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PROBATION

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Quarterly

LIVED EXPERIENCE IN SERVICE DELIVERY

Navigating responsibility and risk

THE CASE OF JOHN WORBOYS

A pivotal point in Probation Victim Services?

LIVED EXPERIENCE VOICES

How building better relationships can
tackle the cycle of crisis and crime

BREACHING NON-COMPLIANCE

Proactive practice or ignoring the complexities?

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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 (Note: we do not publish requests for research participants)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.

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WELCOME TO PROBATION QUARTERLY ISSUE 25

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Jake Phillips
Editor, Probation Quarterly

There have been several important developments in the world of probation between the previous and new issue of Probation Quarterly. Unfortunately, these developments combine to create some real concern around the future of probation and the autonomy of probation practitioners.

High workloads and a seemingly unmanageable number of vacancies dominate debate and concern about how the Probation Service can continue to provide a good level of service. Meanwhile, the Ministry of Justice has introduced new rules preventing probation practitioners from including recommendations around release in parole reports. This has - rightly - been met with dismay from many in the sector and will, in my view, only serve to reduce the quality of decisions to release and further deprofessionalise and marginalise what is already the Cinderella service of the justice system (Robinson, 2016).

On the one hand the [recent announcement from HMPPS](#) that the Service will be (re)structured to ensure the frontline has the right support and supporting improved outcomes' and 'avoid

structural change' makes sense. I have often witnessed the ways in which prisons and probation act in silos, despite working with the same groups of people and individuals. A more integrated, overarching service may overcome some of those longstanding issues. However, history has shown us that prisons will always dominate when it comes to political, financial, and operational priorities and so I share concerns published in the [Probation Institute](#), [Napo](#), and [HMI Probation](#). Ultimately, this redesign risks jeopardising the ability of the Probation Service and its staff to act with autonomy, support people under supervision and respond to the priorities of local communities.

Finally, we have seen the appointment of Brandon Lewis MP as the 9th Secretary of State for Justice in twelve years, following the election of Liz Truss as new Prime Minister. We can but hope that a new Secretary of State will lead to action on some of the issues mentioned above. I urge the Minister to focus attention on making the Probation Service as autonomous, professional and local as it possibly can be.

I am delighted to include a range of articles in this issue which – as ever – cover a range of topics from an array of contributors. Using the knowledge of people with lived experience to improve policy and practice is becoming increasingly well-established in the world of probation (and further afield) and the first article in PQ25 tackles this development head on. Parr’s article draws on research with navigators in the CJS to remind us that people with lived experience should be supported with this often-difficult work, to ensure that their knowledge is used ethically and towards socially just ends. In this vein, I am pleased to include an article from Nadia, a member of the Revolving Doors lived experience team. She uses what I hope will be one of many regular contributions from people with lived experience to articulate what she thinks probation should do to support people effectively.

In her article, Wendy Martin summarises her research into the emotional work of victim liaison officers. One of her participants described victim services as being in the ‘dusty corner’ of probation. I would argue that Approved Premises and Unpaid Work might also be found – unfairly – in this dusty corner. I am thus very pleased to include submissions from Andrew Bridges on the former, and Phil Bowen on the latter, both shedding light on important but often neglected areas of probation practice.

There can be a tendency within probation policy to ignore the complex needs of different groups of people under supervision. Four articles in PQ25 deal with this problem. Firstly, Alana Ajani provides an update on the Race Action Programme which was created to reduce ethnic disparity across the penal sector. Both Hannah

Wilkinson and Helen Schofield shed light on the experiences of people who have spent time in the military prior to becoming criminalised. Rebecca Wellings – a practising probation officer – offers her views on how the Service does, and should, respond to non-compliance. I’d like to take this opportunity to remind readers that I am always keen to receive submissions from people in practice so please get in touch if you have something you want to write about.

It is well-recognised that employment can be an effective way of reducing the likelihood of reoffending, but self-employment is sometimes forgotten here. Richard Morgan’s article provides important insight into how the Probation Service might support people into self-employment. The Council of Europe’s influence over probation is also often forgotten and so Vivian Geiran’s useful overview of the functioning and relevance of The Council of Europe and Penological Cooperation should be of interest to many. In a piece kindly reproduced from the *Magistrate* Mike Guilfoyle reflects on being a magistrate and former probation practitioner and, finally, Suki Binning provides an overview of the work of Interventions Alliance and considers the potential for innovation in the post-unification landscape.

I hope you enjoy reading these articles and please do get in touch if you are interested in writing for [Probation Quarterly](#).

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WHAT'S GOING ON AT THE PROBATION INSTITUTE?



Helen Schofield
Acting Chief Executive
Probation Institute

Coming towards the end of a hot and rather troubling Summer it's hard to know to which crisis one should turn one's attention. Perhaps this is why the very disturbing events impacting on the Probation Service and the wider justice system are being met with a rather muted response at the time of writing.

The Secretary of State decision to ban parole report writers from making recommendations in their reports erodes the professional role of the Probation Service. It is doubtful if this could have happened through an executive stroke of the pen before TR.

Very importantly we are pleased that the interim ruling on the challenge (Bailey V SSJ High Court) to the ban states that the Parole Board should not be constrained in this way and should be able to hear such advice as it chooses. There has been no updated guidance for practitioners however and we understand that the Secretary of State insists that practice must not change pending the full hearing.

This may be a sign of things to come if the proposals to integrate the leadership and senior management of the Prison and Probation Services proceed. Proposals first notified to the service in July were quickly followed by a rapid acceleration of senior appointments. The lack of consultation or any democratic process is alarming. We know that Napo is firmly opposed. The Probation Institute has published an [open statement](#) and we will jointly hold a round table meeting later this month. This change may seem a small thing concerning management and not affecting practice but we have seen sufficient evidence of worrying trends to believe that this merger heralds the ending of a distinct professional community based Probation Service. We also

note that this integration is intended to achieve a contribution to the savings required from the Civil Service. It is beyond obvious to suggest that reducing the numbers of people unnecessarily in custody could achieve these savings and reduce some of the harms caused by unnecessary imprisonment.

Since the spring issue of PQ we are pleased to have published the research '[Journeys to Harmful Behaviour](#)' including our recommendations for policy and practice across government. The article on [page 52](#) provides more information about the research.

Our Position Paper on Race Equality is progressing well and we are keen to share the drafts for comment. We will shortly be publishing a comment on the first year of implementation of the Probation Service Target Operating Model.

Our first Annual General Meeting as an Incorporated Charitable Organisation for all members will take place on line on Tuesday 4th October between 12.30 and 1.30pm. This will be a [Members Only](#) event but what better moment to join the Probation Institute!

On 18th October we are holding the next Trainees Event online. Details will follow on our website and newsletter but if you would like to register early please contact admin@probation-institute.org



Lived experience in service delivery: Navigating responsibility and risk

Sadie Parr, Senior Research Fellow, Sheffield Hallam University

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In recent years there has been a growing appreciation of the ways in which the inclusion of people with 'lived experience' can enhance service delivery. A person with 'lived experience' refers to somebody who has lived through an adverse social or health issue(s) such as homelessness, mental ill-health and/or addiction, and has experience as a user of health, welfare, and/or social care services. Since the 1980s, the knowledge gained from 'living through' (or 'experiential expertise') has increasingly been recognised as an alternative source of authority and one that can challenge the professional knowledge, power, and expertise of occupational groups (such as probation officers, doctors, or social workers). Efforts to strengthen the status of experiential knowledge has been undertaken from a rights perspective with the goal of moving the recipients of welfare services from passive to active and empowered citizens who have a meaningful role in the decision-making which affects them.

The inclusion of people with lived experience within services is often achieved on a voluntary basis and includes 'representation' (e.g., on boards, panels and advisory groups), involvement in pre-qualifying training as well as various forms of formal and informal peer support or mentoring. Peer support grounded in experiential knowledge has come to be viewed as central to recovery strategies for people in the criminal justice system, drug users, and people with mental health problems (Wincup, 2019). Lived experience practitioners are also considered 'change agents', vital for transforming the organisational systems that fail to adequately



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support those with experience of multiple disadvantage (CFE Research, 2020) while experiential knowledge is increasingly the basis for salaried practitioner roles within support services.

The growing commitment to lived experience both politically, ideologically and in practice should be celebrated. However, it has been argued that the rights-based lived experience agenda has also been co-opted by the (economic) requirements of a neoliberal welfare state. As Appiah (2020) has noted:

"if lived experience was once viewed as a way to speak truth to power, power has learned to speak 'lived experience' with remarkable fluency".

Critics highlight, for instance, how service user involvement initiatives do not always entail meaningful engagement but instead take a complementary or tokenistic form serving to legitimise state governance strategies. 'Lived experience' itself also remains an ambiguous and contested term. Robust evaluative evidence of its benefits in service delivery is scarce (Macintosh and Wright, 2018). There is confusion for instance around the term 'peer mentoring' with no consensus regarding its definition and great diversity in the ways in which it is delivered. What is often missing - in claims around the efficacy of lived experience support - is theoretical understanding of *why* and *how* it might be beneficial (Buck, 2018).

Our study into a 'navigator' service designed to support adults facing multiple disadvantage (those experiencing combined problems of homelessness, offending history, problematic substance or alcohol misuse, and/or mental ill-health) has brought to the fore several core tensions inherent in lived experience support work (Parr, 2022). Reflecting the standard definition of the word 'navigator' as a person who steers a ship, the navigator role is aimed at directing people to the care they need, rather than providing a service per se. Navigators did not require professional training or qualification for the role and most (all in one local authority area) were appointed on the basis of having 'lived experience' of homelessness, addiction and/or involvement in the criminal justice system, as well as a sense that they would be able to use this knowledge effectively.

The research revealed the benefits that the role affords navigators as well as shared assumptions about the value of navigators' experiential knowledge for service users. For navigators, the role worked to revalue their past experiences and knowledge - that which had been devalued - into something that could be harnessed as an "*asset*". This enabled individuals to move from a marginalised social position to a more positive social identity in which they were recognised as competent, knowledgeable and highly regarded by colleagues. Lived experience was also considered a powerful tool within service delivery for facilitating user engagement and relationships of trust on the grounds of shared understandings e.g., of having lived through a particular physical, mental or social condition and associated challenges. Experiential knowledge was thought to foster a more genuine empathy and connection, commonly described as an ability "*to relate*" as well as generate forms of support defined by equality, solidarity and reciprocity. The knowledge gained from lived experience was felt to retain an authority that credited navigators with a greater "*respect*" placing them in a more favourable position (than other front-line practitioners and professionals) to motivate user engagement and positive change.

Some, however, questioned pervasive assumptions about the inherent value of experiential knowledge and its status as a *priori* superior to professional knowledge or a prerequisite for being a 'good' navigator. One participant pushed back on the value of self-disclosure for instance, describing instead an 'ex-smoker syndrome' whereby lived experience or inappropriate disclosure can generate negative effects (Phillips et al, 2018).

