initially felt listened to and able to tell 'his story' without feeling judged, there was an increased defensiveness towards his ex-partner ('Nel') in his narratives six weeks into the programme when he no longer felt heard:

She [facilitator] said, "Well, it sounds like you feel like you shouldn't be here?". It doesn't matter what I feel. The law sent me here, didn't it? If you want to know the fucking bloody truth, that's the truth. Know what I mean?...I fucking hate it. I hate it but there's no go— I absolutely fucking hate it. I hate it...hate Nel and all the shit she's done at the end of the relationship...and making me fucking homeless (Tim, interview two).

These findings do not suggest that challenging problematic thinking or owning one's violence are not laudable programme aims. They do, however, highlight that such *troubling* and *troubled* men should be encouraged to develop other psychological resources such as emotional learning and coping with vulnerable feelings that come with being in intimate relationships. Without such acknowledgements (and experienced and supported facilitators) emotion management and cognitive skills are likely to be short lived when situations arise in which old fears and insecurities resurface.

Engagement was further complicated for men with neurodivergent conditions which interested practitioners can read about in my summary report. I have now launched a [new research project](#) into neurodiversity and DVPPs to explore this in more depth.

Overall, the findings for my research suggest that facilitators need (and want) more specific therapeutic and domestic abuse training, time to work with male participants in more responsive ways, and to be supported and valued for the challenging but important work that they do.



Missed and Lost Opportunities; Recognising Maternal Trauma in Probation Supervision

Lucy Baldwin - Senior Lecturer in Criminology, De Montfort University.

Over the last two decades Trauma Informed Practice (TIP) has garnered interest and gradually influenced policies and practice in the Criminal Justice System (McAnallen and McGuinness, 2021). TIP broadly aims to ensure that all services, interventions and practices are mindful, trauma-aware, compassionate, respectful and safe. Key to successful TIP is recognising and understanding the impact and effects of trauma and how this can manifest in peoples lived experience and outcomes. It is widely accepted that most justice involved people have experienced trauma at some point in their lives, and for justice involved women this is particularly true. Most criminalised women have experienced or are experiencing multiple traumas (Prison Reform Trust 2021). It has become accepted wisdom that recognising and responding to trauma experienced by justice involved women through gender specific trauma informed practice not only supports positive outcomes, but is also important in terms of supporting recovery, desistance and avoidance of re-traumatisation (Petrillo, 2019).

Recent efforts to embed TIP into the day to work of the newly reunified Probation Service, and the proposed move towards a wholly gendered 'Women's Teams Model' (Morely and Ruston, forthcoming), will support women positively through their criminal justice and desistance journey's, in ways that have perhaps in the past been somewhat lacking in the supervision of women (Worrall and Gelsthorpe, 2009). However, often missing from trauma informed work with justice involved women, especially in probation supervision, is the recognition and understanding of women's maternal role and maternal identity and importantly, the relationship those aspects have with women's desistance. This short article, underpinned by my recent research, highlights the importance and relevance of factoring in motherhood, maternal role, maternal identity



Lucy Baldwin

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and maternal emotions into the supervision of criminalised mothers, even (if not especially) with mothers who no longer have their children in their care.

The Research

My research (Baldwin, 2021) was an investigation into the long term impact of maternal imprisonment on maternal identity and role. 43 criminalised, imprisoned, and/or post imprisoned mothers contributed via a qualitative feminist methodology and theoretical framework. Focus groups, one to one face to face interviews and the receipt of letters from mothers in and after prison, precipitated a thematic analysis, resulting in significant and important 'data' about the experiences of mothers before, during and after imprisonment.

The Findings

My findings revealed that, although 'motherhood' and all that it entailed, was of primary concern to criminalised mothers - whether they had children in their care or not, it was often ignored or only superficially, judgementally, or punitively responded to in the Criminal Justice System. The mothers spoke about their significant pain, heartache, and trauma at the separation from their children, which they felt was largely unacknowledged and responded to by probation supervision and the prison. The research highlighted how and why mothers could be more effectively supported during their imprisonment.

Imprisoned mothers were unsurprisingly particularly vulnerable in the early days of their sentence, especially when they had not been expecting a custodial outcome. During their imprisonment, structures and policies within the prison made mothering from prison difficult. We know that visitation and family contact has a significant and positive influence on rehabilitation and outcomes (Farmer 2019) yet my research suggests that some policies currently in place within the system are effectively contributing to some women being unable to have meaningful contact with their children. For example, several mothers found visits so traumatic as a result of policies like 'no physical contact' during visits, that they decided not to allow their children to visit at all. Fundamentally, it would appear that these policies work to traumatise mothers even more than a custodial sanction traumatises anyone. Whilst it is vital that we do not instrumentalise mother/child relationships purely for the aims of rehabilitation, equally it is important that we recognise the benefits of maintaining and

supporting such relations for the benefit of both the mother and the child/ren.

The study revealed how separation from their children and the subsequent maternal trauma was profoundly painful. For some the 'guilt' they felt as criminalised and/or imprisoned mothers was life threatening.

Furthermore, the research highlighted how, long before most of the mothers entered prison, there had often been multiple missed opportunities to support mothers differently. In many instances had the mothers been appropriately supported much earlier, they might never have gone to prison at all. These missed and lost opportunities were often about responses to trauma, (sometimes as far back as childhood), mental health, abuse, and addictions, but significantly also around motherhood.

Mothers spoke of how their maternal experiences were intertwined with their offending and criminalisation, particularly those mothers who were using substances. Many of the mothers in the study were living in what I have termed, 'a Circle of Circumstance', which included poverty, surviving trauma, mental ill health, ongoing/past abuse, and damaging relationships. For several of the mothers in my study, becoming a mother was a positive for them, sometimes the only positive in their lives, and was something many mothers felt they were 'good at' (Beth¹). However, mothering in the context of addiction, of past or ongoing abuse, and/or in poverty is challenging, and - as described by many of the mothers - stressful and guilt-inducing.

¹ All participant names have been anonymised.

