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# PROBATION

Issue 31: March 2024

*Quarterly*

*Probation Institute: Celebrating 10 years*

## WHAT DO WE KNOW ABOUT PUNISHMENT IN WALES?

**The Probation  
Professional Register**

**Cutting crime:  
better community sentences**

**A conversation on values  
and principles in probation**



# PROBATION *Quarterly*

## Editor

Jake Phillips

## Designer

Richard Rowley

## Editorial Board

Sam Ainslie

Anne Burrell

Anne Worrall

## Contributors

Andrew Bridges

Tom Brown

Anne Burrell

David Coley

John Deering

Baroness Hamwee

Simone Hugo-Lake

Martina Feilzer

Sonia Flynn

Andrew Fowler

Robert Jones

Su McConnel

Charlotte Oliver

Ella Rabaiotti

Peter Raynor

## Chief Executive

Helen Schofield

## Address

2 Langley Lane, Vauxhall

London SW8 1GB

## Web

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

## Social media

[Twitter](#)

[LinkedIn](#)

## Email

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

## Telephone

0203 0533 551

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# SUBMIT AN ARTICLE FOR THE NEXT EDITION OF PQ?

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

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 (Note: we do not publish requests for research participants)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

The articles need to be well-written, informative and engaging but don't need to meet the academic standards for a peer-reviewed journal. The editorial touch is 'light' and we can help you to develop your article if that is appropriate. If you have an idea for a suitable article, let me know what you have in mind and I can advise you on how to proceed. Please also read our [language policy](#) which asks all contributors to avoid stigmatising language.

## Disclaimer

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

## Jake Phillips

Editor, Probation Quarterly

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





# WELCOME TO PROBATION QUARTERLY



**Jake Phillips**  
Editor, Probation Quarterly

## PQ31 EDITORIAL

It is – as always – a pleasure to be able to bring PQ31 to your attention. This issue includes a general section with a mix of articles focusing on policy, practice and research as well as a themed section on probation in Wales. The articles in the themed section provide an overview of the work that has been going on in Wales in relation to creating a devolved probation service for Wales and I would like to thank Martina Feilzer and Ella Rabaoitti for collating and editing these articles.

In the general section, we start with an article from Sonia Flynn and Simone Hugo-Lake on the new professional register in probation. This should be a welcome development for staff as it brings the potential to increase the confidence that a range of stakeholders have in the Service, recognises the highly-skilled nature of probation work and reinforces the professional nature of probation practice. Next, Baroness Hamwee provides a summary of the House of Lords Home Affairs and Justice Select Committee report on community sentences which was published at the end of 2023. Anne Burrell is heavily involved in matters related to the Probation Institute. Alongside this she is undertaking a PhD on

professional identity in probation and so it is a pleasure to be able to include an article from Anne in which she shares some early findings from her research. Charlotte Oliver, Andrew Fowler and Tom Brown have been working on their 'probation in objects' project for a number of years and it is great to see some emerging thoughts from them on what these objects tell us about probation and the people who work in it. Andrew Bridges then gives his perspective – as the Strategic Director of National Approved Premises Association – on the role independent approved premises play in the field of probation and, crucially, how they should be governed. Finally, David Coley explores the concept of class in the context of probation. This is – as he argues – a neglected but highly pertinent concept and so it is imperative that we understand how it shapes practice and peoples' experiences of probation supervision.

I hope that you enjoy reading PQ31 – please do get in touch if you have any feedback on the articles or would like to know more about how to contribute.



# WHAT'S GOING ON AT THE PROBATION INSTITUTE



**Helen Schofield**  
Chief Executive  
Probation Institute

The Probation Institute will be ten years old on 21st March 2024 - established as a limited company in 2014 amid the confusion of "Transforming Rehabilitation". Within two years it became clear that the institute should be focussed less on employers and significantly more on practitioners and professional development. This is where our efforts have been directed, with a strong emphasis on the importance of professional recognition of the Probation Service and wider organisation in the field of rehabilitation.

The second big decision for the Institute, in 2020, was to seek to become a charity. Our second AGM as a Charitable Incorporated Organisation took place on 25th January. We were pleased to appoint two new Trustees - Jo Thompson and David Raho. Both Jo and David bring substantial experience and knowledge to the Institute, and are very welcome.

In February we co-hosted the Professionalisation Conference at Leeds University with Dr Matt Tidmarsh and funded by ESRC. Important news

was shared at the conference by Sonia Flynn deputy director of HMPPS leading the professionalisation programme. Government has given approval to the submission of draft legislation to establish an independent regulatory body for Probation. The legislation can be submitted from early 2025. This development opens the door to the external, independent accreditation, registration and regulation of probation practitioners and is a major step towards recognition equivalent to wider professions. The Probation Institute has pressed for this development for ten years. We will work hard in the intervening period to help to ensure that regulation will be supportive, enabling and will offer confidence to practitioners, sentencers, service users and the public. We will seek to persuade a new government that this investment in professionalisation is critical.

Our best resource as a professional body and a charity is our members. If you are reading this and you are not yet a member of the Probation Institute, please [join](#). This is a hugely important time for the profession going forward.



# THE PROBATION PROFESSIONAL REGISTER

PRIDE AND RECOGNITION IN THE  
PROBATION SERVICE



## Why professional registration?

Over the years there has been much interest and several attempts to introduce professional registration for probation - it's long awaited, but the Probation Service is now well on its way to achieving this.

Sonia Flynn CBE, former Chief Probation Officer says:

*During my long career I have understood the importance of professional confidence. Probation Officers hold the authority to make life changing decisions in their duties to protect the public and rehabilitate, so it is essential we operate in a regulated system which recognises and provides assurance of competence or fitness to practice. The frequent changes in delivery structures and employers of probation officers in recent years has however disrupted the necessary checks or benchmarks to demonstrate professional standards are being adhered to. As a consequence, officers have reported to me feelings of vulnerability, not quite sure if they have the required training or support to inform their daily duties. On that basis I have long called for the re-introduction of a Probation Professional Register to provide our staff with a clear set of professional standards and a commitment from the employer, HM Prisons and Probation Service (HMPPS), to provide continuous professional development. I am delighted this ambition will now be delivered and this paper presents how professional registration for probation officers and other grades will become a reality in the years ahead.*



**Sonia Flynn**

Deputy Director - Probation Workforce Programme  
HMPPS



**Simone Hugo-Lake**

Head Policy - Professional Agenda, Probation  
Workforce Programme, HMPPS

While some probation officers holding a social work qualification could (and continue to) register alongside social workers, we want to recognise the competence and commitment of all probation qualified staff for their high standards of professionalism. Registration will also assure HMPPS, its stakeholders, partners and the government that those authorised to assess and manage the risk of people on probation have the right qualifications, knowledge and skills to do so. Many staff, through well attended webinars and focus groups, have told us about the importance of being recognised for their professionalism, by HMPPS and by their colleagues across the justice system, and our engagement with the recognised Trade Unions demonstrates the importance of also securing their support for the benefit of their members. We have begun promoting the register with external partners, and the judiciary and the Parole Board have told us they welcome the introduction of the professional register and the assurance that registered practitioner status will provide. The register will assist in championing probation as a profession; strengthening how the Probation Service demonstrates that it delivers excellence and supporting our staff to build on and develop their professional ability, including through continuous professional development.

*'I can see the benefit and value of being a registered professional. I think it supports the professional integrity of the service and should build trust in the service in the communities that we serve and in relation to how we are perceived by others, whether the public or our stakeholders / other agencies.'* - Probation Learning Manager

## What will this mean for practitioners?

We want registration to provide the recognition that is so important to staff and our organisation and to enhance their status amongst partners

who may be members of another registered body. Registered staff will be able to use the designation of Registered Probation Officer or Registered Probation Services Officer to demonstrate their professional status in documents and interactions with stakeholders and people on probation, signified by an email signature and identity badge. We are currently seeking staff views on what this could look like. In developing the register, we have been learning from other professions and bodies, particularly Social Work England, the Northern Ireland Social Care Council and the Professional Standards Authority about their experiences, successes and challenges. We have taken time to introduce and test building blocks to support the introduction of the register, including consulting on probation professional register standards to underpin registration, increasing the learning and development offer for practitioners, providing guidance on learning by role, and by revising the Professional Qualification in Probation (PQiP) and Probation Services Officers' qualifications.

Later this year the register will become mandatory for staff in roles where the probation officer qualification is an essential requirement. Those staff will need to ensure their qualification is accurately recorded and demonstrate commitment to maintaining and developing high standards of professional expertise, practice and service delivery through continuous professional development. Regular performance management conversations and reflective practice sessions will be pivotal to this. The probation professional register standards outline the expectations of registered practitioners for maintaining registration, reflecting those behaviours that already are widely demonstrated, as well as building and fostering a culture of learning and development.



That said, we are acutely aware of organisational challenges including workload pressures for some staff. We recognise the need for staff to have time for learning, access to quality learning and development and regular conversations to support their continued professional development. These have informed our phased introduction of the register and will continue to inform the timing of making registration mandatory.

We believe this is also a great opportunity to value and further unite probation practitioners following unification of the service. As we continue to develop and embed the register and the professional registration standards, we are sharing information about registration, including the designations of Registered Probation Officer and Registered Probation Services Officer with our criminal justice partners, to enhance external recognition of the probation service as a profession and recognise the professionalism of our staff.

### What will the register look like and how will it be used?

The register currently records probation officer qualifications for around 7,500 staff who are in roles where the probation officer qualification is an essential requirement. Over the next six months we will widen this to include non-directly employed (agency) staff holding a probation officer qualification working in those roles, as well as staff with a relevant qualification in Band 3 roles subject to reflective practice supervision who are working with individuals eligible for probation support - work is underway to make a new apprenticeship qualification available to staff in these Band 3 roles from October 2024. Other HMPPS staff who hold a probation qualification will have the opportunity to voluntarily register in the future.