From the perspective of a small number of service users, the disclosure of navigator's lived experience was not spotlighted as the key ingredient that influenced their positive experience of navigator support. Rather, their personal qualities and style of working, including a non-judgmental, responsive and respectful approach - one regarded as different to their previous experiences with professionals - was paramount. These data raise the question of whether lived experience is a necessary element of 'good' support as well as if and how the disclosure of lived experience - in the telling of recovery journeys - confers better relationships with service users.

It was widely acknowledged by research participants that the label of 'navigator' - alluding not to the direct provision of a service but rather to the job of steering individuals through the welfare landscape thereby enabling access to the services they need - was misleading. Navigators were in fact providing a non-professional yet skilled, demanding and complex, support service. This drew attention to the way in which lived experience knowledge is positioned in relation to professional expertise. Regular training was provided for navigators yet there was an acknowledgement that 'upskilling' risks shifting responsibility from professionally trained practitioners, such as probation officers, mental health nurses or social workers, to unqualified navigators placing disproportionate responsibility and a significant weight of expectation on to their shoulders. Navigators could often feel out of their depth and overwhelmed by the volume and diversity of work they were involved with

when trying to support their clients. Furthermore, the navigator service, at times, inadvertently prohibited efficacious collaborative working by enabling key statutory welfare agencies (in particular, adult social care and probation) to withhold or withdraw support, something fundamentally at odds with the intended desire to better meet users' needs and secure their right to services. This was because navigator provision came to be seen as an invaluable and additional service welcomed by local partners operating in an under-resourced welfare environment.

Given the shift of responsibility away from the welfare state agencies, navigators were regularly supporting individuals who not only had high level needs but could present a high level of risk too, including those supervised through multi-agency public protection arrangements for the management of violent and sexual offenders. This spoke to a potential paradox within the support provided by navigators. Although they were not officially part of statutory offender management regimes, navigators worked closely with statutory partners in the criminal justice system (e.g., the police and probation) and were assimilated into formal and informal monitoring mechanisms of offenders. In so doing, navigators potentially risked compromising their own welfare philosophy - one founded on a less conditional and more inclusive model of support - the more they operated within established practices and mainstream discourses of risk and justice.

The navigator role also presented an emotional risk to service users that had the potential to thwart their own recovery journeys. Navigation is fundamentally a type of relationship-based work which involves long-term, close relationships with extremely vulnerable service users who have high level and complex needs. We heard reports that some service users had died whilst on navigators' caseloads. These deaths took a significant emotional toll and required resilience and support to enable navigators to cope with the loss and temper feelings of failure. The 'emotional labour' (Hochschild, 1983) that the work entailed for navigators, some of whom were still on a recovery journey themselves, put them at risk of experiencing setbacks. Yet despite the emotional demands of the work, navigators did not have a framework of support and supervision equivalent to professional staff in similar roles.

These research findings raise important questions that require further exploration if lived experience knowledge is to be employed both effectively, safely and in a socially just manner. Indeed, we need to understand more about how lived experience roles 'work' in practice if people with experiential knowledge are to be employed both effectively, safely and in a socially just manner within service delivery.

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The case of John Worboys: a pivotal point in Probation Victim Services?

Wendy Martin, Probation Inspector and recent graduate
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CAUTION

How the Probation Service works with victims of crime, is a lesser-known and under-researched element of probation work (Williams 2000) yet it was brought into the spotlight by the media and Government in the aftermath of the John Worboys (later Radford) case in 2018. The case resulted in damning headlines such as: 'How the establishment failed victims of 'black-cab rapist' (Guardian, 5 January 2018).

The Victim Contact Scheme (VCS) requires victim liaison officers (VLOs) to provide information to some victims of crime. However, many of the victims in this case had not opted into the scheme and so were not forewarned about the Parole Board's decision to release him from custody, with some victims first hearing of the decision from media reports. The case was complicated by the high profile and political status of one of the victims and the fact that although just 12 victims were identified in the formal prosecution many more women identified as being victims of his offending (see *R v DSD & Anor v The Parole Board* 2018).

The then-newly appointed Lord Chancellor and Justice Secretary, David Gauke initially stood behind the Parole Board's handling of the situation which included an unequivocal apology by its Chair Nick Hardwick. However, he then sought to challenge the decision and launched the first of a number of reviews into the running of the Parole Board, as well as requesting that Dame Glenys Stacey (then Chief Inspector of



Wendy Martin

Probation Inspector and recent graduate of the MSt Penology Course, University of Cambridge

Probation), review whether probation had correctly followed procedures. The review found that it was the procedures rather than the service that were at fault and led to calls for greater transparency into the decision-making processes of the parole board which have since been introduced (HMIP 2018), with VLOs now required to share additional information with victims. This new disclosure process has reportedly been positively received by both victims and VLOs (King and Willmott, 2022). In my research I sought to understand the difficult position that VLOs occupy when they have to 'put victims at the heart of the criminal justice system' (King and Willmott, 2022, p174) as exemplified by the Radford case.

The research sought to address gaps in knowledge surrounding contemporary probation victim work using data generated with those tasked with this complex responsibility. Additionally, the study sought to expand research on emotional labour in probation to include those working with victims rather than perpetrators of crime. I used a mixed methods, sequential study to explore how VLOs experience and cope with the emotional impact of victim work in probation. I initially used a survey that was sent to all current VLOs, with 132 out of approximately 200 VLOs completing it. This was followed by interviews with 15 VLOs to complement and expand upon the quantitative findings. There are two limitations to the research: that it was done in the midst of COVID19 pandemic related restrictions which may have affected the data that were collected as well as around the time of probation unification in June 2021.

The study found that VLOs experience both emotional labour and secondary trauma in their work, with many respondents in interview describing the case of John Worboys as pivotal and impactful on the way in which they felt about and undertook their work. The Probation Service focused on the work in a way that many said they had previously not experienced. Further, there was increased focus on the training and development of staff delivering the role. For most VLOs in the study, it was the work-related frustrations - or organisational stressors - that influenced their work on a day-to-day basis. These frustrations included how valued VLOs felt by the organisation as a whole, and their perceived isolation within it. These factors appeared to be more strongly correlated with wellbeing than the work itself.

The study highlighted the inevitable emotional burden that comes with doing a job that involves working with traumatised people in an organisation that does not necessarily recognise the emotional demands of the role. There was evidence of secondary trauma amongst VLOs with the majority of respondents having experienced at least one symptom in the preceding seven days of completing the checklist. This included thinking about victims in their personal life, and having difficulty sleeping as a result of their work. The study found that for secondary traumatic stress, the most frequently reported symptom was intrusive thoughts related to work with clients, with 80.3% (n= 106) of participants indicating that they thought about their work with clients without intending to. The next two most reported symptoms were reminders about work being upsetting and difficulty in concentrating. In terms of symptom frequency, over half of respondents (n =78) were exhibiting symptoms of at least moderate levels of secondary trauma with almost a third (n = 39) exhibiting factors linked to severe secondary trauma.

In the subsequent interviews, staff said that in recent years there had been a marked increase in the tasks required within the role.

*"Since the John Worboys case my job has totally changed...my job has just changed so much. Victims are entitled to so much more. I feel like it's a bigger job now."
(Abigail)*

Following the introduction of the Parole Board reconsideration mechanism post-Worboys (MOJ, 2019) which allowed greater transparency in the parole process for victims, the work of VLOs has significantly expanded, through what Van Dyne and Ellis (2004) refer to as role creep. The primary importance of information sharing highlighted in the Worboy's case was recognised by VLOs but could be frustrating when system limitations got in the way of them being able to inform victims.

VLOs act as a conduit between victims and the CJS and there was a real emotional consequence to being the 'face' of the system:

"we are the face of the justice system. We're the ones telling them things they don't want to hear, so we will have that impact."
(Deborah)

Together with frustrations with the wider system contact with VLOs often results in a range of emotional responses amongst victims, all of which needs to be navigated by the VLO. This requires VLOs to manage their own and the victims' emotions, despite being told that emotional support is not their role, and they are neither equipped nor trained to do so. The unacknowledged emotional element of the work, over and above simple imparting of information, has a negative emotional impact on staff, from mild frustration to more vocal anger.

VLOs accepted that sentence management was the key task of the Service but felt that victim services were on the periphery of the organisation in spite of published priorities. One participant described the service as *'The dusty corner of Probation'*, explaining that whilst there had been a significant focus on victim work after the Worboys case, officers reported a subsequent return to victim work being marginalised.

In common with studies of probation work with people on probation (Phillips 2011), staff felt anxious about the risk of being blamed when things went wrong. Some reflected that they were almost like victims of the system themselves, highlighting similarities between how they felt, and how the victims they were working with might feel. They felt that this was the case until something went wrong, or a high-profile case happened, when the focus turned to the victim contact scheme. Patricia was representative of others when she said:

"while the wheels turn and nothing falls off, probation will forget about us, we're not important. But the minute a victim kicks off or something happens such as Worboys or something like that, then we're important, then we'll become high profile and there'll be some high-level interest, and they'll poke about in things and they'll make change for change's sake and not actually consult staff who do the job as to whether or not that's going to be a useful change."

The lack of clarity about the purpose and scope of the VCS and VLO was consistent across the study. This frequently left staff working outside of the remit of the role and further exacerbated the lack of acknowledgment in relation to the emotional content of working with the victims of serious crime. This lack of clarity also impacts on how staff see themselves in their role, whether they feel supported and how they see themselves as being viewed by the organisation and so raises implications around how the organisation manages, supports, and trains the staff undertaking this challenging and emotive role. Further, VLOs are more likely to seek emotional support and management from friends and family than any work-based provision, such as the PAM-Assist employee assistance programme.

VLOs described how the initial interest (both internally and externally) in VLO work at the time of Worboys quickly receded. Simultaneously the increased workload - as a result of the processes put in place post-Worboys - continued to grow. Participants described feeling that the VCS still failed to recognise the emotional labour involved in sharing complex information and the limitations of victim work which VLOs must negotiate.

To date, no study has been undertaken to explore the link between emotional labour in probation work in England and Wales and other organisational stressors and how that impacts on staff wellbeing. Phillips et al (2020) are currently looking to explore this area and this study may provide some evidence to support that work. It would be particularly beneficial to understand how emotional labour differs between those working with victims and people under probation supervision.

My research raises a number of recommendations for the Probation Service. HMPPS should consider providing clarity about the VCS and the scope of it, to ensure a shared understanding across organisations, probation staff and indeed victims themselves. There is also an opportunity for HMPPS to evaluate the job description and guidance of the VLO role, and the accompanying training and support package available for those undertaking this specialist work. The extent to which VLO staff are included and consulted with across the organisation is a further area that warrants exploration by HMPPS. More broadly, my findings point to wider questions around whether the delivery of victim services should sit within probation or whether a separate agency should provide services to victims.