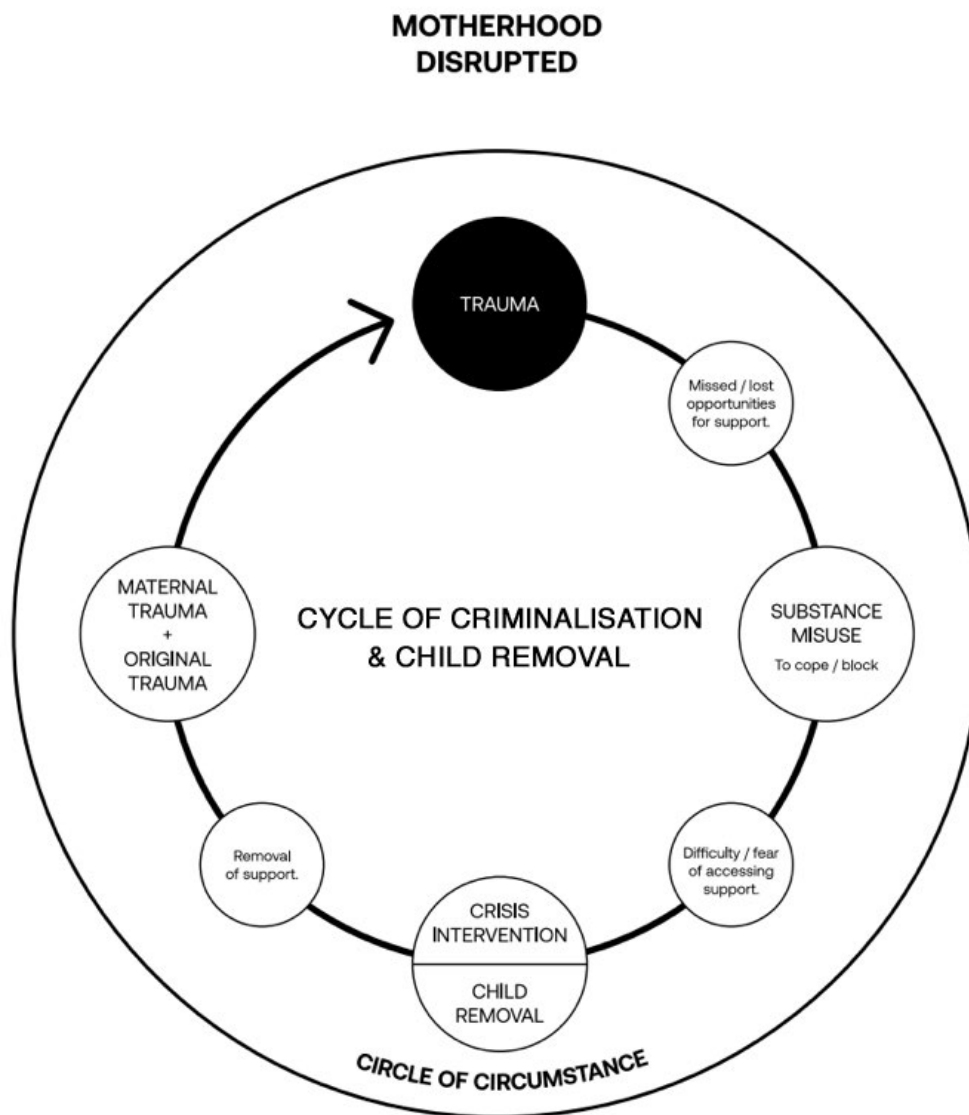
Not least because of widely held ideas and ideals about what 'good' motherhood looks like and how good mothers should and importantly should not 'behave', criminalised mothers absorbed a sense of maternal shame and stigma. This led to mothers feeling like *'failed mothers'* (Rita). In turn this sometimes made the mothers more likely to *'use substances to cope'* (Dee) with their *'shame' and perceived 'failure'* (Beth) **as mothers**. For several mothers in the study it was obvious that if their maternal emotions and maternal trauma had been understood and responded to positively before, during or after prison, the outcomes may have been different. Dee served ten prison sentences:

'I honestly wanted to be a good mam, and I was mostly when I wasn't using- but the guilt made me drink and use,... and using made me steal- and then I'd go to prison, and I'd feel even worse as a mam 'cos id been to prison, and it would all start again' (Dee).

For the mothers in my study (like most criminalised women), there had often been a core trauma or a significant traumatic event (or series of events), frequently dating back to childhood for which they had not been fully or appropriately supported. As such, for some of the mothers, using substances as a means of coping with or blocking out the trauma became their *'normal'*. Not unusually a substance using lifestyle became embedded with an *'offending'* lifestyle - either because of a need to fund an addiction or as a result of the often chaotic lifestyles and relationships that accompany that addiction. Whilst it was certainly clear from my research

that there had often been multi-agency failures around supporting mothers appropriately in the original and subsequent traumas - there was also a reluctance on the mothers' parts to actively seek help. This reluctance was underpinned by several factors such as a suspicion of authority figures, negative past experiences, and a lack of trust in services. However, the biggest and absolute fear was that they might lose their children as result of asking for help. This meant that mothers often only came to the attention of criminal justice system and social justice agencies at the point of crisis.

The often subsequent chain of events is reflected in the model below which highlights the tautological situation many criminalised women have found themselves in. The cycle is often repeated with mothers losing multiple children to the care system; primarily because the mother is not supported post separation. This leads to more maternal trauma, another pregnancy in an attempt to *'redeem'* herself, to recover a maternal identity and role, and to heal. This additional maternal trauma is *'on top'* of the original trauma and pre-existing addiction issues. With every child removal there is an ever more deepening reluctance on the mothers' part to ask for help or engage with services because of a fear of losing their children; *'why would I tell them I was struggling? Why .. so they can take my kids again, no way'* (Shanice). Thus, a *'crisis'* point is reached again and the cycle repeats. The cycle illustrated below is relevant for mothers at all stages of their criminal justice journey because they could be *'trapped'* in the cycle before and after prison or both.



Baldwin 2021.