The register will also confirm probation practitioners are meeting the seven professional registration standards, including completing their continuing professional development. This will provide us with the oversight and organisational assurance that sits alongside recognition as the register's purpose and record those rare examples where an individual does not meet those requirements, and as a consequence of performance or conduct processes might lose their authority to practice.

The internal register will not be public facing and the information held within it will only be accessible to probation regions and the national team, to provide wider assurance that staff are meeting the requirements to maintain their registration.

### What next?

We recognise that there are limitations of an internal professional register and are looking at how we can bring independent scrutiny, possibly through a panel with external membership, to oversee its operation. Minister Argar has agreed to begin work to consult on regulation of the Probation Service from January 2025, subject to securing funding through the spending review. Any resulting legislation would seek to legally protect the registered designation and could widen the scope to register probation practitioners working outside HMPPS structures. We want probation practitioners to feel valued as professionals and are aiming for the Probation Service and its committed practitioners to receive deserved recognition for their role and expertise in protecting the public and reducing reoffending.





# **CUTTING CRIME: BETTER COMMUNITY SENTENCES**



The Probation Service is pivotal to the success of the criminal justice system – not something I need to spell out to readers of this magazine: A profession in which practitioners can make a real difference to individuals with whom they deal, and, because reducing reoffending is important to society, a matter of public interest. So no pressure.

The House of Lords Justice and Home Affairs Committee has recently published a report 'Cutting crime: better community sentences', following our inquiry into what we recognised as a key sentencing option. We were concerned to find out whether community sentences are being used to their best effect. Coincidentally towards the end of our inquiry the Lord Chancellor announced legislation providing that custodial sentences of 12 months and less are generally to be suspended – which of course brings community orders into play.

Well, not such a coincidence. There had been wide coverage of severe prison over-crowding, so severe that they are at their operational capacity. Not only that: many prisons are in such poor condition according to the chief inspector that they should be closed, which impacts on how they function, on conditions for prisoners and for staff too, and on running costs. The Lord Chancellor acknowledged that the demands being placed on the prison system were unsustainable.

Not difficult to join the dots, though the prevalence of a 'lock 'em up' message has diverted public attention from the connection.



**Baroness Hamwee**

Chair, House of Lords Justice and Home Affairs Select Committee

The notion that community sentences are 'easy' needs to be countered. The court must consider punishment, and a sentence served in the community can be much more demanding than a short period of imprisonment, days spent sitting on your bunk waiting for your release date. Working for a charity, for instance, and keeping appointments with your probation officer have to be fitted in with your employment (provided you are employed, of course). That requires a lot of self-discipline, and avoids the tutorials in crime from experienced criminals that a first-time prisoner so often encounters.

Not only that. You don't risk losing your home (if you have one). You don't lose your job (if you have one). You can maintain your support networks. That makes the reform and rehabilitation of an offender considerably easier.

The use of sentences served in the community has declined over recent years. An effective community order can turn round the life of an offender, providing treatment as well as punishment. It can see the offender as an individual, and provide a holistic response. It can be tailored to the individual with treatment for addictions and mental ill-health, and supply a pathway to rehabilitation. But the need for these treatments far exceeds the current rate of imposition of Community Sentence Treatment Requirements, which itself exceeds the availability of treatment.

The committee concluded that greater investment should be made in CSTRs so that intensive treatment is far more widely available. The energy of third sector providers is notable, but organisations often struggle with the commissioning and administrative processes; we would like to see them enabled to expand their work. The model of women's services, wraparound rehabilitative support in a single location, is effective; it is dignified, it drives down reoffending, and costs a good deal less than custody. We should build on it. There are lessons too from Youth Offending Services, including how the Probation Service communicates with people to ensure they understand the sentences imposed. We would encourage age-appropriate solutions for young adults, recognising the very different resources applied to youth services.

Further criminalising low-level repeat offenders is not the answer. Better to provide incentives, such as deferred sentences (giving the offender an opportunity before sentencing to show he can

and will comply with probation). 'Integrated' Community Service Orders are being used in Ireland, with the offender able to engage in a range of activities, such as relevant education, that mean something to him.

I was struck by how important it is for the judiciary, as individuals as well as the judicial body, to be able to see how particular sentences work for particular offenders; not doing so must be frustrating. "A plethora of pilot schemes [with different approaches to treatment and alternatives to custody] all over the place" was how the Chief Executive of the Magistrates Association put it, but knowledge of them, and learning from them, is limited. Pilots need to be properly monitored and evaluated; our recommendations include a plan for evaluation so that best practices can be shared and scaled up.

Another recommendation by the committee is local commissioning of rehabilitative services by the Probation Service, and more autonomy to develop partnerships with local organisations. It is obvious that a court needs to know what is actually available in the local area in order to impose requirements as part of a sentence.

The court needs too to have more of an understanding of each offender before he, or less often she, is sentenced. Pre-Sentence Reports are an essential part of sentencing but their number and quality has declined. Without a long form standard report, how can an individual be treated as an individual? We heard that the decline in their use may have come about because of the need to save court time, in order to help reduce backlogs. There is inevitably a tension between waiting for an in-depth report and progressing a case to give speedy justice to victims and witnesses. There is a similar tension for the offender. The public interest requires justice and, just as much, preventing reoffending.



It was not reassuring to hear our witnesses, experts by their experience of being sentenced as low-level offenders, explain that they had had no input into PSRs. They described them as tick-box exercises. They “felt alienated” from the PSR process, casting doubt on the concept of PSRs tailored to individual circumstances. One witness remembered signing a PSR and reading it through (she did relate it to us in that order) but “what was required [on the PSR] did not include any of my input.” That failure fully to involve the offender extends to the treatments which require the offender’s consent – it seems consent is not sought as it should be.

A third sector organisation told us that the quality of PSRs is one of the biggest issues that comes out of their members’ forums: “pre-sentence reports based upon what was happening in their lives eight or nine months prior, and not taking account of all the steps they have taken in that time.”

The committee supports efforts to achieve PSRs of a higher standard, and looks forward to the outcome of the pilot project ‘Pathfinder to Improved pre-Sentence Advice’ It certainly cannot be right that some offenders think that “the judge is only there to deliver what probation has said”.

We were aware of the tension between ‘befriending’ and ‘supervising’ which makes the role so complex. The increased focus on public protection distracts the attention of probation staff away from least-serious offenders. The expectation that they refer offenders to services provided by others, and the quantity of administrative tasks, often on flawed IT systems, reduces capacity to deal with low-level offenders on community sentences.

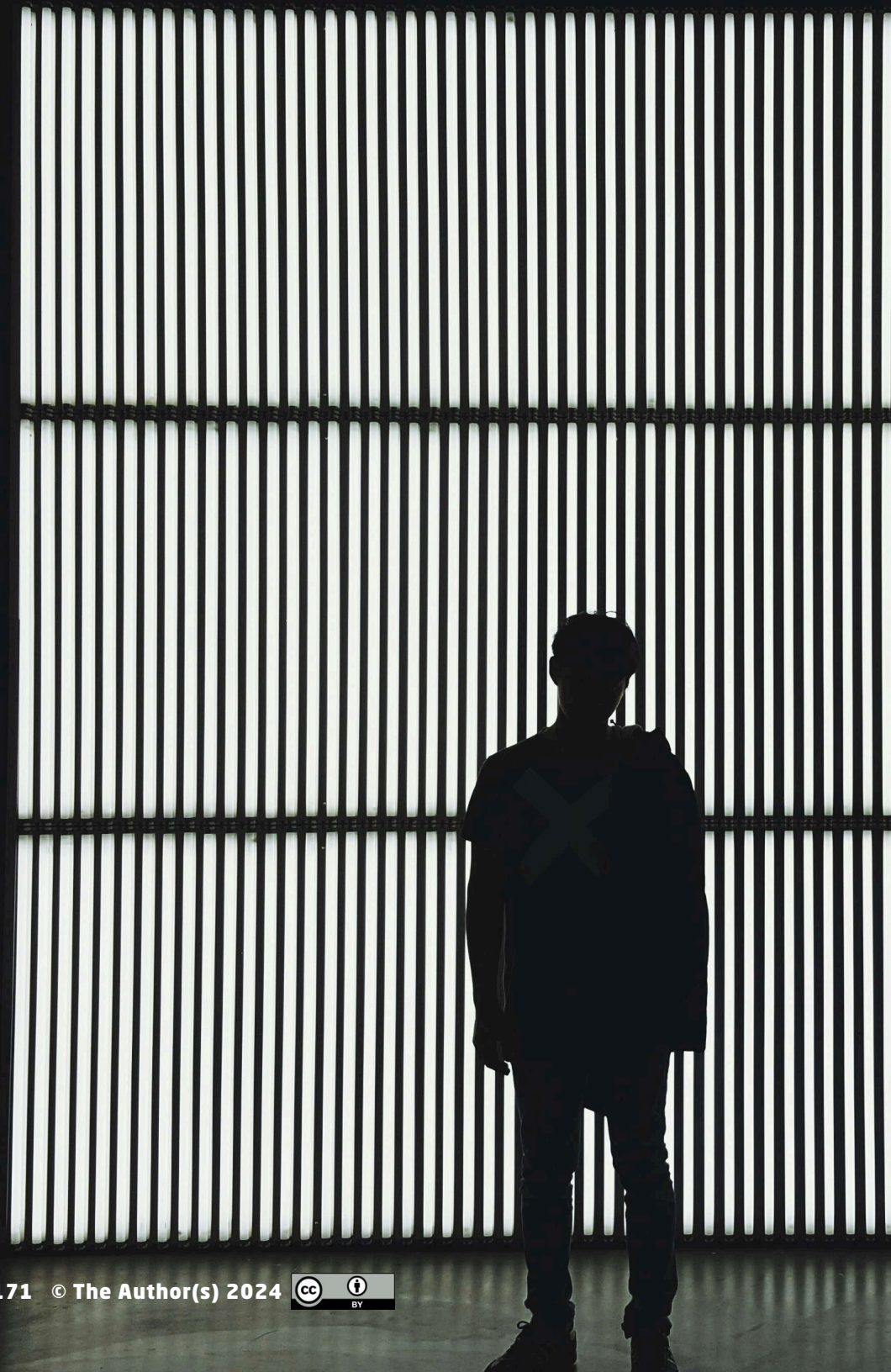
The understaffing in the Probation Service, which comes in for a lot of comment, tends to obscure individual successes, and must be depressing for people who are working on the front line. We heard about unsustainable caseloads and high turnover, and targets for recruitment. We are clear that the service should not undergo any further large-scale restructuring in the next few years, to allow time for recent reorganisations to settle down, for more staff to be recruited and trained, and for new recruits to gain experience, enabling them to supervise further recruits.