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Lived experience voices: building better relationships

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Revolving Doors

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I am really pleased to have been invited to write the first essay of what we hope will be a regular lived experience feature in *Probation Quarterly*. My name is Nadia and I have been a lived experience member with Revolving Doors for more than 2 years. Revolving Doors is a criminal justice charity that seeks to address the cycle of crisis and crime through centring our lived experience voice across its work. In this essay I share my suggestions for how we, practitioners and people with lived experience, can work together to build the positive relationships needed to tackle the cycle of crisis and crime.

1. Building trust and rapport is key

We need to create spaces that make people feel they want to open up, practitioners can do this by not being so invasive on what they are asking and the way they are asking questions. Open questions can help too, as can face to face communication. It can be really difficult for people to feel comfortable enough to share their mental and or/physical health needs: being seen in person can help practitioners to visually see and hear any changes to their health needs. When you see these changes though, the first instinct should be to try and provide support to the person in crisis, rather than immediately start enforcement which could damage relationships with the practitioner and the Probation Service.

2. Importance of being person-centred

We need to be more person-centred, giving individuals the safe spaces that support them to be willing to open up about their issues, but also allowing them to have involvement and responsibility in their plans. It can also really help to come to meetings with knowledge and awareness of different courses and opportunities (e.g., volunteering) that can be tailored to

people's interests. I found it really helpful where my practitioner was aware of organisations I could progress through and encouraged me to make the most of these.

Asking the right questions is integral, but the way you ask them is more important. Often things can be said but taken in two different ways. Tone can be very difficult to interpret over text and this is particularly important when working with people with neurodiverse conditions (such as autism, which is often undiagnosed) who may not process things the same way that you assume they would.

3. We need to work in partnership

Taking a person-centred approach, recognising that not one size fits all, means we need to work closely together. That involves recognising the challenges practitioners face too. The most beneficial outcomes for individuals and the practitioner come when plans are developed in partnership.

4. We need to take a more trauma-informed approach

We need to be more trauma-informed and aware of people's pasts and triggers. With probation and other services, I kept asking myself: Why do they keep re-asking questions when I have already told my trauma, a difficult and emotional thing for me to do, to so many people? We need to remember that, for some people, they may just need a little more time to open up, particularly if it's the first time they have ever spoken about their experiences.

Vibes and auras are also important, you may not want to talk to someone based on the way they look at you. Space is important too: offices should be made to feel more welcoming and less formal, to help put people in relaxed headspaces to let go and talk about experiences more openly.

We can work towards all these points TOGETHER. Valuing lived experience is a key element to this, including peer mentoring or a buddying system. People with lived experience are in every prison and probation office already, we are an untapped resource for working towards our shared aim: tackling root causes that drive the cycle of crisis and crime. Lived experience can bring something that books can't, but as we can also learn from those books, working together is key.

On probation you sometimes have to figure out who you are, what your strengths are, and that's really hard. Having an advocate with lived experience when you first enter the system asking: "*Do you need any support?*", can make all the difference.

Thank you for reading my thoughts, I never thought I'd be published in Probation Quarterly. If you also have lived experience and would like to share your valuable insight, please do talk to the editor as lived experience articles are really encouraged.

I am also proud to tell you that I have been a peer researcher on lots of research projects, including a project looking at people's experiences of remote communication in probation. Clare's story (below) really connected with me and I hope we can work together to improve support for people like Clare who really need it.

Clare (not her real name) was assessed as medium risk and was given a supervision order of two and a half years. She had mental health issues that were exacerbated by the process of re-gaining custody of her child having spent time in prison.

Clare had a great relationship with the first probation officer she was assigned. Clare felt that this officer demonstrated from their heart that they wanted to help, making her feel that this officer 'just got it' and was 'my type of person'. Unfortunately, after 3 months this officer moved to a different part of the country, so she was assigned a new officer. Her relationship with the new officer was not as positive and Clare felt she did not provide her with the kind of help she needed. Clare describes how this new officer used to want to 'fish [for further information] a lot about my ex', when Clare did not go to probation to talk about her ex (as this was in the past). Instead, she wanted to talk about more current and pertinent issues to her rehabilitation such as regaining custody of her child, moving house as staying in her current accommodation re-triggered difficult memories associated with her ex, and the financial difficulties she was facing, particularly around PIP (Personal Independent Payments) applications that were denied. She describes how this new officer offered no support with the PIP appeals process and only provided her with a number at the Department of Work and Pensions to call. As a result of not getting the help she needed from her probation officer, Clare describes how she: 'Did not know what way I was going. I didn't know who I was, where I was and where I was going'.

This frustration around not getting the help she needed was exacerbated by having to get three busses to the probation office, taking her half a day to travel each way. She felt that her relationship with her officer felt like a 'hi and bye system', only a quick check-in as her officer seemed to not want to provide the additional support she needed, for example to navigate the benefits system effectively.

An incident involving her ex-partner served to further damage her relationship with her new probation officer. One of Clare's license conditions was that she was barred from associating with her ex-partner, but both were assigned to the same probation office. A mistake was made by the probation office that led to Clare and her ex-partner leaving the building at the same time. They exchanged a few quick pleasantries as they walked out together (but very quickly went their separate ways). However, social services were called, and this negatively impacted her application to regain custody. Whilst this was probation's mistake, Clare was blamed. She eventually got an apology from social services for the mistake, but her probation officer never apologised. She felt disrespected by her probation officer as a result, and this made her more reluctant to ask for the help she needed. Despite having these concerns and feeling that her relationship was irrevocably damaged, Clare did not want to complain as after being passed around, she felt there could also be the risk that she could be assigned to an officer she got on with even less.

It was only towards the end of the Order, when she fell pregnant, that Clare felt her probation

officer opened doors and opportunities to her. Up until this point, after 15 months of supervision, Clare felt her officer was very reluctant to put her on programmes to support her rehabilitation, for example peer mentoring training courses, as though she did not trust her. Frustratingly these opportunities came just as she had less time and energy to dedicate to them, due to the pregnancy. It was also only at this point that Clare was referred to the local women's centre. She felt the workers at the centre understood her, her history and where she was coming from. If she could not attend a group meeting, they would take the time to call her to catch her up and they also took the time to support her with an application for a Discretionary Housing Payment (DHP), providing her with the form and completing it with her. This application for a DHP, which was approved, was used to make the bedroom of the child she was applying to regain custody of more comfortable, supporting her application. She felt she could have had this support much earlier if probation had helped her with the application or referred her to an organisation like the women's centre.

As Clare had been the victim of domestic violence, and was still at risk, she felt face-to-face contact with probation was essential to her. She felt remote contact would not have been suitable as she could not then read the body language of her probation officer. She also felt probation couldn't recognise the signs that she may be at risk, and so could not offer help:

"You don't know what's happening behind closed doors. How would they know I didn't have a bruise on my leg? Things are not always so noticeable on video calls".

The Council of Europe and Penological Cooperation: The UK Contribution in the Post-Brexit Landscape

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The United Kingdom's departure from the European Union (EU) has served to highlight, among other things, questions about the emerging nature of the UK's relationship with 'Europe' more broadly, including with institutions such as the Council of Europe (CoE). Although distinct entities, views on the EU and CoE are often conflated in discussions surrounding the fallout from Brexit. In recent months for example, some British Ministers have criticised the European Court of Human Rights for decisions regarding the UK's treatment of immigrants. Some aspects of such a stance in relation to the CoE might be interpreted as being part of an underlying attitude that anything that smacks of 'being told what to do by Europe,' including in the generation and implementation of shared standards of practice, is to be shunned in the spirit of Brexit. Such an attitude however, risks Brexit stifling opportunities for continuing mutually beneficial collaboration, through the CoE structures, in penological¹ matters.

While the UK has a clear right to self-determination, including of its relationships with international bodies, it would be a shame to throw the established justice-related international cooperation 'baby' out with the Brexit 'bathwater.' The value of such cooperation in relation to international security, terrorism and combatting transnational crime, post-Brexit, continues to be well recognised. Even so-called *hardline brexiteers* generally want to continue to ensure that international borders should not protect those who have committed serious crimes and who pose significant threats to national security and public safety. Other somewhat 'softer' areas of inter-jurisdictional cooperation in justice matters though, should not only be maintained but developed and in some respects revived. Specifically I am referring to the management of penal sanctions; unless the UK



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contemplates leaving the CoE too it is here where a well-established forum for such cooperation and development already exists. The UK has a strong history of positive input to the CoE in penological matters, something that may have weakened, in recent years. In this article I argue that there are compelling reasons to reverse any such slide and renew the UK's involvement here.

In 1981, the CoE established the Council for Penological Cooperation (PC-CP) working group, and mandated it, *inter alia*, to: coordinate and promote penological activities at the European level; collect and disseminate information and expert opinions; advise member states, on request; monitor and encourage implementation of minimum standards; and to organise conferences and publish statistics.

¹ There are various definitions of 'penology' and 'penological.' For the present purposes, the term is related to the study and management of penal sanctions, specifically what may be broadly termed prison and probation.

In the years since, the PC-CP has developed a wide range of practice standards, including the European Prison Rules, European Probation Rules, European Rules on Community Sanctions and Measures, and Recommendations on Restorative Justice, Persons Accused or Convicted of a Sexual Offence, Children of Prisoners, Electronic Monitoring, as well as documents on Radicalisation to Violent Extremism, among many more. A compendium of all these standards is available on the PC-CP webpage.² The work of the PC-CP's nine-member working group in developing standards for probation and prisons work has been done in collaboration with a range of external experts, contracted in on the basis of their expertise in specific areas of practice.³ Many of those international experts have been from or based in the UK.

The work of the PC-CP can be summarised under the following headings:

1. Generation and implementation of practice standards in prison and probation,
2. Fostering practical collaboration and networking in these areas of policy and practice developments, and
3. The generation of prisons and probation statistical data across the member states.

PC-CP working group positions are voluntary, with only travel and subsistence expenses being reimbursed by the CoE. The working group elects a Chair and Vice-Chair each year, for a term of one year, renewable once. The PC-CP usually meets four times a year, in Strasbourg, with one of these meetings being in plenary session, where all member states are invited to be represented. PC-CP documents, including minutes of meetings, are available on the relevant webpage: <https://www.coe.int/en/web/prison/home>

Why is the work of the PC-CP important? The CoE standards drafted by the PC-CP are not legally binding on member states. They are often described as part of the body of 'soft law' applying to relevant areas of practice. Importantly, after the drafting process, the various standards documents are ultimately approved by the CoE Committee of Ministers, representing all member states. In that respect, they carry a collective and united 'seal of approval' when they are issued. They are also widely used as benchmarking standards in probation and prisons work.

Norman Bishop was a former British prison governor and once Head of the Prison Service College and is widely recognised as having had a significant influence on the PC-CP over many years. In a tribute⁴ Professor Rob Canton described Norman as

"...an influence in the Council for Penological Co-operation (PC-CP) over many years [who] recognised that the Recommendations of the Council are 'soft law' and that much of their influence depends upon the respect they are able to command."