Mothers who had lost their children to the care system often described feeling they 'had nothing else to lose' and as such felt there was 'no point' in 'even trying' to abstain from substances or desist from offending behaviour. For some mothers this had the effect of setting them firmly on a path of destruction, and thus revealing how for many women their motherhood was inextricably linked to their engagement, rehabilitation and desistance.

Where maternal trauma was recognised and supported in probation supervision the results were positive and cycles were broken.

"I had a good one yeah and I thank god for that, she helped me she really did, and it was through her help and the course I did that I got my kids back. She knew that was most important, but she helped me see I had a road to go down to get there and she helped me get there, without her I'd be back inside, she helped teach me I deserved better and that my kids needed me." (Tanisha)

Tanisha goes on to say that only once she felt 'ok' as a mother could she focus on the rehabilitation work she knew she needed to engage in supervision. Crucially, her probation officer recognised that too.

Conclusion

Mothers in my study felt unsupported in their maternal trauma before during and after prison. Their maternal trauma was not often acknowledged or responded to in probation supervision. Mothers were often unprepared for release which resulted in issues such as PTSD from separation and arrest, difficulties renegotiating their maternal role and relationships, or re-establishing contact, having a significant impact on their wellbeing. Post release the mothers' maternal trauma and impact was often a primary concern but was often ignored in supervision. This sometimes led women to disengage from supervision, feeling like '*what mattered most*' (Carla) to them was ignored. Where motherhood was responded to positively and supportively cycles were broken and positive outcomes made more likely.

We are currently missing and losing opportunities to effectively support mothers. With early, effective understanding and support mothers might have the opportunity to break the cycle described above. This would result in fewer mothers going into prison and fewer children going into care. In failing to respond appropriate to maternal trauma in supervision we are failing women, and ergo their children and by default society.

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The Butler Trust's Inaugural Kathy Biggar Trophy

There's plenty of good practice in our sector worth sharing, says Butler Trust Director Simon Shepherd – and it's part of our job to do so.



Kathy Mabel Baker, probation officer and Samaritan, born 10 June 1947; died 7 June 2018

My first prison visit, to HMP Maidstone, was as an undergraduate. It was a revelation. I learned how prisons and probation were hidden worlds where good practice by good people could transform a life - and I wanted to be a part of it.

I've been in and around this sector now for more than 30 years - first as a prison psychologist then senior manager, before moving down the road to the addictions field for a while, and then returning, back in 2008, as Director of the Butler Trust.

The thing about the hidden world that is our sector, the thing you never see in the headlines, the TV dramas, soaps and documentaries, is that it's crammed full of amazing people, doing amazing things, to protect the public and change people's lives. Your job is to do those things, to keep the public safe and help change the lives of the people in your care. Our job is to help shine a light on what you do, give credit where it's due, and help spread the very best examples of your work more widely.

Our #HiddenHeroes campaign is all about showing the world what you do, and showing you that, while you may be hidden, you are not forgotten - something that's been especially important during the pandemic, when the way you have all responded to the additional challenges you have faced has been truly remarkable. And the Butler Trust Awards, which are presented every year by our Patron, HRH The Princess Royal, celebrate those people who stand out even within an already truly outstanding crowd. Because what makes this sector so special, is the people who work in it.

The other thing about this sector though, is the way that you are constantly innovating, to find new and better ways to do things. I recently visited every prison in England and Wales, and was struck (though not surprised) by how many



Simon Shepherd
Director
The Butler Trust

examples of great practice there are going on up and down the country. I know the same is true in probation and youth justice too. That's another area we want to shine a light on - to help identify some of the very many local examples of notable practice out there, and share them more widely.

So it is a great pleasure to introduce our new Ruth Mann and Kathy Biggar Trophies, recognising and promoting notable practice in custodial and community settings, respectively.

Ruth was a prison psychologist, who I trained with back in the day. She was a passionate champion of humanity and rehabilitation in prisons. She dedicated her career to helping make prisons the best that they can be, and the impact of her work can be felt right across the estate.

Kathy was a remarkable woman too¹. Many of you will have had the privilege of knowing her, as I did - few will not know of perhaps her greatest legacy, prison Listeners.

¹ 'Kathy Biggar Obituary: Samaritans volunteer whose enduring legacy is the Listeners scheme to help prisoners in distress', Erwin James, The Guardian, 21 June 2018. <https://www.theguardian.com/society/2018/jun/21/kathy-baker-obituary>.

As well as being a renowned and widely respected Probation Officer with Inner London Probation Service (or ILPS as it was known), Kathy was also a Samaritan and, for a time, part of the then Suicide Awareness Support Unit in Prison Service Headquarters. In 1991, when HMP Swansea was reeling from the tragic suicide of a teenage boy on remand, she asked the local branch of Samaritans if they would train some of the prisoners there to offer a listening ear to their peers. With the force of Kathy's personality helping to overcome some (perhaps understandable) resistance to prisoners being given so much trust and responsibility, the idea quickly took off, and before long Listeners were, literally, everywhere.

The impact of the Listeners can be felt well beyond the countless lives they have saved. They were also the start of active citizenship in prisons. Having seen the contribution that

prisoners can make, peer support and mentorship exploded across the estate - from prisoners helping others learn to read, and supporting new receptions when they first arrive, to mentoring those in recovery from addiction, and assisting with the social care of an aging population. And it hasn't stopped there, with prisoners taking an increasingly active role in the regime through prison councils, decency committees and the like. Much of this has its roots in the Listeners, brought in at a time when the greatest responsibility to which most prisoners could aspire was to be made the wing "tea boy".

When we launched the Trophies, last year, we were not sure how much of a response we would get, given that we were in the middle of the pandemic, but we needn't have worried - we received almost 80 submissions in total, including around 30 for the Kathy Biggar Trophy.



The 2021 Kathy Biggar Trophy was presented to London NPS Director, Kilvinder Vigurs, and the team behind "Young Adult Transitions", by Kathy's former colleague and close friend, Pam Wilson.

From a Breakfast drop-in to the Duke of Edinburgh Award Scheme, virtual Book Clubs to Bubble Newsletters, Hot Debriefs to the BAME Recruitment Panel, all are of value, all worth investing effort in, all show how we can better share our best.