It came as no surprise that a good relationship between offender and Probation Officer is crucial. We asked our experts by experience what are the important qualities: “a real willingness to help”; “compassionate ... [willing] to listen”; “someone who believes in you”. One witness told us of the series of difficulties he encountered until he found himself with an officer who had been instrumental to his rehabilitation. “She made me see the light in probation”.

Our report sets out recommendations so that those working in probation – and offenders, and more widely the criminal justice system – have what they need. The Ministry of Justice is due to respond soon.

# PROBATION WORK — THE POLITICS OF PROFESSIONAL IDENTITY

EARLY FINDINGS FROM A SMALL-SCALE  
RESEARCH PROJECT





## Introduction

In September 2020, I embarked on a part time PhD with De Montfort University, with the aim of exploring professional identity in probation practitioners - how such identities are constructed, what enhances or diminishes professional identity, and what professional identity means to the practitioners themselves. The project arose from my experience of working in probation during Transforming Rehabilitation which proved to be a painful and disturbing period for many probation practitioners, characterised by now well-evidenced factors including the fragmentation of professional identity, and an enhanced sense of dissonance, which is effectively explored and discussed in Kirton and Guillame's early study of the impact of TR (Kirton and Guillame, 2019)

It was these concerns which resulted in the decision to study seriously what the impact of TR might mean for probation practice, for probation practitioners and for the people whom they supervise. Inevitably, in the decade since TR, the world of probation itself has moved on, as the reunified Probation Service evolves and as One HMPPS shapes its future.

The Probation Service has been subject to considerable scrutiny over recent years, and rightly so - it is demanding and challenging work, operating in circumstances where, if things go wrong, the consequences can, and have been, damaging in the extreme (See, for instance, the



**Anne Burrell**

PhD student and Practice Teacher Assessor

HMI Probation (2023a; 2023b) reports into the Serious Further Offences of Damien Bendall and Jordan McSweeney). In such circumstances, it's possible to view probation work as irredeemably problematic, and fundamentally flawed. Yet the practitioners who have taken part in this study thus far remain remarkably resolute, determined. They are focused on the positives of their role, and the constructive influences which they can exert, in managing risk, and safeguarding vulnerable people. This article is a tribute to them, and to their practice.

The research utilises a qualitative approach, predicated on the concept that identity is a social construction that is developed over time within a particular social context. This means that I focused on the internal meanings which shape the actions of participants, and which provide a rationale for what they do. In this context, Becker has argued that identity is formulated as a consequence of the interplay between experience, and the ways in which individuals define those experiences – implicitly, therefore, identity is rooted in the social world, and the relationships between individuals and their social groups and audiences. (Becker, 2007.)

As such, I used semi structured interviews, and focus groups and over the past few months, (from May to December 2023) I have been able to complete interviews with 23 former and current probation workers, from a range of grades, backgrounds and contexts, and differing job roles as well as 13 additional ‘expert’ interviews. This article seeks to consider some of the early themes which I have identified.<sup>1</sup>

**Tribe, belonging and core values.** Participants described a mixed range of routes into probation practice, with varying levels of pre-existing knowledge and understanding of the service and of its work. However, having started in probation – in whatever capacity – participants described a strong sense of belonging, that they had found their ‘tribe.’ Elucidating on this led to considerations of the accord between the role, and the participants’ core values, of fairness and justice, and of enabling rehabilitation and reintegration. This sense of belonging to a tribe of like-minded people is well rehearsed in previous studies of probation work, notably Mair and Burke (2011), and, more recently, Annison et al (2023.) One participant observed that: ‘we are

here to reduce risk and, you know, reduce reoffending, but I think we do that by building up the positives for people and working with them to put the things in place to make sure that they’re focused on a different route, and to move them forward, and all the rehabilitative stuff that, you know, I think should be the centre of our practice.’ (Key informant #8, Prison Probation Officer.)

In this context, it is interesting how frequently the quasi-religious terms associated with the original Police Court Missionaries, the predecessors to today’s practitioners, was referenced, with a number of participants making use of vocabulary such as seeing the job as a *vocation*, and finding satisfaction in the *redemption* of people they had supervised. Many participants reported on subsequent contact with former supervisees who had successfully moved on from their previous offending, and who recounted their journey to rehabilitation with pride.

**Significant others:** Many participants referred to key people who were critical in enabling their survival in the early stages of their career, and who greatly assisted in supporting their development, and resilience in the work. This encompassed a range of roles, including the perhaps obvious ones of Practice Tutor Assessors, Senior Probation Officers and academics; but also included experienced main grade staff, both in casework, and in specific locations, such as Approved Premises or the Victims Units. The inherently relational aspects of probation work, most explicitly with people subject to supervision, but also with colleagues in the organisation, and partner organisations, is a consistent theme.

<sup>1</sup> The sample was self-selecting, and so it is not possible to make generalisations from the initial findings; nor is it an aim of the project to do so.



**Professional identity** and locus of control: All the participants identified having a sense of identity as a professional, largely based on their specialist knowledge and expertise, and the specific skills demanded of probation practitioners. Attitudes to formal professional registration were more ambivalent, with some participants seeing external monitoring as a positive step, notably with regard to safeguarding people on probation. The majority, though, were more dubious, seeing the recently established internal professional register, in particular, as yet another process to be undertaken, but which has little real meaning for them and for their status. Thus far, professional identity appears to be a largely *internal* construct; and it is worth considering that, for probation workers, the opportunities for sharing experiences are *solely* confined to the workplace, given the constraints of confidentiality, and of data protection.

Perhaps a more recent factor which enhances this internal sense of professionalism, and which was referred to by many participants, was the perception that it is probation which is 'managing the risk,' particularly in multi-agency settings. One participant referred to attending multi agency meetings, and observed that: 'it is our values of..... transparency and integrity and *being* that professional, and I think we are the experts in our risk assessment, and we do bring that to the table, which is why I think that other professionals will go, oh, they can deal with it because they seem to know what they're talking about.'

Equally, and in contrast, a sense of *diminution* of professional locus of control - a prioritisation of processes over practice - was referred to by several participants. Whilst relieved to be a single service in the public sector, there is a theme of dissonance regarding current probation organisational culture, expressed by one participant as: 'it feels like we're kind of a little cupboard in a vast mansion, that people kind of every so often remember is there and has a function....but...'

This perception appears to present a challenge to the sense of belonging which was described so consistently as part of the initial appeal of probation work. Loyalties seem to be primarily focused on relationships within The Probation Service, and specifically within the localised practice teams, with a much weaker sense of identity relating to the Civil Service in general, and to the Probation Service in particular. One participant, who worked for a Probation Trust, then a Community Rehabilitation Company during TR, and is now working for The Probation Service, noted that her loyalty to the actual organisation by which she was employed had never been significant, arising not least from the pace of change; and contrasted this with her commitment to her colleagues and to her team.

## Conclusion

My research is at an early stage, and data collection is ongoing. It is intriguing, and reassuring, to identify the common themes over time which have characterised probation work, particularly in relation to shared values, and core characteristics of optimism and resilience - alongside a healthy scepticism, itself a core approach of probation.

Mostly, though, it has been energising, rewarding, and moving, to hear practitioners talk with pride and belief in their role and in what they do, notwithstanding the recent fortunes in probation practice. It has been fascinating to start to identify key themes of the project at this early stage; but this article also seeks to pay tribute to the people whom I have had the privilege to talk to, in considerable depth, about their motivations to do probation work; their commitment to their roles; and the values and beliefs which shape their practice and approaches; and for which I wholeheartedly commend them.

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## PROBATION IN OBJECTS

Probation is woefully underrepresented in the penal field, described as the Cinderella service, never invited to the ball, and fighting invisibility (Robinson, 2016). Probation in objects aims to amplify probation culture and occupational identity by exploring the stories objects can reveal. Our work is influenced by Mark Doel's *Social Work in 40 Objects* (2017), an exploration of professional identity in social work through objects. Exploring identity in probation practice has largely involved qualitative interviews (Robinson and Svensson 2014), although work such as the Howard League's *Supervisable* project (Fitzgibbon, 2016; Graebisch, 2017; McNeill, 2017) and *Picturing Probation* (Carr et al., 2015) has evidenced the use of creative methods in research exploring experiences of supervision.

Since introducing our work on Probation in Objects in [Issue 17](#) of *Probation Quarterly*, we have been inviting participants to submit objects that they associate with their experience of probation and we have received 21 images so far. Objects are accompanied by a short narrative to provide a visual representation of probation from those who have lived it. As researchers, we have positioned ourselves as curators, tasked with collecting, analysing and categorising the objects. In this article, we aim to provide an update on some of the emerging themes: clothing and identity, emotion in probation work, and reflection in probation practice. In doing so we aim to embody Doel's approach:

*"If this were a physical exhibition of artefacts, various rooms would house collections of objects illustrating different themes" (Doel, 2017: 7).*



**Charlotte Oliver**

PhD Candidate and GTA  
Sheffield Hallam University



**Andrew Fowler**

Senior Lecturer in Criminal Justice  
Sheffield Hallam University



**Tom Brown**

Senior Lecturer in Criminal Justice  
Sheffield Hallam University



As such, we invite the reader to visualise these themes as rooms in an exhibition, all linked by topic of probation, but each exploring a different aspect and providing an alternative representation.