Rob, who himself has been a significant contributor to the work of the PC-CP, went on to write that:

"By now we are used to the idea that scholars, managers and practitioners can sit down together in friendship and good faith to exchange ideas and to learn from one another. Such dialogue has a long history but Norman Bishop was among those who championed and nurtured these exchanges. He understood that the tone of these meetings often makes quite as much difference as any formal conclusions that they may reach."

¹ The Council of Europe's Compendium of Conventions, Recommendations and Resolutions Relating to Prisons and Community Sanctions and Measures (2021) is available at: <https://rm.coe.int/compendium-e-2021/1680a4bdd9>

² Details of the PC-CP's composition and structure as well as current terms of reference, mandate and work programme, are available here: <https://rm.coe.int/draft-tor-pc-cp-2020-2021-final-en/168096d469>

³ Rob Canton's blog: Talking About Punishment - <https://rcanto00.our.dmu.ac.uk/2020/08/03/norman-bishop-a-tribute/>

The PC-CP is one forum where that exchange happens very effectively and productively, for over four decades, as described by Professor Canton.

Since the PC-CP was established, there have been five PC-CP members elected from the UK, including a senior Home Office official, Director General and Deputy Director General of HM Prison Service, and the Chief Inspector of Probation. The most recent PC-CP member elected from the UK served on the working group from 2006 to 2011; there has been no PC-CP member from the UK since then.

So what can be done to renew the UK's previously strong relationship with the PC-CP? At the end of 2023, the terms of office of six of the nine current members of the PC-CP are due to expire, with new members to be elected. Elections are held at the Plenary meeting of the CoE Committee on Crime Problems (CDPC), which usually takes place towards the end (November or December) of each year.

A few years ago, during my tenure as Chair of the PC-CP, I was approached privately in relation to the possible candidacy of two different UK representatives at the then upcoming election. Either candidate would have made an excellent PC-CP nominee. No UK candidate was nominated that year and the UK has not made any nominations over the almost seven years that I have been a PC-CP member. No CoE member state is under any obligation to make nominations to the PC-CP but the UK's failure to

do so is perplexing, especially given the previous history described above. I cannot help but wonder whether this ennui in relation to the matters of the CoE is being reinforced by Brexit thinking. Nevertheless, the UK continues to be held in high esteem for its historically positive contribution to penological thinking, scholarly work and the development of probation practice in particular. Additionally, the work of the PC-CP is carried out primarily in the English language, with documents being drafted in English. At a practical level, this places those involved who also happen to be native English speakers at somewhat of an advantage and of great practical value to that work.

Some powers-that-be in the UK may bridle at an institution with a 'European' label appearing to put any limitations on UK sovereignty. However, considering the bigger picture, it is in the interests of all concerned including victims of crime, those who offend, and wider society that we continue to 'exchange ideas and... learn from one another.' The UK has an important role to play in this exchange, as it has done over many years. The PC-CP elections in 2023 would be a good place to start such revival. The nomination of any individual, from any part of the UK, has to be made by the relevant Ministry in London. There is of course no guarantee of any nominee being elected, but a commitment by the UK authorities to at least nominate someone would be a good start in renewing the commitment to penological cooperation at a European level and developing the Norman Bishops of the future.



Her Majesty's Prison and Probation Service: tackling racial disparity in prisons and probation

Alana Ajani, Programme Director, Race Action Programme

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The HMPPS Race Action Programme (RAP) is an ambitious three-year programme aiming to tackle racial discrimination and disproportionality in all its forms across HMPPS for staff, prisoners, children, and those on probation. The RAP, which is due to end in March 2024, will increase the diversity of our workforce, address the risk of bias in our policies and tackle disparity in outcomes for prisoners, people on probation and children in our system. This will also help to reduce reoffending and enhance rehabilitative practices and ensure all staff have an opportunity to be their best.

As Programme Director I am privileged to be leading the programme team as we strive to 'embrace difference, take action and create change'. There continues to be an over-representation of ethnic minority people in the criminal justice system. In the UK 13% of the population are from an ethnic minority background, but in 2021, of those who declared their ethnicity, 28% of the prison populationⁱ and approximately 18% of those on probation were from an ethnic minority backgroundⁱⁱ. We know that reoffending rates are higher in ethnic minority groups and that there are inconsistencies in access to employment, training, and other interventions between ethnic minorities groupsⁱⁱⁱ.

A recent survey of probation staff, carried out by the Probation Service in partnership with the HMPPS ethnic minority staff network and Trade Unions, has provided insight on the experiences of ethnic minority probation staff at work. The findings make it clear that action is needed, and my team are working hard to address this to ensure that everyone has equal opportunity to be their best.



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Race Action Programme

We have developed a suite of strategic interventions to address disproportionality. These have been grouped into five priority projects and our delivery model is designed to ensure that we are focused, accountable and create sustainable change. Our programme governance gives us the opportunity to be transparent and open to the challenge and use the expertise of key stakeholders and third sector organisations. This includes our External Advice and Scrutiny Panel (EASP) an independent group of expert stakeholders who we invite to review, assure, and challenge the design and implementation of our priorities.

ⁱ Her Majesty's Prison and Probation Service Offender Equalities Annual Report, 2020/21, Ministry of Justice Official Statistics Bulletin [HMPPS Offender Equalities Report 2020/21 \(publishing.service.gov.uk\)](https://www.gov.uk/government/statistics/hmpps-offender-equalities-report-2020-21)

ⁱⁱ Offender Management Statistics quarterly: October to December 2021 <https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-october-to-december-2021>

ⁱⁱⁱ The effectiveness of rehabilitative services for Black, Asian and Minority Ethnic people: a rapid evidence assessment 2018 [The effectiveness of rehabilitative services for Black, Asian and Minority Ethnic people: a rapid evidence assessment \(publishing.service.gov.uk\)](https://www.gov.uk/government/statistics/the-effectiveness-of-rehabilitative-services-for-black-asian-and-minority-ethnic-people). Minority ethnic prisoners' experiences of rehabilitation and release planning 2020 - A thematic review by HM Inspectorate of Prisons [Minority ethnic prisoners' experiences of rehabilitation and release planning: A thematic review by HM Inspectorate of Prisons \(October 2020\) \(justiceinspectorates.gov.uk\)](https://www.gov.uk/government/statistics/minority-ethnic-prisoners-experiences-of-rehabilitation-and-release-planning)

This is complemented by our Internal Challenge and Assurance Group which independently assesses the viability of programme proposals, deliverables, and recommendations ahead of pilot or implementation. The group is representative of frontline delivery staff and people with experience of both custodial and probation settings.

We work in partnership with colleagues from across the business in the design and delivery of our priority projects and this allows all our interventions to be viewed through a lens of sustainability which will be critical when we transition from programme to business as usual.

RAP's priority projects - the what and the how

Over the next two years, the RAP will deliver a range of new initiatives which have been grouped within five priority projects:

- enhancing the current **learning and development** provision to address current gaps in cultural understanding across all staff groups
- enhancing **recruitment, retention, and talent management** opportunities
- providing **safe spaces and support** to manage the effects of race issues
- ensuring consistent application of **policies**
- facilitating greater engagement with the **third sector**

Infographic - overview of Race Action Programme's Key Deliverables

	Learning and development	Recruitment, Retention and Talent Management	Support and Safe Spaces	Inclusive Policies	Third Sector Engagement and Partnerships
Key Deliverables	Diversity and Inclusion Learning Hub	Progression Buddy Framework	Race Allyship	Consistent Analysis and Interpretation of Data learning	Third Sector Database to increase engagement with external expertise
	Enhance Success Profiles learning	Diverse Recruitment Panel Guidance	Safe Spaces for staff people in prison and on probation	Policy dialogue consultation sessions with expert organisations	Develop third sector commissioning framework
	Learning Evaluation and assurance framework	Ethnic Minority Talent Database	Support packs for staff, people in prison and on probation	Consistent policy application animations	

Recent success

We have now entered the delivery phase of this programme's life cycle with a catalogue of interventions already taking place.

1. As part of our inclusive policies project, we have completed a series of policy dialogue sessions where third sector experts have contributed to the development of existing HMPPS policy. We will be expanding this intervention throughout 22/23 with a view to embedding the approach into the organisation going forward.
2. Over the past year, HMPPS has run a successful pilot of enhanced training for staff to improve the quality of pre-sentencing reports on ethnic minority individuals to reduce racial disparity in sentencing. Initial feedback has been positive, and evaluation is underway to inform long-term implementation.
3. Alongside this, we will be evaluating the success of The Voluntary and Charity Sector Stewardship Fund. This was a £1.5million fund established to strengthen the capacity of ethnic minority specialist voluntary organisations to be able to engage in probation commissioning, will now work through a framework of evaluation to inform future rounds of the fund on a permanent basis and make it available across probation, prisons and YCS.
4. The programme led on the development of a Gypsy, Roma, and Traveller (GRT) Strategy which aims to improve outcomes across HMPPS for GRT communities, strengthen current practice and scale up good practice. We have consulted with external partners throughout the initial development of the strategy and will continue to do so as this work progresses.
5. In summer 2021, we launched a Race Allyship Charter - a framework which set out the key principles of allyship which include education, amplification, and visibility. Race Allies are individuals who are committed to amplifying the voice of, or issues related to, ethnic minority people. To date, over 1000 staff members have signed up to become race allies and we will now begin a phase of engagement to enrich our allyship community.
6. Most recently, we have implemented Race Action Forums - monthly staff events which focus on a range of race action deliverables across the organisation. These have been a success with most attendees rating them useful and reporting that they would attend similar events in the future. As a next step, the programme will look to partner with external stakeholders to incorporate external expertise into the next phase of Race Action Forums.

The programme is at an exciting junction where we will be shifting into a phase of delivery across all our priority projects. In parallel, we are developing a framework to support the long-term implementation of our interventions into business-as-usual activity.

We want to keep innovation at the heart of the programme to ensure that our outcomes are sustainable. Next steps include introducing immersive technology into diversity and inclusion learning, using animations to upskill staff in consistency in policy application, and designing bespoke recruitment initiatives to support ethnic minority staff through the career pipeline.

If you would like to find out more about the Race Action Programme, please email: hmpps.rap@justice.gov.uk



Understanding the harms of criminalisation for “veteran offenders”

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Fourteen years ago, the National Association of Probation Officers (Napo, 2008) reported 'alarming levels' of over 20,000 former military personnel imprisoned or under community supervision in England and Wales. This led to the political category of 'veteran offender', alongside asking all those who encounter criminal punishment systems to disclose whether they have ever 'served' in the armed forces. Despite initial interest in how best to support ex-forces personnel, a national strategy is yet to be produced and examples of good practice remain at local levels (Moorhead, 2021).