Our first three finalists were a Young Adult Transitions programme from London NPS, a Student Counselling Service from East of England

NPS, and Parent Champions (supporting families of those at risk of exploitation) from Hillingdon YOT. Picking the winner wasn't quite as fraught as Strictly Come Dancing, but wasn't easy either. We eventually agreed the inaugural Kathy Biggar Trophy should go to London NPS. Their impressive team had forged excellent new practice around a critical and hitherto underserved weak point in the system: when young people transition into adult service.

The screenshot shows a Vimeo video player. The video is titled "London NPS | Young Adult Transitions Programme" and features Patsy Wollaston from London NPS. The player interface includes a search bar, "Log in", "Join", and "New video" buttons. Below the video, there is a "More from Butler Trust" section with a thumbnail for the same video.

Screenshot from our video on the Inaugural Kathy Biggar Trophy winning project & practice.²

² <https://vimeo.com/641606793>

Moving from youth to adulthood has never been easy for anyone; for those in care or the criminal justice system, it can be even more daunting. Here's the programme overview as submitted:

'A 10 session, trauma-informed, modular 1-2-1 programme for young adults transitioning from youth to adult supervision services. This is a time of high vulnerability in terms of people dropping out of services/breaching and reoffending, because of the challenges in making the transition from a very supportive and intensive service to one much less so. The programme is delivered by the YOS probation officer (seconded from NPS), and the receiving officer within NPS – and focuses on assessing the young person's needs, giving advice and guidance, introducing the new probation offender manager, and giving extra levels of support during the handover. The support of family members / significant others is also sought, and they are involved in the process wherever possible.'

Several factors impressed the judges, starting with the impetus behind the idea itself, which team member Koreen Logie captures with a vivid opening simile: "It's like a cliff edge. You know, at eighteen, you kind of go into adult services, it's very different...and there's lots of myths

around what probation does - especially among young people." They also liked the way the team underpinned the new practice they were co-designing with real academic heft - helped by team member Eric Beckford doing his PhD at the time.

The direct involvement of the young themselves in co-designing the practice and project also resonated strongly. As one young service user said: "Youth Offending Service help start the race, they sometimes run beside me, but Probation are there at the end cheering me on!" Finally, we were all taken with the serious passion and intense professionalism team leader Patsy Wollaston brought to our Zoom interview.

You can find a full, searchable list of all of the entries for the inaugural Kathy Biggar Trophy, together with relevant local contacts for more information, on the Trust's dedicated *Knowledge Exchange* website.³

There are of course many more examples of good practice out there, so we will make the Trophy into an annual affair, and look forward to finding out about what else is going on. The key challenge now is to make sure that these local examples of notable practice don't remain as isolated examples of what can be done, but spread throughout the system instead, just as Kathy's Listeners did - and that's down to you.

³ <https://www.theknowledgeexchange.uk/kathy-biggar-trophy/>



'We hardly get any of those here' - working with girls and women

Charlotte Weinberg - Director, Safe Ground.

In this short article I reflect on whether changes to the perception, treatment and approaches to work with women and girls affected by the criminal justice system have occurred, to what extent and to what effect. I hope to offer some simple reflections and considerations towards a systemic understanding of services that might offer women and girls in crisis some agency, autonomy and genuine support for change.

Background and context: 1992-2022

In the first youth club I worked in - in the early 1990s - the manager said there were no girls ('we hardly get any of those around here') because there was no lighting on the path to the hut behind the sports centre, so girls 'just didn't go there'. It was also not uncommon for (senior) staff in peripheral urban housing estates as well as in small villages, to say 'racism wasn't an issue' in their youth club because they didn't 'have many Black young people' in the area.

It would be unusual for any professional in any sector to say such a thing about racism today even if they thought it or did not believe in the reality of systemic racism. As a result of a consistent international campaign around civil and human rights, there is a growing understanding that racism is something to be named, challenged and opposed, regardless of how effective any of those challenges or that opposition might be.

When working with girls and women however, my own sense is there seems to have been no such shift.



Charlotte Weinberg
Director
Safe Ground

Indeed, I still sometimes hear phrases that remind me girls and women are often seen as 'troublesome... and intractable, malevolent and extremely difficult to work with' (Batchelor and Burman, 2004). Girls and women are still largely considered, described and understood in policy terms as outliers; 'mad, bad or sad' remains a framework within which female service users are often understood.

¹ From the title of the book *Mad, Bad and Sad* by Lisa Appignanesi, 2008 Virago. The origin of this phrase seems to come from a lover of Lord Byron who called him "Mad, bad and dangerous to know" in 1812

Current conditions, historic patterns

In January 2022, the National Audit Office reported on government spending and impact on women's criminal justice, opening with the line: 'Concerns that the criminal justice system is not responsive to the specific needs of women are longstanding'. The same report acknowledges that women 'have worse outcomes than men' (NAO, 2022:7).

An historic perspective puts this into context. In 2009, Arnull and Eagle (YJB, 2009) conducted a significant overview of girls in the criminal justice system and found then that working with girls often went unacknowledged and unsupported, causing anxiety amongst juvenile justice and related workers.

Other literature reviews noted girls being conceptualised variously as 'hysterical', 'manipulative', 'verbally aggressive', and 'untrustworthy', whilst boys were depicted as 'honest', 'open', and 'less complex'. Girls were interchangeably 'deeply maladjusted misfits' and 'dangerous folk devils, symbolic of post-modern adolescent femininity'. Thus, girls' involvement in criminal justice is often related to activities that 'question stereotypes of feminine passivity, chastity and submissiveness' (Batchelor and Burman 2004). Gelsthorpe and Worrall (2009) noted a subtle shift in criminal justice responses: whilst previously girls had been dealt with under a 'welfare' formulation (a victim, in need of help and support), a move to a 'justice' formulation had happened and the idea of 'locking up' 'nasty little madams' had taken hold. Perhaps a side effect of 'women's liberation' is that 'justice' is applied 'equally'.