## Clothing and Identity

What you wear can communicate an array of information about your identity to those around you, even if you do not intend to do so. Probation work is not immune to this effect, and in categorising and analysing the objects, the theme of probation identity as being intertwined with clothing began to emerge. This is primarily seen in the [coat stand](#), the [lanyard](#), and the [Clarks shoes](#). Clothing is a powerful form of expression and these objects, deliberately and inadvertently, convey information on personality, status, values, and political ideologies (Satrapa et al., 1992). As such, these objects represent the physical manifestation of a probation officer, an expression of identity and meaning.

Whilst the notion that a probation officer is required to “wear many hats” is familiar (Ugwudike et al., 2019), one participant instead defined their work by the various jackets worn in their work. The coat stand conveys not only the practical and literal use of jackets worn to court, home visits or prisons, but also the symbolic jacket “offering a chat, a smile, support and guidance to those in need of them”. Despite the lack of distinctive “visual cultural symbols” (Mawby & Worrall, 2013, p. 141) or a prescribed probation uniform, there are still implicit shared understandings of how clothing interacts with probation work. Demonstrated by the question “Why do all probation officers wear those \*\*\*\*\* stupid shoes?”, said of the Clarks ‘Cornish pasty’ shoes. This specific shoe style clearly implied

something innately probation, a belonging to the profession. Be it the style or practicality that made the shoes a popular choice for probation staff, they demonstrate the influential role clothing can play in communication. Conversely, clothing can be used as an explicit form of messaging: “the probation lanyard provides many practitioners with the opportunity to express their own personal and professional interests and identity.” For this participant, their lanyard provided them with a space to represent their identity and values, displayed through badges and ribbons. Clothing, therefore, stands as a non-verbal tool, providing us with a representation of probation work that transcends the spoken word.

## Emotion in Probation Work

The complex role played by probation officers demands considerable emotional management and there is growing recognition of the emotional labour required for probation work (Fowler et al., 2017; Westaby et al., 2020). The objects presented in this theme collectively share a sense of emotion in probation work; those objects include [A Sense of Freedom](#), the [Romanian probation poster](#), the [ultrasound](#) and [stress](#).

*A Sense of Freedom* by author, Jimmy Boyle, is described by one participant as “the reason I became a Probation Officer.” That the impetus to embark upon a career in probation began with “feeling deeply moved” when understanding the reasons that could lead a person to become involved in the criminal justice system, speaks to the essence of probation work. Emotional connection and a desire to “affect change” through providing “belief, support and opportunity”, resonates with the welfarist roots of probation to advise, assist, and befriend.

This core notion that probation is “something that is done to people and experienced by people,” (Sexton, 2015, p. 115) extends beyond England and Wales. Another participant, a probation officer from Romania, emphasised that the “beneficiaries of probation services are first of all human beings, with a past, but equally with a present and a future.” The potential of this “people first” (Annison et al., 2008) approach to probation is highlighted in the submission of a pregnancy ultrasound. Following a lengthy period of supervision, this participant described the “young angry person, I had the privilege to walk alongside and see his fight to become an adult that he wanted to be.” Seen here, the use of emotions in probation work was facilitative of effective practice and better relationships (Phillips et al., 2020), framed by the participant as “an example of positive probation work in the community, with people and their families.” In the years after this supervisory relationship ended, the participant found the ultrasound scan in their in-tray with the message that the person wanted them to “be one of the first people to know he was going to be a dad.” Yet, the recent political prioritisation of probation as a service to “assess, protect and change” (HMPPS, 2021) creates a complex climate for undertaking this nuanced emotional work. The focus on probation practitioners’ abilities to manage cases and increasingly heavy caseloads, in a culture of control leaves less space for this important relational work to take place (Garland, 2001; Phillips et al., 2020). The submission of stress as an object depicts this tension between care and control (Dominey & Canton, 2022), warning that “service needs to be kinder to staff to sustain a stronger, healthy, more resilient workforce.”

## Reflective Probation Practice

On one level all the submissions involve reflection, as to be expected, this is embedded in the occupational culture (Worrall and Mawby 2013) it is a key skill in probation work (Ainslie et al., 2022), a priority for probation education (Gregory, 2007, Ainslie 2020), a coping mechanism (Burrell, 2020) and form of resistance to managerialism (Gregory, 2010). This theme coalesces around submissions that mention or represent reflection as a utility in and of itself. The participants submitted objects that were practical and directly assisted reflection-in-practice or reflection-on-practice (Schon, 2016), for example, [the mug](#), the [Romanian probation poster](#), [tape recorder](#), and the [Probation Officer’s manual](#). These objects also had layers of meaning and were at once metaphorical, personal, socio-political, and historical. The mug represents an away-day activity for staff in Avon and Somerset, who were asked to reflect on ‘Probation’ and submit a word. This created a word cloud which collated and displayed words in order of size with words that are submitted more frequently appearing in larger lettering. The participant took pride in knowing that integrity, to be honest and have strong moral principles was the most frequently chosen word. This was a collective reflection which showed unity and shared values. These values are transmitted in the poster from the Romanian Probation Service “nu judeca o greșeală ca pe o regulă” translating to “do not judge a mistake as a rule.”

This resonates with the idea of working with offenders, not on them and building trust with people on probation (Shapland et al., 2012), in a similar sentiment to the relational aspect of probation work that was clear in the emotion theme. The tape recorder is submitted to represent the start of the journey to become a reflective practitioner. The ability to reflect is an "important tool" to problem solve, empathise, process emotions and cope in difficult times and reflective practice allows practitioners to challenge their assumptions and knowledge (Ainslie, 2020). Finally, the reflection on the Probation Officer's manual suggests a socio-political dimension to the resources that are embraced at a given point in time or relinquished; heralding organisational changes to how the work is approached. These representations and objects signify the importance of reflective probation practice at both a meso and micro level.

## Conclusions

Whilst existing work details the origins and development of probation practice, this project considers probation in a way not previously attempted. As analysis and curation of the probation in objects collection continues, we aim to contribute a visual dimension to existing work by facilitating the development of "visual cultural symbols" (Mawby and Worrall, 2013: 141). Though the collection of objects submitted by participants is rich and varied, these emerging themes begin to suggest some of shared ways probation is visualised.

In endeavouring to develop this research, we have a continuing relationship with the National Justice Museum in Nottingham, who hosted our HMPPS Insights event in 2023. Through this connection we hold ambitions of working towards a probation exhibition at the museum. Also of note to those interested in this work may be [Root and Branch](#) a travelling exhibition and collaboration between HMPPS and Englesea Brook Museum, displaying the roots of probation in the Temperance movement.

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# WHAT SHOULD THE 'INDEPENDENCE' OF IAPS LOOK LIKE?





A personal viewpoint piece by Andrew Bridges,  
Strategic Director, NAPA  
*(views not necessarily shared by every NAPA  
Associate)*

Governments (Conservative ones) have sometimes privatised - outsourced - public services for principally ideological reasons: railways in the 1990s, and probation (partly) in the 2010s, are two strong examples of this. In contrast, however, as I have described in a longer version of this article - see [napacic.org](http://napacic.org) - Government's desire to encourage the development of independently managed APs (Approved Premises, onetime probation hostels) is driven almost entirely by 'business pragmatism'. HMPPS wants to expand the AP sector, and the providers of independent APs - local charities or specialist service providers - are better placed, and better able, to open new APs and expand existing APs, even though over 85% of APs continue to be directly state-run.

HMPPS's dilemma is then how far does it want the independent APs (IAPs) to be completely consistent with the state-run ones, and how far should it accept or even promote some differences? The good news, for the independent providers, is that in principle HMPPS values the creativity and innovations that the IAPs sometimes bring. The bad news is that HMPPS does not know in practice how to define the distinction between where there should be national consistency and where there should be local creativity. (Of course, the same problem affects how HMPPS attempts to manage all other aspects of front-line probation practice too.) In fairness to HMPPS, it has to be acknowledged that there does need to be a high level of consistency in the way that the IAPs function as



**Andrew Bridges**  
Strategic Director  
National Approved Premises Association

part of the 'national AP system': standards of building security, drug testing arrangements, being part of whatever case allocation systems that HMPPS establishes, and operating the same national case management, and email and IT systems. Accordingly, HMPPS already acts almost as direct management for IAPs when it comes to such matters of 'national infrastructure', including direct arrangements for providing upgraded security equipment in IAPs. When it comes to 'national infrastructure', there is very little scope for 'local creativity', and therefore for good reasons 'consistency' is the dominant consideration.



However, when it comes to local front-line service delivery, the picture should be quite different. The principle that should be applied is: Prescribe *what* is to be achieved, but only advise how it should be achieved:

- The commissioner should specify, wisely, what it wants to see achieved (operational outcomes), and how this will be measured, and then Prescribe that this is *what* it requires from its independent providers –
- But although it might offer advice, it should avoid prescribing *how* those outcomes should be achieved, because working with individual residents is – of course! – an individualised service.
- For example: You commission the taxi, the destination and the agreed price, but you don't then 'backseat drive' the driver through every step in the journey.

The difficulty is in the application of this principle within the 'messy reality' of the AP world – indeed in probation work generally – especially while MoJ/HMPPS continues to make a poor job of defining and managing the outcomes it wants probation to achieve overall. I have previously illustrated, both in principle and in my own past practice, how the core outcomes of mainstream probation work – the three purposes of probation – can be defined, managed, implemented and even inspected.<sup>1</sup>

The three purposes are: Reducing Likelihood of Reoffending, Implementing the Sentence, and Containing Risk of Harm to others. I have also set out<sup>2</sup> how these should be measured as **outcomes** (and have done so in practice myself in the past). It is difficult to operate this, but it can be done, though it requires a determined focus.