Driven by a social harm approach, my research offers a critical insight into life before, during, and after military employment in the 21st century. This involves exploring the lived experience of interactions with state institutions and transitioning from the armed forces more generally, not just for those criminalised. Based on 14 visual and narrative interviews with ten British ex-forces personnel, it was found that processes of 'becoming' militarised are deeply embodied and carried into post-military life (Wilkinson, 2017). As one participant explained:

"It's the training process of breaking someone down, and then, building them back up. And at no point has anybody re-broken me down, to build me back up as something else. So that's still how I am."
(Harry)

The 'hero to zero' fall

In a recent [article published in Probation Journal](#), I argue that the categorisation and governance of ex-forces personnel - however well-meaning in terms of support - is fraught with exclusion, misrecognition, and potential harm. It appears criminalised ex-forces communities face a



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complex 'dance of disclosure' while navigating post-imprisonment transitions. People must risk the potential shame of revealing and tarnishing their military past, in addition to the 'civil and social death' (Henley, 2018) that accompanies practices of criminal record disclosures.

A veteran is defined as anyone who has served one day in the Armed or Maritime Forces, regular or reserve (MoJ, 2019). Yet in practice, the vast diversity of military roles, experiences, and careers is not always understood. To offer a glimpse into this diversity, my article (Wilkinson, 2022) draws on case studies from two interviews with criminalised veterans, 'David' and 'Oliver'. Like many imprisoned ex-forces personnel (Albertson et al., 2017), David was convicted for violent offences and was continually criminalised for addiction, and Oliver was convicted of a sexual offence.

David was employed by the British Army at the age of 16, straight from the care system. After a positive drugs test in the Infantry, he was dishonourably discharged with no access to resettlement or support. David described life from this point as desperately trying to re-enter disciplined institutions:

"The worst thing that ever happened to me is I went to prison the first time [...] I just need that structure now you know? That I originally had in the Army. Kind of got that from care a little bit. So, I've moved, well really from one institution to another, to another." (David)

Oliver was employed by the British Royal Navy as a field chef at the age of 17. During his service he became addicted to alcohol and gambling. After being made redundant, Oliver worked as a prison officer and in prison kitchens for several years. In contrast to David's experience, Oliver craves the freedom of autonomy. Below, he discusses life in charity-provided housing under probation supervision:

"I'll be using this facility for the least amount of time as I have to. I want my individual life back. To make decisions for myself [...] and get out of here." (Oliver)

'More risky' yet 'more vulnerable'

'Veteran offenders' embody a tension. On the one hand, they may be managed as 'more risky', due to the drilled resource of being able to kill (Murray, 2014). On the other hand, criminalised veterans may be in greater need of support, precisely due to militarisation and potential exposure to the harms of war (McGarry et al., 2015).

'Doubly bad'

David and Oliver discussed being governed as 'high risk' and perceived to be 'more dangerous', due to an assumed capacity for violence linked to being ex-military:

"I was on three man unlock, because I was seen as high risk [sniffs]. Um, I had to lie on the floor with my hands behind my back every time they come into my cell." (David)

As a 'veteran sex offender', Oliver was also subject to degrading daily restrictions, such as having to detail a short walk:

"Classic one. I got a new probation officer ... he said, "did you know that there's a school nearby?" [explains walking routes] I made sure they knew. ... I get that they're concerned for the public. It's their job. I'm a veteran sex offender now. Doubly bad! But you've got to be reasonable." (Oliver)

'Doubly sad'

Alongside being governed as 'more violent', criminalised ex-forces personnel are frequently medicalised through the lens of post-traumatic stress disorder (PTSD). Like most ex-forces people, David was not deployed to an area of active conflict. Nonetheless, practitioners routinely assumed his mental health struggles were war-related PTSD:

"I hate it. I don't suffer with PTSD, but I suffer with real bad depression ... [sniffs] ... They, kind of, tie depression, do you know what I mean, automatically to PTSD [sniffs]" (David)

Those managing David were likely trying their best to offer support. Yet connecting David's criminalisation to the mental traumas of war compounded a deeper level of symbolic pain and shame caused by a *lack* of war experience - an issue rarely discussed in literature:

"You have to keep telling people... [Sucks in air] No. No, I didn't, I didn't see conflict [...] We never got called up. I was disappointed we didn't go ... I'm really jealous" (David)

David and Oliver explained how being asked to disclose details about military service to practitioners led to feelings of guilt about receiving veteran-specific support, while others with war experience may be 'more in need':

"I'm ex-forces. ... A veteran is somebody who's served in a war, served the country that way. I'm not a veteran. [...] Especially the lads, what they're having to go through now with dirty warfare. They're the ones that really need help [sighs]" (Oliver)

This chimes with Sim's (2017: 197) argument that establishing 'vulnerable identities' can generate competition for scarce resources.

Social Harm

David and Oliver had joined the armed forces to escape the harms of poverty, echoing a common narrative among ex-forces personnel (Gee, 2017). Struggles surrounding the 'reverse culture shock' of leaving militarised institutions (Bergman et al., 2014; Cooper et al., 2016) collided with difficulty accessing basic resources to survive, such as food and housing. The ability to flourish as a human (Pemberton, 2016) had therefore worsened amid a time of violent Conservative austerity and life on Universal Credit:

"Money there's not a lot I can do on that. Just [air quotes] 'live within your means'. [pfft]... I'm slowly but surely getting used to that amount. I eat every day now." (Oliver)

Although the Armed Forces Covenant may intend for the disclosure of a military past to assist with targeted support (MoJ, 2019), it may be forcing thousands of people into the difficult space of bringing the shame of a conviction to their military service. Oliver's conviction tarnished his veteran identity and destroyed the relationship with his family and Navy friends - resulting in a loss of purpose in life, the loss of supportive social capital, and a painful loss of belonging:

"Now my family get together and go away on holiday once a year. Me not invited. Still hurts." (Oliver)

Trying to re-find a sense of belonging and purpose with a criminal record

Like millions of people navigating the barriers flowing from criminal record disclosures (Henley, 2018), life after imprisonment for David and Oliver involves being systematically excluded from full citizenship. It's worth actively remembering that living in precarious and uncertain socio-economic conditions, especially with a criminal record, disrupts the ability to imagine and plan a positive future:

"Trying to get work with my convictions and stuff like that. It's going to be near impossible ... wouldn't even get a step in the door." (David)

"With so much behind you, above you, and all the rest of it. So many restrictions ... I've got to start again, a career, from scratch. Hard ... What I'm hopeful for is a relationship with my daughter ... That's why I'm still alive. Erm, and to be alive is not enough. I've got to be happy. [laughs] [pause] Which is easier said than done." (Oliver)

Final thoughts

Notions of 're-habilitation' assume a return to a prior, 'acceptable' way of being (Mawby, and Worrall, 2013). When supporting criminalised ex-forces communities, I'd urge practitioners to remember that for most people who enter the military between the ages of 16 and 18, 'civilian life' has never been 'habitual' as an adult. Further, ex-forces people have often existed within a militarised team, with external goals and purpose, rather than as an 'individual'.

Governing criminalised ex-military people's life choices through civilian ways of understanding may therefore be problematic and potentially counterproductive. Supporting ex-forces personnel to navigate the forever changing demands of 'civvy street' will likely require learning, patience, and a wealth of trust. I hope sharing the experiences of David and Oliver will mean that disclosing previous military employment does not result in more risk-driven restrictions on people's ability to live without further criminalisation, especially amid a turbulent cost-of-living crisis.

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Restoring the “jewel in the crown” of the Probation service

Phil Bowen, Director, Centre for Justice Innovation

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The last ten years have been bumpy for people delivering unpaid work. In the early 2010s, unpaid work was privatised in London, an experiment which - by all accounts - [left almost no one happy](#). Then it was part of the probation service cleaved off into the twenty-one privately run community rehabilitation companies in 2014, and [when that did not work](#), it was brought back into the new, national, public Probation Service. Then, as Unpaid Work provision came back into public ownership in 2020, COVID19 hit, [tripling an already growing backlog of unworked hours](#). This confluence of events led us to look at probation's delivery of unpaid work afresh, in our new report, [The Future of Unpaid Work: Payback with a purpose](#).



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Probation unification

In recent [research on professional identity, culture, and practice in probation](#) since the collapse of Transforming Rehabilitation Tidmarsh has found that staff who worked in the private probation companies feel like they are viewed as 'second class'. Many participants in his study commented on how unification has restored a sense of professional identity, as 'we're all one service now'.

The unification of probation was a dominant backdrop to the research we conducted at the Centre for Justice Innovation during which we were lucky enough to interview unpaid work staff in all the regions of England and Wales. Teams were enthusiastic about the [injection of additional funds and new national and regional contracts to deliver more unpaid work hours](#), which should enable probation to make real strides in delivering unpaid work.

But we also found frustrations, one of which was increased bureaucratic barriers that stopped them operating nimbly. For example, we found that many of those we interviewed who had been employed as part of a Community Rehabilitation Company were accustomed to ordering equipment for unpaid work jobs which would

arrive in days. They now experienced significant delay as a result of an overly centralised, slow and bureaucratic procurement process. One interviewee stated it bluntly: *"We wait ages to get equipment we used to get the next day."* As Tidmarsh has found, *"many legacy CRC staff argued that they missed the 'flexibility' and 'dynamism' of working in the private sector."* Further, he notes that *"since unification, a grey, faceless 'Civil Service bureaucracy'"* has replaced Chris Grayling as the bogeyman of probation.

Cultural divide

Disappointingly, we also found that unpaid work supervisors feel their work is under-appreciated by both fellow probation staff (especially qualified probation officers) and 'the centre'. This lack of recognition was perceived as a long standing cultural issue rather than the product of transforming rehabilitation. It is more reflective of a divide between 'professional', qualified probation officers and those who were not. We found this particularly distressing because there is clear evidence that purposeful unpaid work can only be achieved when skilled unpaid work supervisors help people on unpaid work to change their lives.

COVID19 and unpaid work

Another, obvious, dominant backdrop to our research was the pandemic and subsequent recovery. We found an understandable sense of pride among those we interviewed in relation to the resilience of probation to meet the challenges of COVID19 that impacted on the ability of unpaid work to deliver in particular. Between March 2020 and March 2022, there was approximately eight months when it had not been possible for probation services to deliver on-site community payback projects. Moreover, probation managers, nationally and regionally, have had to deliver unpaid work within restrictions even when it did resume. Our interviews found that covid-related restrictions severely limited the use of minibuses to collect people on probation and deliver them to site. Our interviews suggest that, due to this, requirements for people on probation to "report to site" became more frequent, replacing the former practice of transporting people to projects in minibuses. Practitioners interviewed across the regions suggested that this lack of use of minibuses led to a higher number of breaches as people on probation failed to report to site, or, having done so, simply walked off site. Other consequences of the pandemic were higher staff attrition, lower staff morale, and higher staff sickness amongst those delivering unpaid work. Singleton placements were particularly badly affected as many charities closed premises. This adversely affected women on probation, who tend to be placed in charity shops.

Future demand

At a more structural level, we found other challenges for probation in delivering unpaid work. It is likely probation will have to deliver more unpaid work in the future due to the rise in police officers. The impact of plans to recruit 20,000 new police officers on the criminal justice system suggest that this could lead to a rise in the number of community sentences, and, consequently, in a 17% rise in the number of community sentences with an unpaid work requirement when compared to the pre-pandemic baseline.