In real life: practitioners and practice

In 2022, my own experience is that very little has changed for the better. Government is committed to expanding the number of prison places for women; self-harm, self-inflicted death and pregnancy/births in prison are prevalent and the government's own Female Offender Strategy relies on the age-old formulation of women as vulnerable to mental health difficulties (mad); a danger to themselves or others (bad) or victims of abuse, trauma and/or violence (sad) in order to qualify for attention.

Whilst much of the reality of women's lives does include violence, abuse, sexualised assault and particular health, social and cultural outcomes, those facts are related more to structural and systemic issues of economic and power distribution than to any genetic or sex-based capacity for coping with difficult circumstances (women are not essentially or 'naturally' more vulnerable to social, economic or cultural impediments). Men are also often vulnerable to grooming, manipulation, coercion and exploitation but this manifests differently and is often expressed differently (Chaplin, 2015). Again, though, this is more often down to social and cultural norms than anything inherent to men or women. What appears to be a gender based understanding of male and female criminogenic tendencies is rather a set of stereotypical, poorly-informed and poorly analysed tropes which often promote double standards and result in unintended consequences. Women and girls' sex-based oppression is no better understood or recognised by social policy today than at any other time and cultural norms are no less oppressive for women in a context where pornographic material is normalised, rape remains too difficult to prevent or prosecute and prostitution is defined as 'work like any other'.

Working with what we've got

Safe Ground is an arts education organisation with a well-evidenced specialism in therapeutic group work with a focus on relationships. In 2021 we were commissioned by a regional justice organisation to support practitioners' development and reflection. This piece of work arose from practitioners' own sense that 'girls are more difficult to work with', feelings of 'not being sure of how best to engage with girls' and, more simply, a lack of training and support for male (and female) staff who might feel less confident when working with girls as opposed to boys. During the same year we were invited to participate in reflective supervision space for probation staff in a local court. Many people we spoke to in this setting expressed concern and discomfort at working with women. They said they felt less confident working with women, despite often many years professional experience in complex case work.

It appears that since I designed the only sex-specific arts-based development programme for girls in UK prisons in 2009 and heard staff talk about the girls I worked with as 'difficult, emotional, aggressive, unpredictable and attention-seeking', professional and practitioner attitudes have barely changed. They are - it seems - as likely to be 'chivalrous' as they might be 'antagonistic'. Either way, women and girls are severely disadvantaged, particularly during crisis. My suggestion is that this is an institutional attitude, founded in and supported by a wider social belief in women as 'saint' or 'sinner' regarding what Weare calls 'appropriate femininity' (2013; 2017).

A mad/bad/sad woman is often an 'ideal victim' (Weare, 2013), heavily promoted by both liberal feminist and Conservative campaigners alike - she is in need of education, help and guidance, willing to comply with new rules and sensible protocols in order to 'improve' and better her lot, be it alongside the Church, the charity, the prison, police or probation officer supporting her to change her life. Moreover, this woman is grateful for, and dependent upon outside help. Women who are the subject of sexualised, violent or criminalised activities are punished for a) 'looking for' something, b) 'finding it', c) being 'caught' doing it or having it done to them and d) failing to appreciate the 'help' they are offered on condition of compliance and 'correction'. Victim blaming renders women 'invisible and powerless through domestic physical or psychological violence' (Goldhill 2019).

There is a huge library of research available on how women engage with services and support, and particular sex-based needs or entry points to criminal behaviour (Phoenix, Gelsthorpe, Carlen, Goldhill, Player, Worrall, to name a few). All of this clearly establishes that women 'react adversely to gender and racial stereotypes' (Goldhill, 2019) and both want and need sex-specific environments.

Perhaps traditional gender norms socialise women into distancing themselves from their own needs in preference for those of others - after all, if 'seeking attention' is the 'worst thing' you can do, and women who want attention on their own terms are somehow 'problematic', the current situation makes sense.

Within this normalised dynamic, women cannot win until or unless workers of both sexes are supported by institutions that can tolerate complexity, nuance, agency and high expectations of both staff and service users. Otherwise, women will continue to be perceived as more difficult and ironically, dealt a more punishing and less 'helping' hand.

Practitioners are gifted with huge privilege and access to people's lives, experience and expression. Taking all this into account we can:

- Expect and engage in regular reflective practice to examine our own prejudices, valences and values
- Expect our organisations, institutions and services to have clear, explicit policies for working with girls and women
- Continue to develop anti-oppressive frameworks for the design and delivery of high-quality work that builds and supports agency, authority and articulacy in staff and service users.

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Unrealistic Politicians and Frustrated Probation Officers

Roy D King and Lucy Willmott.

If you really want to change people who are born (into poverty), and then have difficult family experiences, and draw them out of those, you have to see it as taking at least the period of a generation.

During the research for our book, *The Honest Politician's Guide to Prisons and Probation*, (King and Willmott 2022), Roger Hill, the longest serving director of probation, told us that this was the essential truth about probation work which politicians failed to acknowledge. He was frustrated at the hubris of successive ministers who were constantly restructuring the service, in their unrealistic quest for a 'silver bullet'. They always wanted 'to discard what existed and replace it with something utterly different ... it takes two years to dismantle what's in place and a further two years to build the new arrangements, and in the meantime performance dips and delivery stagnates.' Politicians need to realise that 'there is no perfect structure' and that instead we should 'build on the strengths' through a process of 'fine tuning'.

We sought to interview the key players who had instigated, or coped with managing, the changes to both prisons and probation over the thirty years from 1990 to 2019. We gave them the opportunity to explain what they did and why in their own words. We interviewed all surviving Home Secretaries and later Secretaries of State for Justice, responsible for prisons and probation and many of their junior ministers, as well as directors and inspectors of services, all four surviving, but retired, Lord Chief Justices and three key report writers.



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We have elsewhere provided brief accounts of the prison changes (King and Willmott, 2022a) and on judicial views on the changes to sentencing policy (King and Willmott 2022b). In this short paper we reflect on some of the changes in probation, as it moved from an essentially local to a centralized probation service uncomfortably linked to the prison service. During that time the nature of probation was changed from a helping profession, with a social work ethos, to an arm of law enforcement.