For APs, the further additional complication is trying to focus on just one, relatively 'short', stage in the rehabilitation journey that is being undertaken by each person on Probation, such as a period of residence in an AP. (Individuals deemed to be of High Risk of Harm to others will normally stay at an AP for no more than 12 weeks on their release from prison.) APs should therefore make their contribution to the rehabilitation journey by facilitating specific 'stepping stones' of tangible progress that the resident has made on that journey while at the AP – though at least some of those stepping stones will need to have been specified by the commissioning HMPPS. But those 'stepping stones' must be specified as *what* is to be achieved, and not *how* – that is the proper boundary between consistency and creativity.

The same principle applies with Quality of Practice generally. Don't try to promote Quality by specifying HOW it must be carried out – issuing ever more detailed stipulations, guidance, checklists, forms and formats – all with the best of intentions and often designed by skilled current or former practitioners. A single format, such as OASys (Offender Assessment System), cannot cope with every eventuality – the fallacy of 'comprehensiveness' – which is why it runs the great risk of becoming 'a long form that just needs filling in' rather than an opportunity to engage with and think about the unique features of the individual they are working with. This 'comprehensive stipulation' approach is a classic example of Prescribing the *how* which is both time-consuming and stifles creativity.

<sup>1</sup> Bridges, AM, 'An Introduction to Modern Probation Theory', [https://www.andrewbridgesprobation.com/files/ugd/b9d8fa\\_d2d294f19f694189a1dccc0ed73e95d.pdf](https://www.andrewbridgesprobation.com/files/ugd/b9d8fa_d2d294f19f694189a1dccc0ed73e95d.pdf) (2022)

<sup>2</sup> Ibid

Instead, Prescribe the *what*. You define what you want the individual to have experienced as a result of the interaction: the resident will have been assessed well before arriving, is inducted well on arrival, and is managed well during their stay. Doing each of these things “well” can be made more specific, e.g. For induction, “The resident will have experienced a humane and respectful face-to-face interaction in which she/he has been made aware of her/his rights, responsibilities, constraints and opportunities while at the AP.”

Prescribing the WHAT instead of the HOW enables skilled practitioners to undertake and write their assessments, plans and reviews in way that is focused, succinct and appropriate to the needs of the case, rather than as a series of ‘answers’ on a long form that was designed to meet some external ideal of comprehensiveness. In short, practitioners could be freed to be more creative.

HMPPS will continue to find it difficult to define the line between the WHAT and the HOW while it remains insufficiently clear about the overall outcomes it wants from probation work overall. While that overall strategy remains unclear at the macro level, its managers and commissioners will find themselves composing increasingly detailed procedure manuals, guidance documents and forms in their efforts to stipulate how Probation work should be carried out.

It is not the purpose of this paper to set out the full case for how probation work overall could and should be much better managed – that has been done elsewhere<sup>3</sup>. But in a nutshell, a clear focus on the core three purposes of probation would make it clear to Parliament and to the public what probation work is aiming to achieve. At the same

time this provide a framework within which the various elements of the ‘probation world’ should ***make their contributions towards*** the achievement of those three purposes. In the case of APs – both state-run and independent – although they generally keep a resident for no more than 12 weeks, they can still be expected to make their contribution towards that person becoming less likely to reoffend, complying with their sentence, and having their risk of harm to others contained and managed. When successful, a period of AP residency serves as a ‘stepping stone’ on an individual’s desistance journey.

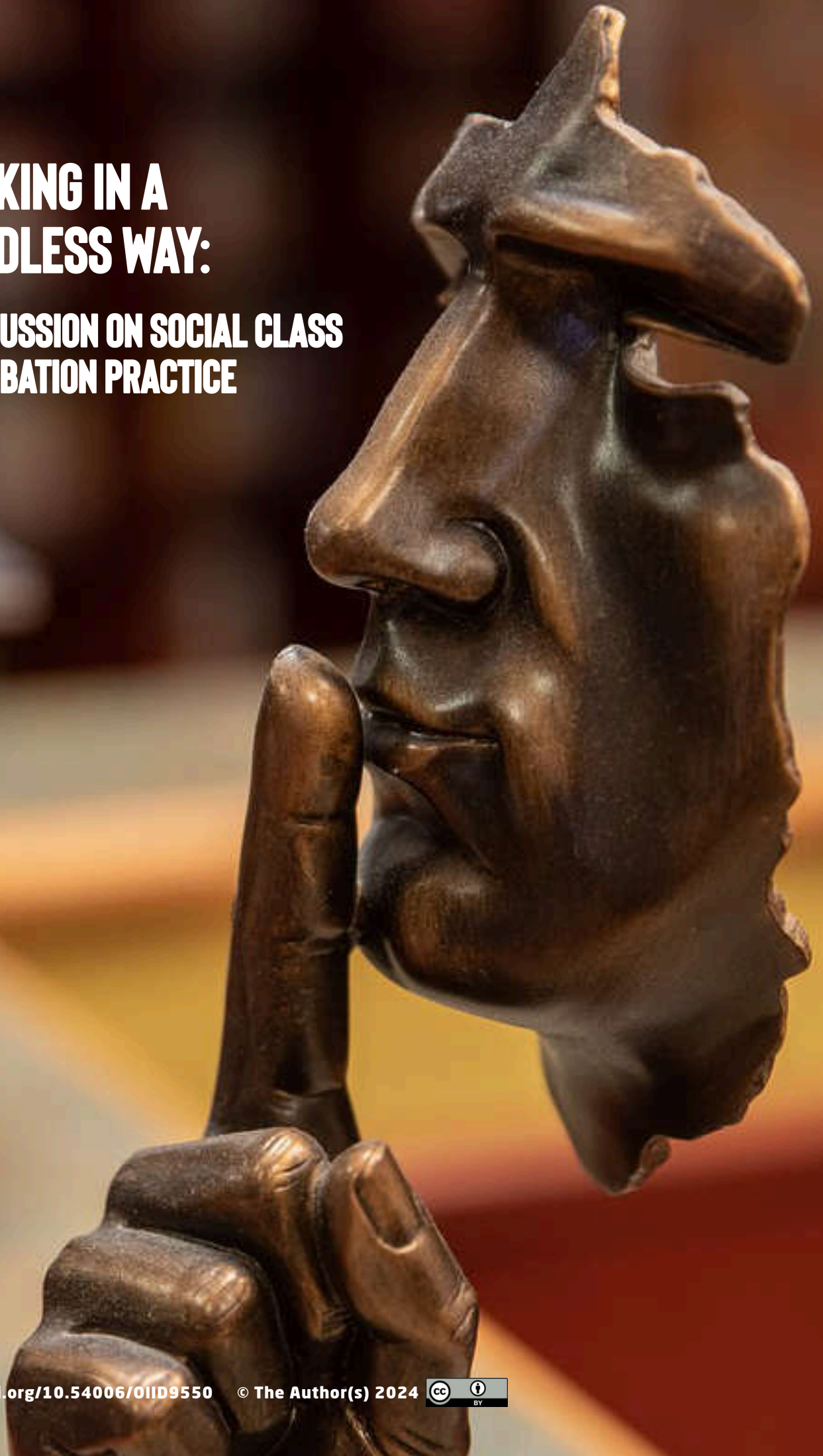
A commissioned service, such as an independent AP, should certainly expect to work within a centrally managed national infrastructure as it aims to achieve the outcomes that have been specified (“prescribed”) by the commissioning authority: it should not expect to be able to decide, ‘independently’, to aim for different outcomes. However, what an IAP *should* be able to do – independently – is exercise its creativity in how it goes about achieving the prescribed outcomes. Accordingly, ***the commissioning authority should prescribe WHAT outcomes are to be achieved, but should do no more than advise how those outcomes should be achieved.***

It is understandable that MoJ/HMPPS, the commissioning authority, finds it difficult to carry out this approach in practice because it does not yet focus clearly enough on the core three purposes of probation supervision. Once that focus is reached, it will become a little easier to specify the interim outcomes – the “stepping stones” – that IAPs need to be aiming for in order to demonstrate that they are making their contribution towards making more likely the achievement of the Three Purposes.

<sup>3</sup> Ibid

# **WORKING IN A WORDLESS WAY:**

**A DISCUSSION ON SOCIAL CLASS  
IN PROBATION PRACTICE**





## Introduction

Probation staff work within class-saturated environments, yet their experiences of doing so are largely unexplored. Where service user experiences of social class meet with theorising upon desistance from offending also requires examination (Graham and McNeill, 2019). Additionally, with class being considered as a protected characteristic under law (BPS, 2022; Sheehy-Skeffington, 2022) and HMPPS social mobility strategies being developed (Moj, 2019), further associated issues arise.

This article presents an individual encounter with class resulting from a discussion with an ex-Probation Officer who worked through the politically influential years bordering the millennium. It draws on a recent research study of previous probation staff who practiced during this period, exploring class dynamics through a semi-structured interview method. In particular we hear the voice of someone we can call Martin who shares his insights of daily practice within this difficult subject area. Martin identifies as white and middle class. He operated as a Probation Officer between 1991 to 2012, in a variety of criminal justice settings. Firstly, regarding client interactions he indicates that:

*in a sort of wordless way I tried to create more a level of acceptance, but I don't know what they thought of me.... I didn't feel it helped to talk about something that is pretty obvious, I guess.*



**David Coley**

Independent Probation Researcher

As he discusses class within a practice setting, ex-officer Martin's comments provide a raft of questions to reflect upon. How do staff work in a wordless way, what 'level of acceptance' is occupationally acceptable, does it matter what people on probation think in class terms of their supervisors, and is it more beneficial not to address certain subject dynamics, thus making class and its concomitant, social mobility, the elephant in the interview room?