Second, as with all people serving community sentences generally, the cohort of people required to perform unpaid work is slowly getting older, a trend which is likely to continue. We estimate that 25% of the unpaid work population in 2024 will be over 40, compared to 21% in 2016. This has a direct consequence for the type of placements sourced.

Third, there is circumstantial and qualitative evidence that suggests that the cohort of people on unpaid work are now more likely to have complex needs than they previously did. A number of people interviewed felt that 'stand-alone' unpaid work is increasingly being given to more complex individuals who, in the past, would have received multiple requirements. We have also seen rises in the complexity of needs in other justice involved cohorts, including people in contact with the police and in the prison population.¹

¹ See, for example: Justice Select Committee. (2019) Prison population 2022: planning for the future. Available at: <https://publications.parliament.uk/pa/cm201719/cmselect/cmjust/483/full-report.html>; Youth Justice Board/Ministry of Justice (2021). Assessing the needs of sentenced children in the Youth Justice System 2019/20 England and Wales: Experimental Statistics bulletin. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/968700/experimental-statistics-assessing-needs-sentenced-children-youth-justice-system-2019-20.pdf; Police Foundation. (2022). Strategic Review of Policing in England and Wales. Available at: <https://www.policingreview.org.uk/>

It is unclear whether these rises represent actual rises in complexity or whether they show that we, as a society, are becoming better at self-reporting and independently identifying them. In any case, this rise in the number of complex needs faced by people on unpaid work will be reflected in the unpaid work cohort as it increases over time.

Yet, as the [Chief Inspector of Probation has recently stated](#), chronic staff shortages and high workloads in probation are putting the recovery from the pandemic at risk and are likely to undermine efforts to build new capacity to address future increases in demand.

A hopeful future?

Perhaps most excitingly our research gave us the opportunity to help probation colleagues step back from the pressing demands of the backlog to think about where unpaid work should be in the medium term. There was a heartening consistency across regions about what unpaid work ought to be: purposeful, visible, and vibrant. These values (luckily or by design) accorded very closely with what the admittedly patchy academic evidence says about effective unpaid work: that good unpaid work can give people on probation skills and involving them in restoring places results in wider benefits to the community.

Away from the political debate about unpaid work (with its myopic focus on sounding tough: “[fluorescent-jacketed chain gangs](#)”), there was a widespread interest in unleashing the value of unpaid work as a means to engage local communities in public safety. We heard time and again this cannot be done from the national HQ, nor even from the regional headquarters. Rather, it requires the devolution of decision making and investment at a ‘hyper-local’ level. It’s why we

recommend in our report that HMPPS does two things simultaneously, as part of its medium-term strategy:

1. Devolve decision-making for the delivery of unpaid work to the regions
2. Invest in community involvement.

Some of functions of probation can be administered centrally, but the unique and community focused nature of unpaid work demands a more local solution. We repeatedly heard pleas from staff to be empowered to deliver purposeful unpaid work tailored to their communities. We recommend a number of steps to devolve decision making to the regions, including providing them with more powers over procurement and reviewing a number of the centrally administered shared services.

We also argue that HMPPS should develop new hyper-local partnerships with groups and organisations in communities especially affected by crime. Using the principles of community involvement, these hyper-local partnerships would seek to engage and involve community groups in identifying work that needs to be done locally, and in promoting the work carried out to visibly demonstrate that the justice system pays back. We suggest that, alongside national and existing local projects, HMPPS should work toward ensuring 10% of placements are sourced from new hyper-local partnerships by January 2024.

A former head of the National Probation Service once described unpaid work as the “*jewel in the crown*” of the probation service. We hope our report, and the plan for payback with a purpose it advances, will go some way to making that jewel sparkle again.

Probation and the bench

Mike Guilfoyle, Former Probation Officer & JP

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The early days

A short time after qualifying as a social worker in 1990, I found myself employed as a probation officer with the Middlesex Probation Service. Part of my probationary training involved shadowing one of my more experienced colleagues in a busy North London magistrates' court. He was called to another court in the course of his duties, and I recall feeling a cold chill at the unerring gaze of the stipendiary magistrate (now district judge) as one of the defendants appeared from custody, looking bedraggled and sounding argumentative, after a night spent in a police cell. He was one of the 'regulars' who appeared in the dock, a homeless man with a troubled history of alcohol dependency, who would smash a shop window and await arrest, to secure a warm overnight stay with the local constabulary. The 'stipe' impatiently asked, if the probation service could 'do something for this indigent alcoholic' (words with a vaguely Dickensian overlay) as he needs to be offered 'help and assistance' as punishment clearly was not working! He was sentenced to a day in lieu, and I agreed to go into the cells before he left to interview him, with a view to offering such help and assistance as I could muster.

In the event, when I introduced myself as his 'new probation officer', anxiously hoping that he might respond to an approach aimed at his vulnerability, persistent offending and evident welfare need, he harrumphed, 'I do not need any probation officer to tell me what to do' and returned to the streets adjoining the probation office. He sadly passed away a while later having collapsed in those very same streets while intoxicated.



Mike Guilfoyle
Former Probation Officer

Around the same time, I was called upon to prepare a pre-sentence report on a female defendant who was remanded in custody and was facing sentence at the crown court. I was encouraged to attend the crown court in person to support my recommendation (as it was known at the time) for a three-year probation order, as my line manager had pointedly noted the welfare needs of the defendant outweighed other sentencing considerations. The crown court judge invited me to speak to my report at the sentencing hearing and politely but firmly questioned me on why he should follow my recommendation in light of the gravity of the offences. He retired to consider the mitigation outlined in legal representations centred on the defendant's abusive upbringing (the defendant's counsel had gasped in disbelief when I handed him the report!) and my oral submission.

Passing sentence he noted 'these offences are far too serious for a probation order' (community orders had yet to appear on the judicial landscape) but he noted my comments and reduced the sentence of imprisonment from ten to seven years! Imagine my later surprise, when a well-thumbed copy of the *Justice of the Peace* magazine, which was regular lunchtime reading in the probation office, alluded to this case, with the sentencing judge bemoaning my 'unrealistic sentencing proposal' and opining as to just how 'out of touch' the probation service was becoming (or was that just me) in its report writing!

Political imperatives and organisational change

I cite these two examples of my own early probation practice simply as a way of briefly outlining how much then changed in subsequent years in the way that the probation service, and in particular its role in the court setting, reflected wider organisational and political imperatives. This included the first of many significant criminal justice acts in 1991 that buffeted the service in an attempt to 'toughen up' sentencing options; so that 'if an offence was serious enough a community penalty may be imposed', was now stacked with a portfolio of added requirements. The judicial mnemonic of 'serious enough' now entered the lexicon of report writers keen to ensure that the confidence of magistrates and judges, and indeed the wider public, was not jeopardised! Arrangements for sharing good probation practice with the judiciary often meant attending local magistrates' liaison committee meetings. Although at times I picked up more than the odd jarringly dissonant viewpoint, with one notable meeting abruptly ending when the topic of disparities in custodial sentences

between adjoining courts, also known as concordance rates, was gingerly raised! With the creation of the National Probation Service in 2001, I had already moved to a central London probation office, and now found myself undertaking weekly court duties in two magistrates' courts (both since closed). Amazingly, for a time, although stand down or oral reports had long continued to feature for those defendants appearing for minor offences but requiring some probation input (mainly assessing suitability for community service - symbolically changed in the 2001 Act to a community punishment order) fast delivery reports/same day reports became more evident in court practice and completing three quarters of such reports in a day was far from uncommon. A tetchy district judge (a judicial role introduced in 2000) once mildly reproached me, for a proposal in a handwritten report, which she found difficult to read, but was disposed to go along with, as Mr Guilfoyle usually has a keen eye for 'those trying to pull the wool over the court's eyes, and some form of rehabilitation is usually his starting point!'

There followed almost incessant top-down organisational changes, a facet of an ever changing probation service (the Ministry of Justice subsuming prisons and probation into one governmental department in 2007). A move notably set in train by the Home Secretary John Reid, who before an audience of inmates at HMP Wormwood Scrubs the previous year had described the probation service as 'poor or mediocre'. This had prompted me to write to him directly to seek clarification for what I felt were his ill-judged remarks, only to receive a formal signed response from the Secretary of State that 'I should not believe everything I read in the papers!'

I retired from the probation service in 2010, after twenty years as a main grade probation officer, in many ways relieved to be free of what I felt were some of the more disfiguring aspects of over-centralised political and managerial change. But I kept myself busily informed of how the service was responding to these changes by remaining an active member of the probation union, Napo, and writing articles, including a monthly blog post for the Centre for Crime and Justice Studies and book reviews on probation practice and policy for the Probation Journal.

Being sworn in as a magistrate

I recall with measured pride leaving the famed court one of the Central Criminal Court (Old Bailey), having been sworn in as a magistrate to sit on the South East London bench. One of the more memorable lines from the judicial oath which I was required to swear was 'I will do right to all manner of people after the laws and usages of this realm, without fear or favour, affection or ill will.' With this worthy injunction firmly in mind, I approached the day of my first sitting as a winger in the adult court with some mild trepidation and anticipation. I sought out the chair who, sensing my slight discomfort put me at my ease, stating, 'just think how the defendant might be feeling on their first appearance'. I have a fuzzy recollection of feeling 'elevated' on the raised bench and made a point of seeking out in my field of vision the probation worker, now on the front line of probation practice.

The informed readership of *MAGISTRATE* will have many opinions on how judicial confidence in the probation service might be improved. Maybe if the policy of the MA to fully enact section 178 of the Criminal Justice Act 2003, to enable sentencers to more effectively review community

orders made by the court, is brought into effect this might positively impact on how magistrates better assess the efficacy of community orders. The scars of probation privatisation, with consequential staff shortages, high caseloads and low morale are still experienced as pressing workplace issues for frontline probation staff, and the operational challenges posed to the criminal justice system by Covid-19 remain significant challenges.

Back to the Future!

Recent legislative proposals on the role of the probation service contained in the Police, Crime, Sentencing and Courts Bill (2021) do have a Back to the Future look to them! But I believe they offer a model of practice that is at least evidence-based and person-centred and in which the professional relationship with those under probation supervision is seen as the cornerstone of change, together with the timely enforcement of orders, the needs of victims and more effective engagement with local courts. A newly unified National Probation Service might well replicate some of the more unwelcome centralism noted in earlier iterations of probation service reorganisations, when probation should be fundamentally, in my view, a service located in local communities, where its ties and links to other agencies like the courts are strongest.

When I sit on the local bench, I still retain a firm commitment to 'do right to all manner of people' and try always to remember that justice should be seen to be done. While at the same time aiming to remember, heedful of my first hapless judicial encounter as a hard-pressed court duty probation officer with a harrumphing court user, that trying to do things better is not a bad place to start from!



Breaching non-compliance: proactive practice or ignoring the complexities?