Kenneth Baker and Ken Clarke said little about the probation service apart from castigating what their successors had done to it. The trigger for change came from Michael Howard who told us: *'it was hard enough (for the police) to find the perpetrators, if they found them the chances are the CPS would say there is not enough evidence to prosecute; if there was enough evidence the chances were they'd be acquitted; and if by some miracle they were convicted they'd probably be sent away with sixpence from the poor box.'* Around this time the public mood, and the political rhetoric, about crime and justice had been heightened in the wake of the killing of Jamie Bulger by two young children. Prime Minister, John Major declared that, *'society needs to condemn a little more and understand a little less'*. Tony Blair promised to be *'tough on crime'* and *'tough on the causes of crime'*. Michael Howard had convinced himself that 'probation was soft on crime' and told the Conservative Party Conference that *'Prison Works'*. From here onwards successive Ministers, and the tabloid press, regarded the performance of prisons and probation in reducing reoffending as the benchmark against which success or failure must be measured - no matter how unrealistic their expectations actually were.

There were real fears that probation services were going to be dismantled. In 1995 Howard's Green Paper on *Strengthening Punishment in the Community* proposed the removal of the requirement for offenders to consent to community orders, the abolition of the national training and social work qualification for probation officers, and the introduction of new national standards and performance indicators to increase accountability. It reversed the spirit of *'principled sentencing'* advocated in Douglas Hurd's 1988 Green Paper *'Punishment, Custody and the Community'* which looked towards diverting offenders from custody for all but the most serious crimes. The CJ Act 1991, based on that Green Paper, was carried through Parliament by David Waddington, and had already involved what Peter Raynor described to us as *'a bit of cosmetic rebranding'* of probation as punishment in the community. But it was Howard's proposals that marked a sea change in the nature of the relationship between offenders and their probation officers and seriously undermined the professional status of the latter.

New Labour bought into the *'What Works'* agenda, originally sponsored by Graham Smith the former Inspector of Probation, as a defence against Michael Howard's proposals. Much money was made available to develop treatment programmes. Straw told us that Howard's *'decision to end professional training for probation officers was crazy'*. He introduced a new Diploma in Probation but this was no longer linked to social work and constituted a lower entry qualification to what was becoming a less professional service.

But like Howard, Straw told us that probation was falling *'into disrepute'*, that rehabilitation was not *'inconsistent with law enforcement'* and there was *'no case for having a probation service'* if it was not effective at reducing reoffending. He wanted to bring probation closer to prisons despite their having very different structures, cultures and ways of working. His criminal Justice and Court Services Act 2000 established for the first time a National Probation Service, with Eithne Wallis as its first Director. It reduced the 54 Probation Committees to 42 Probation Boards aligned with police boundaries, and required the police and probation services to work together to manage the risk of violent and sexual offenders through Multi-Agency Public Protection Arrangements (MAPPA). Sonia Flynn, interviewed in her position as Chief Probation Officer, told us *'it changed our purpose from advise, assist and befriend to surveillance and protection'*. For Roger Hill it marked the point at which *'you start to be measured on your failure'*.

David Blunkett succeeded Jack Straw as Home Secretary and the main effect upon probation on his watch was that the service was forced into a marriage of convenience with the prison service under the National Offender Management Service (NOMS). This was the brainchild of Patrick Carter and constituted one of the main planks of his report *'Managing Offenders- Reducing Crime'* (Carter 2003). It was intended to provide end-to-end supervision of offenders before, during and after imprisonment. Like most forced marriages it was doomed to fail, in part because, as Carter told us *'we didn't capture the technology or that culturally the difference between the probation service and the prison service was too great'*. Although Carter confessed to being an *'amateur'*, and one shouldn't expect politicians with bees

in their bonnets to have appropriate knowledge, it should not have been too difficult to understand the differences between the two services. Nevertheless, it took at least three reformulations of the original model of NOMs over the next dozen years, with Next Steps Agency status, which had originally been granted to the Prison Service by Ken Clarke, back in 1993 eventually passing to NOMS in 2008. Along the way the management of offenders, passed from probation officers in the community, to a system of regional managers, and then functional directors, before an even closer collaboration was imposed by Liz Truss as HM Prison and Probation Service, albeit without the independence conferred by Agency status. Truss's insistence on direct ministerial control over many vital functions made Michael Spurr's final years in charge of HMPPS needlessly difficult as he had to seek permission to run his own organization. No wonder people working in the field felt they had been *'organised to death'* (Hansard 11.9.06).

But by then probation had been required to cope with yet more demands. David Hanson, the first prisons and probation minister under Jack Straw at the new Ministry of Justice in 2007, complained that *'probation services were independent bodies that I didn't have direct control over'*. Under Straw's supervision the Offender Management Act (OMA) 2007, which had been much debated and reviewed by David Blunkett, Charles Clarke, and John Reid, was eventually passed into law. The Act provided the mechanism for coercing reluctant Boards to move to Trust status and paved the way for the part privatisation of probation under Chris Grayling's ill thought through policy of Transforming Rehabilitation.

Our directors of prisons and probation had learned to see the benefits of privatisation in dealing with an intransigent Prison Officers Association and were certainly not averse to introducing it into the probation service. But rather than creating many Community Rehabilitation Companies to supervise low risk offenders with an unworkable metric of payment by results, and leaving the national probation service to supervise high risk cases, they would have preferred to see one or two poorly performing probation areas put out to tender for the whole range of their services.

This disruptive experiment was brought to an inevitable end after the devastating Inspectorate Report by Glenys Stacey (2017) and all probation services were brought back into the public sector by David Gauke. Although Michael Spurr had managed to get some of those functions restored as his final act when forced out of office there remain problems yet to be solved in the current arrangements. Most importantly there needs to be primary legislation to secure a sustainable future for the prison and probation services. Ways must also be found to restore the broken links with courts and local communities from which probation developed. This would be easier to achieve, in our view, if there were two separate agencies rather than one covering both prisons and probation. And the new managerial emphasis on accountability in case of failure needs to give way to celebrating quiet successes as probation officers spend more time working with clients rather than sitting behind computers.