## Class in Society

In discussing class in Britain during the period of Martin's time in practice he elucidates his views on what he saw as certain shifts in understanding traditional class categories. In his experience:

*there has been a growing elite at the top end of society who are doing particularly well...what used to be called the middle class have been gradually pushed down to join the class that used to be regarded as the working class....I've seen a lovely term for it called 'precariat'...which means that a lot of society now don't have security, they may have a reasonable amount of money but they don't necessarily have sick pay, they don't necessarily have proper holiday pay, and they don't necessarily have long term contracts,...which is a worrying state of affairs I think.*

Martin makes reference to the growing wealth inequality gap that has occurred over the last forty or so years in the UK (Savage, 2015). He suggests that some downward mobility has occurred, including "in the public sector, I'd say there's a merging of a whole group of lower-middle class", thus possibly encompassing some probation staff within his comments.

With regard to wealth inequality, mobility and work insecurity we can draw on findings from the Great British Class Survey (Savage, 2015). The GBCS echoes Martin's experience in that growing economic inequality in the UK over recent decades is identified, with greater degrees of inequality being experienced by citizens than

most other comparable wealthy nations. Amongst other concerns it additionally identifies a precarious class within its proposed new seven tier model. Those making-up the precariat sit at the base of this tiering structure and are seen as experiencing an insecure life in relation to employment, income and accommodation, leading to heightened levels of benefits dependency. Whilst the complexities of measuring social mobility are acknowledged within the GBCS findings, the gender pay gap and restricted access to highly remunerated professions are also apparent.

## Boundaries and barriers

What insights then does Martin offer in relation to front-line practice in terms of staff awareness, sensitivities, abilities and purposeful working methods to managing class concerns, primarily with a view to class differences possibly presenting barriers to individual engagement and constructive change?

*I think by doing a lot of listening as well,... by not dictating or telling, or being bossy, you're trying to be a better listener....I know we have a lot of authority in probation and I always tried not to misuse that, which you could easily, ... I found it increasingly uncomfortable as we were given increasing power, and they were encouraging us to use it more latterly, you know, like 'breach him, breach him'...using your authority in that way sort of reinforces in a way a class distinction*

When considering report writing we find sensitivities around power and privilege being considered in an effort to diminish class boundaries. Martin was clearly aware of class margins creating possible impediments to communication.

*don't know if that made a difference, but I think I was always aware of my privileged situation when I met people, so I hope I wasn't patronising or anything, or offering charity as such.... I was conscious of that, and I think it probably does put up a bit of a barrier.*

As a working practice designed to reduce any class issues acting as an obstruction, Martin engaged as much as possible through home visits:

*rather than them coming into the office which is a very bureaucratic, faceless organisation... I think I tried to break down that difference by going into their own environment....I did feel different and I didn't feel I could break that difference down, but at least I could have stab at figuring out how people lived a bit better when one could visit people in homes.*

Martin's emphasis on home visits is interesting, not only through his attempts to break-down apparent social barriers but also in relation to the empirical evidence indicating the advantages of encouraging family members to enter more into the process of a loved one's rehabilitative, desistance journey (Coley and Ellis Devitt, 2020).

The significance of social difference is not however so critical for Martin as he further indicates that working with a diversity of backgrounds and lifestyles, including dealing with "white collar crime", can remain beneficial. As he says, 'you can't pretend to live, or having lived a similar lifestyle, but I'm not sure that is so essential' offering as this viewpoint does an encouraging approach to engaging others.

To end we come to a topic area within Martin's discourse in which no evasion of class issues was possible, either to be wholly avoided or even minimised: Court work. In his experience:

*crown court....that is very much a class setting,...you've got judges and barristers from the top echelons of society making judgements upon those often from the lowest notches of society in front of them, and we're somewhere in the middle, it's a peculiar scene to work in I guess.*

Interestingly, Martin places probation staff in court 'somewhere in the middle' of this class structure, a structure in which defendants can become excluded within a performative spectacle.

*it's always a bit of a circus...I should think that quite a lot of defendants must feel a little lost in the system when they're there because of the hugely articulate way they do talk, the judges and the barristers, who left them out of it, I would have said.*



A class-based circus is apparent here for Martin, with some performers demonstrating extensive educational opportunities reflected through their skills in verbal articulation, whilst others struggle to navigate the system. Perhaps an element of classed, systemic exclusion possibly resulting from miseducation (Reay, 2017) is alluded to as some experience partial exclusion from the process. Sadly, in terms of social mobility Martin also identifies exclusion from the opportunities offered by wider society for a significant degree of people on probation, with the anger that this creates being lived and felt by some through harsh experience (McGarvey, 2017). As Martin states,

*I think so many were stuck in deep, deep problems, whether it was financial or emotional, whatever it was, housing, it just seemed to be so problematic for them to rise out of the situation they were in, and of course if they come out of prison they come back to the same situation,...I didn't see a lot of expectations for people to move-up,...this is a fairly deprived area...so I didn't see amazing aspirations.*

It is within this context that Martin feared being seen as 'a soft policemen for the working class.... it's a tiny bit still like that'. A challenging notion indeed for future discussions.

## Conclusion

Here then we glimpse some subtle manifestations of class evident within probation practice, as personally experienced, negotiated and considered by a previous frontline practitioner, with our thanks going to Martin. It is of course only one experience though, through a white, male, middle class lens, with alternative diverse perspectives urgently needing to be documented. It does however begin to address the broader questions relating to the implications

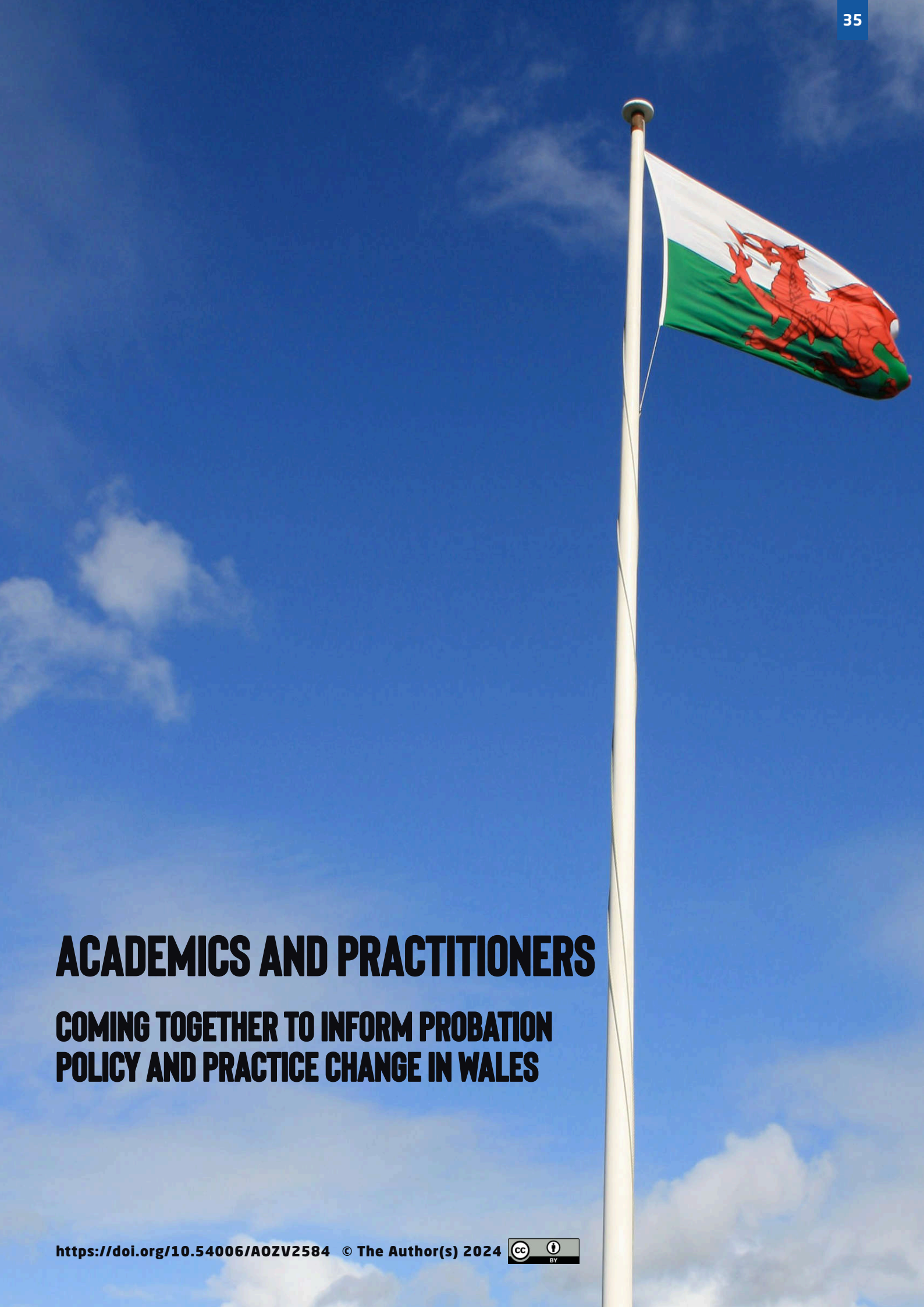
for probation staff of class being considered as a protected characteristic in law and social mobility plans being implemented by employers. If these issues are to be taken further, then surely this is a discussion that needs to continue.

If you would like a copy of the research report please get in touch via:

[ayejusticeresearch@gmail.com](mailto:ayejusticeresearch@gmail.com)

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# **ACADEMICS AND PRACTITIONERS**

## **COMING TOGETHER TO INFORM PROBATION POLICY AND PRACTICE CHANGE IN WALES**

The Wales-based Probation Development Group are delighted to share these five articles based on our recent work to highlight effective practice and gaps in probation policy and practice offering some contributions towards developing a more integrated criminal and social justice system in Wales.

The Group, which is part of the Welsh Centre for Crime and Social Justice, was formed following a presentation by former Probation Officer, the First Minister of Wales, Mark Drakeford, in May 2019, when he set out his broad vision for a devolved probation service in Wales. That event was attended by academics from across Wales' Universities, former and serving probation practitioners and managers, a core of whom agreed to work together to support the evidence-based development of a devolved probation service.