Rebecca Wellings, Probation Officer

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The notion of legitimacy refers to the 'psychological property of an authority... that leads those connected to it to believe it is appropriate, proper and just' (Tyler, 2006, P. 375), as such, it relates to supervised individual's cooperation and belief in the authority of their probation practitioner and the Probation Service. Yet, engagement strategies are borne from deterrent philosophies, using a threat-based method to compel compliance. A notable influence on compliance, and legitimacy, is how practitioners deliver the Community Order and whether this adheres to ethical principles and procedural justice (Burnett & McNeil, 2005). Therefore, when considering enforcement-based decisions, our values, and organisational Code of Ethics become ever more important to consider.

Between 2015 and 2020 I worked at West Yorkshire Community Rehabilitation Company (CRC) before being seconded to the National Probation Service to complete the Professional Qualification in Probation (PQIP). In the CRC, I mainly worked with people serving community-based sentences, and when faced with a high workload and little capacity to be flexible, I now reflect that my enforcement approach was simplistic and rigid, yet consistent with legislation. Whilst my decisions would withstand public scrutiny and meet organisational objectives, on a personal level I may have only facilitated formal compliance for those wanting to avoid further breaches. Therefore, I may not have been enabling change or desistance, and consequently, restricting legitimacy in the belief system of the person on probation (McNeill, 2011) and overlooking their personal needs (Eadie & Canton, 2002). In retrospect I may have created a punitive environment on Community Orders rather than focussing on rehabilitation to facilitate improved outcomes for



Rebecca Wellings
Probation Officer

the individual, and the community. As such, due to the CRC's changing contractual obligations (which would influence local culture within that CRC) a subsequent focus on enforcement created a deterrent-based belief system in myself, I thus moved into the enforcement team.

Since moving to the NPS, I have had more time to work with people on a holistic level. This has allowed me to consider the context to apparent non-compliance. Due to a more theoretical and evidence-based understanding through completing the PQIP, I found myself being more sensitive to peoples' needs and taking into consideration the reasoning behind my enforcement actions, to ensure decisions were defensible, responsive, and - importantly - fair. This is more in line with the Probation Institute's Code of Ethics, and my own values which were a key driver in my decision to enter probation in the first place. This provided me with greater capacity to skilfully exercise my professional judgement to facilitate greater outcomes for people on probation.

On a personal level, I hold beliefs in the capacity for people to change but this has been affected over time, increasing my cynicism for particular offences (such as Domestic Violence offences). Thus, I remain mindful that unconscious biases may affect enforcement decisions that I make. Additionally, my professional identity has been formed throughout my time in Probation. Crucially, this is shaped by the respective culture and context of the time and the focus of the Service and Criminal Justice System as a whole.

In the new era of the Probation Service, there is still much work to be done to repair the damage to the delivery of services from Transforming Rehabilitation (TR). At this time, with the distribution of legacy CRC cases yet to fully materialise, staffing pressures and an influx of new practitioners (through PQIP and staffing campaigns), crafting a new culture - in which strengths-based practice and professional discretion is to be used competently by practitioners - will take time along with investment in staff and their continued development. Throughout my time in probation, I have seen practitioners lack a clear understanding of breach, due to the lack of training for a fundamental part of our practice. Briefings often focus on organisational processes and rather than the impact of enforcement proceedings on compliance and desistance. This can counteract our overall aim to successfully rehabilitate people on probation.

To promote a community-based order as a credible alternative to custody, a practitioner's understanding of the dimensions of compliance is critical, particularly when attempting to determine how it may affect the desistance journey. While policies, post-TR and post-reunification, endorse prompt and proportionate enforcement, there is

increasing emphasis on practitioners being able to exercise professional judgement on whether a failure to comply requires enforcement action to be taken. Professional discretion is often used in the context of enforcement-based decisions to manage diversity in people's circumstances, as per the Equality Act 2010 and Probation Institutes Code of Ethics. To treat people equally would ignore individual differences and restrict practitioners to legislative measures. Allowing professional judgement means skilled practitioners can assess compliance holistically and take a fair, responsive and diverse approach to enforcement. In practice, a delicate balance must be struck between consistency and flexibility, as such between the roles of 'enforcer', 'referrer' and 'motivator' (Knott, 2004). Whilst it is important to consider legislation within our practice to safeguard from arbitrariness, plasticity to enforcement decisions can protect against rigidity (Canton & Hancock, 2013). As such, the cycle of change (Prochaska & DiClemente, 1983), which has been a large part of offence-focussed work, highlights that motivation can vary and as such gives credence to the view that resistance should be worked with, not suppressed, and in turn, can have a positive impact on compliance.

Enforcement can play a critical role in probation supervision and the effectiveness of sentence delivery. In support of this, the Criminal Justice Act (2003)'s assumes that a deterrent philosophy is a driving force behind compliance and engagement, in contrast to the strengths-based philosophy. Whilst compliance has an underlying relationship with desistance, when taking into account individual differences and reasons for non-compliance, this is not always a true reflection of the people's individual and personal progress outside the context of attendance.

An Inspection report conducted by Her Majesty's Inspectorate of Probation (2018) states that where people have achieved positive progress it was likely due to the practitioner's persistent efforts or a multi-agency approach to address their diverse needs effectively. Taking an investigative approach to all instances of non-compliance can safeguard against inflexible enforcement procedures and can allow for further opportunities to meaningfully engage people with their sentence, and other agencies to develop an individualised plan to address needs and form their path towards desistance.

Canton and Dominey (2017) point out that government agencies should provide environments where the individual can thrive, which a strengths-based approach can facilitate, and Her Majesty's Inspectorate of Probation (2020) has endorsed the use of strength-based philosophies within sentence delivery toolkits. This approach would aim to avoid retriggering people through the power and control inherent to rigid enforcement protocols, but to build confidence through the development of strengths and skills. This could potentially reduce instances of non-compliance, increasing legitimacy and allowing for people on probation to be successfully reintegrated into society through rehabilitation rather than forcing conformity.

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Is private-sector innovation still vital to tackle support gaps for those leaving custody?

Suki Binning, Chief Social Worker & Executive Director, Interventions Alliance

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When the Government announced that offender management and all associated rehabilitation work were returning to the National Probation Service, the timing was a surprise as the country was in the depths of the pandemic.

The Seetec Group had garnered significant expertise running Community Rehabilitation Companies (CRCs) in the South East and South West. Suddenly, at the height of the Covid-19 pandemic, we had one year to safely transfer some 20,000 service users, the associated data, and more than 1,000 probation staff to the new Probation Service.

Our leadership team firmly believed that, with the experience we had gained, the achievements we had made and the partnerships we had forged to support individuals and communities, we - as a private provider - still had a vital role to play.

Thus, one year ago, we launched Interventions Alliance with a clear goal: to help build better futures by addressing the challenges and barriers which hold people back - bridging the gap between criminal justice and social care.

One of our first opportunities arose in Bristol, when we identified a building in which we could develop a specialist residential unit for women coming out of custody or subject to a community order with a residence requirement, many of whom were homeless with complex needs and requiring high levels of supervision.



Suki Binning

Chief Social Worker and Executive Director
Interventions Alliance

Eden House opened in June 2021 and was the first new independent approved premises for custody leavers and community orders to open in England and Wales for 33 years. This was one of the proudest moments of my career and proof of the business's ability to identify and meet unmet needs.

Providing accommodation services for those with complex needs was a completely new area for us and one we now hope to continue to expand and develop.

Eden House has supported 86 residents since it opened. The women who are referred by a probation practitioner are medium to high-risk, and require the additional support and oversight that Eden House provides. The women have access to interventions supporting behaviour changes, health and wellbeing as well as access to CFO Activity Hubs.

What else are we doing?

Interventions Alliance took on the Seetec Group's Co-Financing Organisation (CFO) contracts to provide Activity Hubs for individuals on their rehabilitation journey in the North West, South East and South West, opening Hubs in Chatham, Hastings, Bristol, Manchester, Liverpool and Warrington. These provide a wide range of support and services from skills training to employment support.

We identified that substance misuse is a significant barrier for many of those we seek to support. We reconfigured the resource we had to better fit the demand and deployed a specialist team of substance misuse workers to address this need.

Our close relationships with Kent, Surrey and Sussex police services have seen us continuing to work with them to address domestic abuse and a particularly challenging area, stalking behaviour. We have led development of an intervention model, the only one approved by the British Psychological Society. Around half of convicted stalkers will reoffend and our Compulsive Obsessive Behaviour Intervention (COBI) examines triggers and behaviours that heighten the risk, while helping the individual to develop coping mechanisms and new skills to break the cycle.

Alongside service delivery, we are developing our research capability, focusing on an evidence-led approach to improving services, tackling offending and the common social care challenges that hold people back.

These areas demonstrate some of the agility and flexibility provided by private-sector organisations like Interventions Alliance, which has supported over 11,000 service users over the past 12 months.

What does the future hold?

As Interventions Alliance enters its second year, being part of the employee-owned Seetec Group gives us a great platform to take a holistic approach. Our work supporting individuals with mental health issues is not focused solely on those leaving the criminal justice system, it is equally important to our employability and skills services.

Being employee-owned strengthens collaborative working between different areas of the business and between employees and management, so those on the ground feel empowered to create agile and responsive solutions which benefit service users. It means the design of new services is well informed by those working with the most vulnerable people in society and, with the elected Employee Council influencing strategy and direction, approval can be achieved more rapidly.

For the future, we are looking to further increase our support for those with complex accommodation needs. Individuals leaving custody often need specialised mental health and substance misuse services, we know NHS services face record demands and have long waiting lists. We are well placed to relieve some of this pressure by supporting this cohort.

The challenges ahead

The need for support services to help rehabilitate those in the justice system is greater than ever. The Probation Service has faced a massive challenge over the past year in taking back offender management services.

It will be some time before it can begin to fully understand the gaps in provision and what services it needs to commission. But organisations like us can identify and respond quickly with new services to plug those gaps. There is a real opportunity for private providers like ourselves to work alongside the National Probation Service, offering complementary services and enhancing support to individuals where it is most needed. I think the focus of our relationship needs to be less about control and more about collaboration and learning for others, and collaboration is certainly the best way forward. The agility and innovation that a mixed economy approach can provide really is vital in ensuring offenders do not fall back into the criminal justice system through the gaps.

We welcome the publication earlier this year of the full prospectus for the UK Shared Prosperity Fund, which replaces European Social Fund provision. Funding will be key to unlocking the potential of the private sector to deliver effective interventions that help to reduce re-offending and reduce inequalities between communities as part of the government's levelling-up agenda.

Journeys to Harmful Behaviour

Helen Schofield, Acting Chief Executive
Probation Institute

<https://doi.org/10.54006/CLWQ5959>



The Probation Institute and John Moores University commenced the research project [‘Journeys to Harmful Behaviour’](#) in September 2018. This work was prompted by our, and others, earlier work looking at the factors contributing to the numbers of ex-service personnel in the justice system. We were concerned by the small but significant group of individuals who committed offences of serious harm to others, some during but more often following armed service. We wanted to understand with a view to reducing the incidence of such harms in the future.