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Readers of PQ can use the discount code HPOL25 to redeem a 25% discount when ordering Roy King and Lucy Willmott's book via the Routledge website here: [The Honest Politician's Guide to Prisons and Probation - 1st Edition](#)

Summary: Probation Institute Trainees' conference

Anne Burrell provides a summary of a recent Probation Institute conference for probation trainees.

Around 50 PQiP learners attended the Probation Institute Trainees' Conference, held online on November 24, 2021. Helen Schofield, Acting Chief Executive of the Institute, welcomed attendees, and pointed out that the PI Trainees' events aim to cover topics which are current, and need attention; and issues which are not covered in the PQiP curriculum. The topics for this event covered both areas of interest.

Berenice Ellis, currently working in the Tackling Unacceptable Behaviours Unit, opened the event with a discussion regarding the recent HMIP report into the experiences of BAME staff, and people on probation (HMIP 2021). She noted that the report made for uncomfortable reading, especially in its critique of current probation practice around race and ethnicity.

Berenice outlined the statutory duties on all probation workers to address the different needs of people in order to achieve equality of outcomes. She noted that the Lammy report of 2017 had identified disparities across the criminal justice system in the experiences of BAME service users, and that trust is a central theme - illustrated by the fact that all ethnic minority women involved in the HMIP inspection said that their preference would be to have a supervising officer who is not white. She outlined the factors which mean that engagement with BAME people on probation is highly variable, and the significant impact this has on outcomes.

Berenice is the Allyship lead for the Ministry of Justice PROUD network, and she emphasised that her presentation was aimed at supporting and developing effective practice. She discussed the Ministry of Justice action plan, in light of the HMIP report; and encouraged attendees to address our own practice, specifically around developing cultural competency; considering intersectionality; acknowledging and addressing unconscious



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bias; being an ally; and being an upstander, not a bystander. The theme for all these actions was to develop personal knowledge and awareness, by undertaking relevant learning; by being interested and curious in the experiences of others; and by challenging our own attitudes which stereotype people, as well as challenging inappropriate comments and behaviours from others.

We then heard from Philippa Southwell, of Southwell and Partners, an expert on Modern Slavery cases, discussing her work with people who have been subjected to trafficking, and enslaved. She described the steps which probation practitioners can take to identify and address this issue. Philippa acknowledged the complexities of the situation, and that it can be difficult for victims to disclose their circumstances, commonly fearful of the possible consequences. However, she also highlighted that it is possible that people in coercive relationships, for instance, may not recognise that they are being exploited. This can have serious implications if vulnerable people are then coerced into criminal activity.

Philippa debunked the notion that people who are trafficked are invariably foreign nationals, pointing out that British children and young adults are highly vulnerable to grooming or coercion in regard to drug dealing, acquisitive crime, and sexual exploitation. She advised of the National Referral Monitoring system, which places a legal duty on probation practitioners to report cases of suspected slavery and trafficking. She also outlined the steps which are then taken to safeguard and support victims. She supported Berenice's emphasis on the importance of asking questions about the circumstances of someone's life, particularly at the pre-sentence report stage, in order to more accurately identify if a person on probation is being compelled to commit crime.

The final speaker was Hannah Pittaway from the Criminal Justice Alliance, an umbrella organisation for 170 agencies and groups working in Criminal Justice, with the aim of creating a fair and effective criminal justice system; and of which the Probation Institute is a member. She focused on the notion of community scrutiny, noting that Probation Services are less accountable to their local communities currently than has ever been the case previously. The principles of community scrutiny enable organisations to demonstrate that they are safe; smart; personalised; restorative; and that they command the trust of people locally. Hannah noted the hidden nature of probation work, which can make its processes opaque. She advised that the CJA is currently working with partners to establish a community scrutiny process for probation. This would include a presence on the ground which is permanent; enable real time intelligence gathering; improve

engagement with people on probation; build public confidence in what probation does; address equality issues and differential outcomes for people with protected characteristics; and support the unification process. It is likely that the Probation Institute will be an active participant in this work.

This was a stimulating and challenging conference, which presented participants with much food for thought in our current practice as well as practical, creative suggestions that can be applied immediately. Most of all we left understanding the importance of being curious about the hidden aspects of the lives of the people with whom we work; avoiding assumptions and judgements; and being constantly mindful of the factors which can contribute to people's involvement with the criminal justice system and the probation service.

References

HMIP: (2021). *Race equality in probation: the experiences of black, Asian and minority ethnic probation service users and staff A thematic inspection by HM Inspectorate of Probation*. London, 2021.

[Race equality in probation: the experiences of black, Asian and minority ethnic probation service users and staff \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk/race-equality-in-probation/)

Tracking the voluntary sector's experience of the probation reform programme - the commissioning of day one services

New report launched from Clinks.



Supporting the voluntary sector
working in the criminal justice system

Clinks has launched a [report](#) looking at the voluntary sector's experience of the probation reform programme during the commissioning of day one services. The report draws on evidence gathered from a survey of 241 voluntary organisations and semi-structured interviews with eight organisations between May and July 2021. The research was conducted by Clinks with support from research partners at the Centre for Regional Economic and Social Research at Sheffield Hallam University, the University of Wolverhampton, and the Institute for Voluntary Action Research. The findings aim to inform future commissioning processes, including the commissioning of voluntary sector organisations in public service delivery more broadly.

A commitment to the role of the voluntary sector

When announcing details of the upcoming probation reforms in the summer of 2020, the government reaffirmed its commitment to - and recognition of - the role of the voluntary sector. It noted the voluntary sector had some of the "best experience, innovation and skill to tackle these issues," and that it would "play an enhanced role in the probation system."¹

The commissioning process for day one services (which began operating in June 2021) was completed in May 2021. Approximately two-thirds of the total contract value was awarded to voluntary organisations. In addition, the contract lot for the provision of specialist women's services was entirely awarded to voluntary sector organisations. This means that, overall, 23 out of a total of 26 lead providers are from the voluntary sector.