To date the Probation Development Group have published a collection of papers - Towards a Devolved Probation Service in Wales - based on PDG working groups discussing key themes around probation's Values and Principles, Effective Practice, and Governance and Partnerships. The annual Welsh Centre for Crime and Social Justice conference has been critical to discussing ideas and developing papers with wider academics and professionals with a stake in the future of probation and engaging with policy makers.



**Martina Feilzer**

Professor of Criminology and Criminal Justice  
Bangor University



**Ella Rabaiotti**

Former Probation Officer & Lecturer in Criminology  
Swansea University



This independent work, which is being shared with the Welsh Government's justice policy team, continues to be informed by other ongoing research in Wales. Notably, the PDG has also been informed by Rob Jones' extensive study into the specific criminal justice outcomes in Wales, including his book *The Welsh Criminal Justice System*, co-authored with Richard Wyn Jones, from the Wales Governance Centre.

In this Welsh section of *Probation Quarterly*, Probation Development Group members share some of their thoughts on the promise of, and important considerations for, a devolved probation service, including:

- A spirited discussion on how changes within probation have impacted on professional values.
- An exploration of whether devolution of probation could contribute to more effective practice.
- Reflections on the critical importance of reviewing Wales level data and outcomes within an England and Wales criminal justice system.
- Consideration of structures and governance of devolving probation with desired outcomes in mind.
- A study summarising emerging efforts to take an 'inclusion health' approach for people on probation in Wales.

Together, the ongoing work of the Probation Development Group contributes learning towards reconsidering probation work in Wales but also has relevance for probation in England and beyond. Whilst focussed on supporting the development of a Welsh Probation Service, the discussions and analysis offered draws from research and experience on over a century of probation practice and governance.

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# WHAT DO WE KNOW ABOUT PUNISHMENT IN WALES?

## Robert Jones explores the latest disaggregated data on punishment in Wales

In stark contrast to Northern Ireland and Scotland, Wales remains a relatively undiscussed entity within research and debates on penal policy in the United Kingdom (UK). The lack of interest or serious attention directed towards Wales can perhaps best explained by the fact that, for the best part of five centuries, Wales has been part of a single England and Wales jurisdiction. Established through the Laws of Wales Acts 1535 and 1542 with the aim of abolishing any sense of difference between England and Wales, the single jurisdiction has largely rendered Wales invisible within a system where the taken-for-granted territorial framing for understanding penal policy has been, and indeed continues to be, England (Jones and Wyn Jones, 2022).

In recent years, however, the emergence of a unique and distinct set of constitutional arrangements has helped to forge open a space for debates on criminal justice in Wales (Commission on Justice in Wales, 2019; Independent Commission on the Constitutional Future of Wales, 2024). Although policing and criminal justice powers continue to be the jealously guarded preserve of the UK Government in Westminster, it is now widely recognised that devolution to Wales since 1999 has given the Welsh Government considerable autonomy over many important areas of policy which overlap with the UK Government's formal responsibilities for criminal justice. No longer simply defined by



**Robert Jones**

Lecturer in the Welsh Criminal Justice System  
Cardiff University

uniformity and its assimilation with England, the Welsh criminal justice system is now best characterised as being constituted across a 'jagged edge' of intersecting competences and responsibilities shared between two governments with different political priorities and accountable through different electoral mandates (Jones and Wyn Jones, 2022: 8). As acknowledged by the UK Ministry of Justice when setting out its plans in 2018 for the reunification of probation in Wales, devolution has created a 'fundamentally different delivery landscape' for justice in Wales (Ministry of Justice, 2018: 36).



## (England and) Wales

Notwithstanding the significance and importance of these recent developments, Wales largely continues to be subsumed within debates played out on an England and Wales level. Most criminal justice data, for example, continue to be published on an England and Wales basis without any Welsh disaggregation. Despite the UK Government's insistence that it recognises the problem (e.g. Ministry of Justice, 2017; House of Commons Welsh Affairs Committee, 2019), including the Parliamentary Under-Secretary of State for Justice's claim that the demand for Wales-only data 'is not an unreasonable request' (House of Commons Westminster Hall Debate, 29 November 2022), many sources of data remain publicly inaccessible.

We find ourselves, therefore, at a rather peculiar juncture. On the one hand, devolution has made it necessary to think about Wales as a distinct criminal justice policy space. On the other, exploring the Welsh context to prisons and probation remains fraught with difficulty. Over the past decade, however, research carried out using multiple requests for information under the Freedom of Information Act 2000 has helped to access Wales-only data on a range of topics, including prisoner numbers, probation caseloads, and the use of pre-sentence reports. Such efforts to disentangle Wales from England have helped to uncover a range of problems facing the Welsh criminal justice system. In the process of doing so, these data further underline the need for greater focus on the specificities of the Welsh context.

## Wales' Imprisonment Rate

From drastic court closures, severe cuts to legal aid, the decline in the use of community sentences, a rise in the use of recall and remand, to clear evidence of racial disproportionality throughout all stages of the system, a recurrent theme throughout what limited work has been done in recent years is that the Welsh criminal

justice system is marred by 'undeniably poor outcomes' (Jones and Wyn Jones, 2022: 171). Interestingly, despite the existence of a supposedly unitary system, disaggregated data show that Wales often performs less well on several measures than England. By far the most striking and arguably the most concerning revelation is that when disaggregated from England, Wales has the highest imprisonment rate in western Europe.

There are two ways in which we can approach the measurement of Wales' imprisonment rate. Firstly, when looking at the number of people held in Welsh prisons ('in-country' method), the imprisonment rate per 100,000 people now far exceeds the level recorded in any other country in western Europe. While Scotland recorded the western Europe's highest imprisonment rate (137 per 100,000) in the most recent *World Prison Population List* (Fair and Walmsley, 2021), the level recorded in Wales in 2021 was considerably higher (156). With HMP Berwyn in Wrexham now reaching its full operational capacity, the 'in-country' imprisonment rate in Wales reached 174 per 100,000 in 2023. This level far exceeded the rate recorded in England (143), Scotland (142) and in Northern Ireland (97).

The 'in-country' rate, however, does not tell us the full story. Indeed, with an average 1,733 English prisoners held in Wales in 2023, and 1,425 Welsh prisoners located in prisons in England, the 'in Wales' measure largely reflects the capacity of the Welsh prison estate and how this space is being used by HMPPS. Disaggregated data based on home address, however, provide a more accurate representation of the number of people from Wales in prison. These data show that every year since 2013, Wales has recorded a higher imprisonment rate than England. In the most recent figures, the average number of Welsh people in prison surpassed 5,000, with the Welsh imprisonment rate (162 per 100,000) once again far exceeding the level recorded for English prisoners (142 per 100,000).

The question that naturally emerges out of these findings is quite simply: why? To begin to address this we might naturally turn to the conventional methods used by academics and researchers to explain prison population changes (Roberts and Ashworth, 2016; Millie et al. 2003; Sentencing Council, 2018). These conventional methods, however, provide us few answers. Firstly, crime levels in Wales provide no clear explanation. Since 2013, police recorded crimes per 1,000 people in Wales have been consistently lower than the rate recorded in England. Another possible theory is that courts in Wales are more likely to impose immediate custodial sentences than in England. Here, again, we find few answers. While data broken down by court type reveal some differences in custody rates between Wales and England (Jones, 2019a), the average custody rate in England has been higher than the level recorded in Wales since 2000. Finally, while increasing sentence lengths have been a major contributing factor to rising prisoner numbers in England and Wales (Ministry of Justice, 2016), there is limited evidence that this has had any disproportionate impact in Wales, with the average custodial sentence length consistently higher at courts in England (15 months) than in Wales (13.2 months) over the last two decades.

Despite sparking some initial attention and concern when it was first uncovered in 2019 (House of Commons Westminster Hall Debate, 22 January 2020; National Assembly for Wales Debate, 22 January 2019; Morris, 2019; Rees, 2019), UK justice officials have repeatedly failed to account for the fact that Wales has consistently recorded a higher rate of imprisonment than England, not to mention any other country in western Europe. The effects of

this indifference and the neglect shown towards Wales is that those with a keen interest in the Welsh criminal justice system can only continue to speculate about the possible causes. Without routine access to Wales-only data, and in the absence of any kind of serious or authoritative explanation for what is happening in Wales, there is little prospect that a solution to some of Wales' most intractable problems will be found anytime soon.