Like many research projects the active part of the work was severely disrupted by Covid-19 Pandemic. Four years later, the completion of this research is a tribute to the highly professional research team, at Liverpool John Moores University who completed a very sensitive programme of interviews and analysis through the constraints of Covid 19. We are grateful to individuals in the Prison Service and the Probation Service for facilitating research interviews both virtual and actual, always within the rules, but nonetheless at some very challenging times. The Forces in Mind Trust, our funders, have been immensely patient and supportive throughout. Our Advisory Board have consistently helped and encouraged us. It was clear from the first interviews that this research was long overdue, necessary, and



Helen Schofield
Acting Chief Executive
Probation Institute

potentially an important contribution to the future health of our armed services. In the years since we began, attention has been drawn by others to victims and survivors of domestic abuse within armed services communities, shining a light on gender, and on the potential for violent behaviour among veterans and those still serving. This should not wholly surprise us, but it should always concern us.

The research sought to understand the life histories of those interviewed in ways which can inform our understanding of the risks presented by these individuals and others into the future. The findings of the research are that each of the fourteen subjects describes adverse childhood experiences - violent behaviour, sexual abuse, neglect, poverty. There is a strong pattern of seeking escape through recruitment into the armed services. Alongside sometimes traumatic active service and rigorous military training, the routines, camaraderie, welfare and discipline of service life mainly provided security for the individuals, albeit alongside cultures of alcohol use. A small number of early discharges occurred in the research and length of service is very mixed. The predominant pattern however is that on leaving service our research subjects found themselves bereft of all supporting systems and confronted by the emotional impact of their own earlier experiences. Through this we can see that there were points in the stories at which a more focussed intervention might have prevented the offences that followed.

We acknowledge that the majority of the subjects of this research, most of whom are still serving prison sentences have been out of military service for some years during which progress has been made in some areas to attend to the emotional welfare of serving and discharged armed forces personnel. We note particularly the establishment of the Government Office for Veteran Affairs (OVA) - able to work across government. We are very pleased that the OVA Strategy Action Plan 2022 to 2024 specifically refers to implementation of the findings of our report and we are pleased to be invited to present the research to the OVA. The recent Inspection Report from the Military Corrections Training Centre (MCTC) notes that monitoring of sex offenders on release remains insufficient. The incidence of adverse experiences in our society shows little sign of reducing and it is inevitable

that military service will remain an attractive option for some young people who have experienced damaging childhoods.

We hope that the research report published in July 2022 will be a flag - a sign post - not only for the justice services, but critically for caring services in the public sector and for charitable organisations working with the veteran community. The justice agencies normally engage with high risk individuals after serious harm to others has occurred. Important as this is, we can see that in some critical respects, it is too late. In communicating our research findings we try to identify points at which appropriate interventions might in the future prevent harm to others.

There are messages in the research for government departments, justice and caring agencies, and for armed services charities. These messages are about:

- More strenuous efforts across national and local government to reduce the incidence of adverse childhood experiences
- Better understanding of the risks presented by some individuals
- Sharper focus on the information available at recruitment to armed services
- A more keen awareness of the circumstances of early discharged individuals
- Greater attention to fostering caring relationships throughout military service, and active support for individuals
- Confidence in holding difficult conversations

We publish the *research* in what we hope is a compelling, but accessible form. We hope that it will generate discussions and action in the agencies mentioned above. The Probation Institute, Liverpool John Moores University and the Forces in Mind Trust are together keen to facilitate and inform such discussions

Approved Premises: the mid-2022 'State of Play'

Andrew Bridges, Strategic Director
National Approved Premises Association (NAPA)

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In 2001, in England & Wales, Probation Hostels were redesignated Approved Premises (APs), and have undergone, and are still undergoing, major changes. These small institutions, accommodating usually 20-30 residents in the community, were mainly used to house individuals either serving a community sentence or on pre-trial bail. For some twenty years now, their residents have instead been almost exclusively individuals on release from prison - often following a long and/ or indeterminate sentence.

In mid-2022, about 100 APs are directly managed by HMPPS. An additional 14 APs are commissioned by HMPPS but managed by separate independent organisations, some of which are small historic charities whilst others are specialist accommodation providers.

HMPPS now requires all APs to accommodate only individuals that are "*high-risk*" and/or with complex needs. Both sectors of APs are therefore now better staffed and equipped compared with a few years ago, and cameras and monitoring devices are very evident.

HMPPS has recently formally adopted a wider Accommodation Strategy nationwide, within which APs are the "*Tier 1*" provision, for the highest risk cases. It is seeking to expand this provision, while at the same time develop Tiers 2 and 3, for accommodating other individuals that are being released from prison.



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² NAPA is the 'trade association' for the independently managed APs. For more information see: napac.org

What are the main current issues for the APs, in mid-2022?

- COVID19 pandemic: All APs are now recovering from the hugely challenging effects of the pandemic. APs kept going when almost all of the rest of the probation 'system' was either shut down or 'home-based'.
- Expansion: HMPPS's projections forecast a rise in demand for AP places, and the main route to increasing the number of beds by '200 in two years' is to commission more independent APs, especially in London and the SE where demand should be highest.
- Occupancy: At the time of writing, APs - especially the female ones - are not filling up with residents in the way that projections suggested that they should. The issues around this are complex, and might prove temporary.
- A regrading within HMPPS's own APs: A recent big step was the regrading of a whole sector of AP staff from Band 2 to Band 3 status and pay, to provide some recognition of the nature of this work.
- New contracts for the independent APs: The contractual relationship with HMPPS is about to go through another major change, laying the ground for competitive tendering.
- Referrals, especially in the female estate: Given that APs are NOT prisons, there are

questions around which residents can or cannot be managed in an AP. Some of the most difficult cases to resolve are female cases, where much of the problem can be that the self-destructive behaviour of some female residents is so relentless, and so destructive to other residents as well as to herself, that she ends up having to be recalled, which means the cycle has to start all over again. Although the independent sector is only just over 12% of the total AP provision, independent APs have over 50% of the provision in the female estate. This is, thus, a very live issue for IAPs who face wider costs and challenges such as not having Crown Immunity, and so have to buy property and liability insurance in the commercial market.

- Terrorist cases: Individuals imprisoned for terrorism offences are often required to live at an AP on first release, and while most residents are required to move on after just 12 weeks, new provisions mean that terrorism cases will be required to *stay for a full year* before moving on.

In both sectors of the AP world, life is currently not dull!



Supporting people with a criminal record to become self-employed

Richard Morgan, CARREA campaign organiser

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Around 12 million people in the UK face difficulties in securing employment due to having a criminal record. Today as never before, we are living in a world where we are encouraged to embrace diversity and equality, where an individual's freedom of choice is placed centre stage. Yet for some, that chance to make those choices has been severely impacted. One such group is people with convictions.

Research has shown that being economically active is a key driver in leading a crime free life. Yet people with convictions face significant obstacles because of their status. It is widely acknowledged that many people serving time have expressed an interest in becoming self-employed on their return to society. The justice system needs to address the education and training it provides to support people to return to economic activity in this way, just as it does in helping them find work for an employer.

The current emphasis on *"getting a job"* has been met with significant financial and people resources across the Ministry of Justice and HM Prisons and Probation Service. Initiatives such as the New Futures Network and Going Forward into Employment, are making a real difference to opportunities for those returning to the community. This will be further enhanced by the roll out of a programme to establish Employment Boards to work with Prison Governors and employers on a local level, and the creation of Employment Hubs in prisons.

However in the context of reducing re-offending we need to go further than support the existing cohort of current or recent prisoner leavers. We need to connect with former prisoners who are economically inactive, regardless of when they served time.

Rather than seeing people with convictions as inactive within society, we should work to ensure they are given the opportunity to make a real



Richard Morgan
CARREA campaign organiser

contribution to whilst improving their own lives. They have the least to lose, yet the most to gain in taking steps to becoming economically active again. An increase in their financial worth brings with it the benefits of a higher personal income and an improvement in their self-image and health.

Currently, the position is this:

- Only 17% of people with convictions manage to get a job within a year of release
- Each year more than 80,000 prisoners are released from prison, BUT nearly two-thirds of them will have re-offended within two years

Whilst 'getting a job' will be the objective of some individuals once through the gate, others have an aspiration to achieve other goals when it comes to work. It is well documented that there are similarities in personality and mindset between those individuals who have developed successful careers as entrepreneurs and those who have engaged in illegal activities.

The individuals who engaged in such activity and gone on to receive a custodial sentence have often lacked the structure or knowledge necessary to develop a successful enterprise – yet many display experience of being “*streetwise*”. Research has shown that when peoples’ abilities are recognised they can turn their activity into a legitimate business and more go on to succeed than fail. Yet very little provision exists to encourage and develop self-employment and start a business as a means of ‘getting a job’ for people who have spent time in prison.

The link between someone engaging in employed activity and this reducing the likelihood of them reoffending is widely acknowledged, yet getting a job can take many months or even years if at all. If we encourage individuals to create work for themselves, we offer them the opportunity of starting to work within days, and not months of their release, and give them a sense of stability and purpose that is absent from the lives of many people who have left prison, regardless of the length of time since their returning to the community.

The importance of a person being ‘work ready’, has always been a key element in an individual being able to make a successful transition from prison into employment. Given the recent pressures across the prison estate because of the COVID19 pandemic, this is an area that requires particular attention and care. Sending potential candidates into employment situations without them being sufficiently ‘work ready’ may result in disappointment or resentment from an employer and could contribute to reoffending. That is why it is important that those involved in the advisory or connecting process have relevant experience, whether that is in an employed or self-employed situation. The right guidance and support can often make the difference between success and failure.

Do we know what business experience each person has, and what economic activity they

would like to engage in for the future? My own work with prisoners has shown that a significant number of individuals would consider the option of legitimate self-employment if they had access to the support and mentoring. After all, many serving time have ‘traded’ in this fashion, through the black economy.

Such guidance and support will enable a more effective outcome with minimum delay post-release. Moreover, people can prepare for self-employment prior to release, so that when they are free to do so, those plans can be implemented. To be valued for what their business can provide, whilst providing for themselves offers the motivation and a sense of pride to achieve the goal to become self-employed.

In order to achieve this I have created the Campaign to Reduce Reoffending through Enterprising Employment Activity (CARREA). Our objective is to develop a national campaign to give every person with a conviction who is able to become self-employed the opportunity to do so. This will be achieved by collaboratively engaging with the relevant stakeholders working in the sector.

The project will focus on delivering the following outcomes within the first twelve months:

- A launch conference and smaller regional events
- The publication of a report based on the actions of those events
- The publication of a review of the different kinds of support currently available to people with convictions seeking to become self-employed, and their effectiveness
- The creation of a policy bridge – enabling the views of the educator, trainer, employer, and person with a conviction to be coherently presented.

For further information and to get involved please visit: www.carrea.org

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