However, when we look more closely at the organisations that were successful in bidding for day one contracts, it becomes apparent that only a very limited part of the voluntary sector is involved. The voluntary sector working in criminal justice is made up of approximately 1,700 predominantly small, local and specialist organisations. However, across 110 contracts to deliver rehabilitation and resettlement services in the new probation system there are only a very small number of lead providers; and they are mainly larger voluntary organisations.² Moreover, there are no Welsh organisations leading delivery in Wales, and there is limited involvement in supply chains of very small and local organisations, or those led by and focused on racially minoritised people.

Against the background of this profile of organisations delivering day one services, and the government's continued commitment to the voluntary sector in delivering probation services, we set out to explore the sector's experience of the commissioning process in more detail.

Research scope

Our research looked at the whole commissioning process from market warming to award of contracts for day one services. We wanted to capture the range of experiences voluntary sector organisations have had in relation to engaging with the probation reform programme - from those who decided not to take part in the process at all to those who were successful in bidding and winning contracts through the Dynamic Framework.

Our recommendations are aimed at supporting future commissioning processes and engagement with voluntary sector organisations delivering rehabilitation and resettlement services.

Key findings and recommendations

A complicated process

Our research shows that the information provided during market engagement, despite being made available in a timely manner, was not clear or accessible. Reasons for this include the use of terminology that was not familiar to organisations and the volume of information organisations were required to read and digest.

One respondent said:

"The materials were reasonably clear but contained a lot of procurement jargon which was not helpful. The volume of materials to work through [was] also very challenging and it [was] difficult to find the resources in a small charity to work through all the information to be able to participate in the process."

We recommend that market engagement processes should be timely and give organisations clear and accessible information. The use of jargon should be limited, with any technical terms clearly and accessibly defined by the commissioning authority.

We also recommend that capacity building support should be provided for small, specialist organisations to support them to engage with commissioning processes and to navigate the Dynamic Framework for example.

Organisations found the process for qualification onto the Dynamic Framework complex, cumbersome and bureaucratic. The financial costs of the work required to register onto the framework were significant. The information required to register was also not proportionate to the value of the contracts. These issues were also felt during the bidding process for contracts, with organisations finding the process overly onerous and information not being provided in a timely fashion.

One survey respondent said:

"The actual bid process was incredibly cumbersome and complex with lots of information being required in complex formats and duplications. The amount of time spent on qualifying and the bid process even up to the point of deciding not to apply as a prime was incredible and was all time of the CEO, impacting on the rest of the charity."

We recommend that the Dynamic Framework and similar commissioning tools be simplified to ensure they are proportionate - the information required, and time taken to complete the process should reflect the nature and value of the contract being tendered.

Inadequate support

Organisations working to register onto the Dynamic Framework found it challenging to receive support from Her Majesty's Prison and Probation Service (HMPPS) when they had difficulties and were often unable to receive clarity on any questions they asked.

One survey respondent said:

"We felt throughout the process certain aspects were unclear and we could not get clarification (despite submitting clarification questions)".

We recommend that procurement teams be adequately resourced to provide ongoing and robust support to organisations throughout commissioning process. Furthermore, team members should have relevant expertise for the services being commissioned.

Contract size and grants as a better alternative

Many small, specialist organisations were unable to engage with the commissioning process due to factors including that the financial thresholds that needed to be reached to deliver services were too high, the geographical footprint of contracts was too large, and the information required during the process was disproportionate to the size of the contracts.

One organisation said:

"We are simply not big enough and were unable to partner as a subcontractor because larger providers felt they could already offer what we were providing."

We recommend that contract size should be reviewed and where possible reduced and let over the smallest possible geographical area to enable full engagement of small, specialist providers.

We further recommend that to encourage and facilitate the engagement of small, specialist organisations in commissioning processes to ensure true diversity of providers, grants should be the default funding option for voluntary sector organisations. Grants should be provided for three years.

To support decision making, we recommend that guidance should be developed on the circumstances in which a commissioner would choose a contract over a grant.

Our research found that some organisations need to subsidise the contracts they have won.

We therefore recommend that the true and full cost of services needs to be determined to prevent organisations needing to subsidise their work from other sources. This needs to be done in partnership and through consultation with existing service providers, especially specialist organisations.

Relationships with Regional Probation Directors

Lastly, we found that few organisations reported having a positive relationship with the Regional Probation Directors, with some highlighting concern that due to the time needed for the new probation services to bed in, their focus has so far been internal.

One respondent said:

"[...]The Probation Service will spend at least the next 18 months looking inwardly to make the new arrangements work and will rely solely on its commissioned partners to evidence partnership working."

We recommend that all Regional Probation Directors proactively reach out to and engage with all voluntary sector organisations in their areas, including those who are already registered on the Dynamic Framework and those who are not. In doing this they should create clear and accessible structures to enable voluntary sector engagement. Voluntary organisations are more than providers of services and this engagement needs to inform future commissioning processes.

What next

This research shows that there have been some lessons learnt from the Transforming Rehabilitation programme with organisations welcoming the unification of probation services. There is more evidence of partnership working and, on the whole, sub-contracted organisations were far more positive about their relationship with lead providers.

However, we find that some issues remain. Despite an expressed intention from the Ministry of Justice (MoJ) for the commissioning process to be open to all voluntary organisations we know it has favoured larger, well-resourced organisations and disadvantaged smaller, local and specialist ones.

Clinks has been proactively engaged in the probation reform programme since its inception and we have already made a series of ongoing recommendations related to the commissioning process. We are working positively and constructively with the MoJ and HMPPS to explore how they can implement our recommendations and ensure the voluntary sector are meaningfully involved.

At the report's launch event on 8 March Jim Barton, Senior Responsible Officer for Probation Reform, HMPPS outlined the work currently underway to respond to our findings.

Endnotes

1. Ministry of Justice and HM Prison and Probation Service. (2020). Government to take control of unpaid work to strengthen community sentences. [Press release]. [Accessed 14 October 2021]. Available from: <https://www.gov.uk/government/news/government-to-take-control-of-unpaid-work-to-strengthen-community-sentences>
2. NCVO define small organisations as those with an income of less than £10,000, whilst large organisations have an income of between £1m and £10m. As demonstrated by our State of the sector report, the criminal justice voluntary sector is made up of smaller organisations than the voluntary sector as a whole.

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