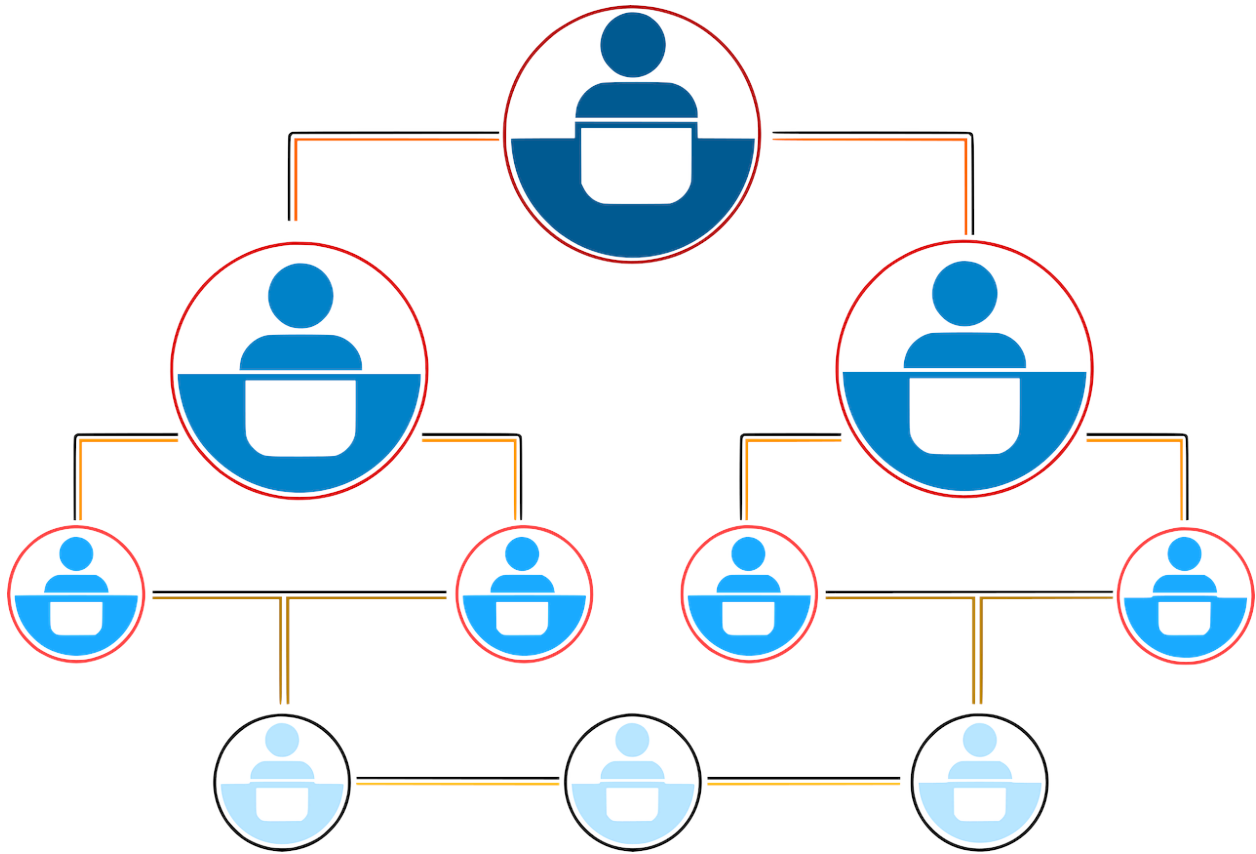
## Conclusion

The Commission on Justice in Wales' (2019:10) landmark report reached the rather sobering conclusion that the people of Wales are being 'let down' by the Welsh justice system in its current form. For those familiar with prisons and probation in Wales, this verdict is one that is likely to have generated little surprise or controversy. However, what the Commission's report *has* generated since its publication in 2019 is a firmer interest and focus on the operation and performance of the Welsh criminal justice system. While the Welsh Government's efforts to prepare the ground for future justice devolution has unquestionably driven this agenda forward since 2019, the Commission's report will continue to offer future academics, politicians, and practitioners an authoritative evidence base upon which to challenge the hegemony of the unitary system and the use of 'England and Wales' as *the* dominant framing and unit of analysis for debates on prisons and probation. The contributions included in this issue represent a clear and important example of that challenge. After all, without it, what we know about punishment in Wales, both now and in the future, is likely to remain extremely limited indeed.

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# PRINCIPLES FOR GOVERNANCE AND STRUCTURE FOR A DEVOLVED PROBATION SERVICE IN WALES

*Martina Feilzer on behalf of the PDG working group on Governance and Partnerships.*

*This short paper is a summary of work compiled by members of the PDG's working group on Governance and Partnerships which included academic and third sector members. The members were:*

*Simon Borja (Safer Wales), Martina Feilzer (Bangor University), Stewart Field (Cardiff University), Gwyn Griffith (Aberystwyth University), Bryn Hall (Clinks), Brian Heath (University of South Wales), Mike Maguire (University of South Wales), Kate Williams (University of South Wales)*

The task for the group was to consider the principles which should underpin the structure, governance and arrangements for partnership working in a devolved probation service for Wales. This task proved to be more difficult than initially anticipated as probation services are woven into complex national and local structures of public service and criminal justice delivery and governance. Detaching our thinking from 'what is' and imagining 'what could and should be' was difficult and raised a number of important questions for policy makers to grapple with.

In this brief paper, we shall focus on the essential principles for governance in the context of the functions of probation and the desired outcomes of a devolved probation system. The full paper along others published by the PDG can be found under: Borja et al (2023). We proposed ten principles for probation governance and we have set these out below with some details on how we arrived at these principles and why we consider



**Martina Feilzer**

Professor of Criminology and Criminal Justice  
Bangor University

them important. A reconsideration of probation structures and governance in the context of devolution of justice was seen as essential given the levels of imprisonment, reoffending, and related poor outcomes evident in the adult justice system in England and Wales. Wales has been able to innovate and lead on good practice in youth justice with benefits for children, communities, and victims of crime and it is now time to consider whether similar gains could be achieved in the adult system. We suggest that careful considerations of some key principles for probation will help in that endeavour.

**1. Separate professional status for probation** combined with a close working relationship with other criminal justice agencies – as readers of Probation Quarterly will be painfully aware, recent history of probation is littered with changes to its structure and position as an independent professional service and it has become clear that the latest changes of designating probation officers as civil servants in a combined HMPPS has had a detrimental impact on probation officers' status, their ability to be involved in evidence-based practice, and to advocate for people on probation. A separate professional status for probation and its independent position from other criminal justice agencies is important. We argue that the continuation with an integrated service with the prison service or any new integration with other agencies such as prisons, police or PCCs would undermine the self-legitimacy and recognition that the service requires to effectively work with, and advocate for, people on probation. A devolved Welsh Probation Service should be a stand-alone organisation based on clear professional values and recognition.

**2. Effective and regular consultation and communication with sentencers/courts.** One of the effects of recent changes to probation through the split of the probation service under the Transforming Rehabilitation reforms and the subsequent reunification, has been a loss of trust in community sanctions by sentencers. Rebuilding this trust and ensuring any probation service is positioned to enable ongoing and effective communication with sentencers, provide appropriate, high quality, and well documented court services, and community sanctions/ community supervision, is vital in ensuring good and appropriate use of community sanctions thus addressing current pressures on prisons and in particular, reducing the use of ineffective short prison sentences. Lessons can be learnt from

effective relationship building and engagement between youth justice services and youth courts which has led to a improved understanding of the shared needs of children in the courts and arguably, contributed to a significant reduction in formal court appearance and custodial sentences for children. Thus, a formal role for sentencers/ courts in the governance structure for a devolved Welsh Probation Service should be considered.

**3. Alignment and cooperation with relevant local stakeholders** to allow joined-up services with third and private sector organisation, police, health, prisons, youth justice, housing, employment, social services, substance misuse. Probation services support people on probation whilst serving community sentences, they supervise people after release from prison on license conditions, or those who have been released on parole. Supporting individuals effectively means linking up with, and commissioning, services from other specialist organisations – private or third sector – and that relationship is crucial to offering holistic support to individuals who may have support needs across different services such as housing, substance misuse, and mental health. Probation services could become an independent service in a community settings where different support services are co-located to provide one-stop-shops for service users and reduce the stigma of accessing and attending probation. In addition, particular groups of people on probation, such as young people who transition from the support of youth justice services to probation supervision need particular attention and a consideration of a dedicated and age-appropriate transition process. Others, need culturally appropriate services sensitive to the needs of different groups of people on probation (e.g. women, veterans...) and work is required to ensure these services are available across the whole of Wales.



#### **4. Probation officers as qualified professionals.**

Considered alongside principle 1, probation officers should be regarded as professionals rather than civil servants with a resultant impact on recruitment and training processes, as well as professional values, ethics and competences. Importantly, such a status provides the freedom, and obligation, to engage in evidence-based practice and critical appraisal of probation practice and processes. This professional status should act as a safeguard against the influence on practice of political short-termism, offer a culture of respect for a professional staff group, and thus improve the retention of newly trained and appointed probation staff, with an aim of returning probation to a lifelong career of choice. We suggest that such a qualified and recognised status would require a review and recalibration of current training provision.

**5. Strong professional value system.** Numerous studies have looked at the values of those entering probation and whether values expressed by probation staff have been affected by the various changes to probation over the last decades. Traditionally based in social work in England and Wales – and this is still the case in many jurisdictions – probation places value on relationships, supports a rights-based approach, and trusts in individual ability to change. Probation values have proven remarkably resilient, surprisingly so given the fundamental shift in working practices, structures, and responsibilities. The European Probation Rules are a strong basis for a value system for probation and should be considered as a basis for a Welsh probation service.

**6. Consistent guidance and frameworks that allow for local discretion** based on strong local relationships (including statutory, third, and private sector) including structures and frameworks for fair and transparent commissioning of services. We recognise the need for probation services to be responsive to local community safety needs and the local context. Local probation teams should be empowered to respond to local needs but be clearly guided by legislative and normative frameworks (e.g. CJA 2003). This should involve a regulatory or inspection framework which assesses delivery of probation services against national guidance which will ensure equality and consistency of service provision and avoid the pitfalls of ‘justice by geography’.

**7. Evidence based practice** supported by strong links through policy-professional-academic partnerships. Wales has established a number of examples of practitioner-academic partnerships, for example, Hwb Doeth, and we propose that such links should be built into a new Welsh Probation Service and its operation. Evidence-based practice should be core to probation practices to ensure that any interventions, supervision arrangements, etc. are appropriately questioned as to their effectiveness in supporting the desistance pathways of people on probation. The unintended and potentially negative impact of some community sentences needs to be recognised and thus, all support, sanctions, and other rehabilitation services need to be tested and critically evaluated. As mentioned above, the expectation of embedding evidence-based practice in the service, as well as an appetite for innovation, professional curiosity and reflexivity may require a review and recalibration of current training provision.

**8. Stable funding allocation - statutory funding formula.** Devolving justice services requires a clear headed and realistic assessment of the resources required – this will present one of the greatest challenges for the discussion of devolution. The provision of well-staffed professional probation services depends on clarity of funding in the medium and longer term. Commissioning services from other organisations in a transparent, accessible, fair and sustainable manner also requires the ability to plan ahead with sufficient resources and established and agreed procurement processes. Resources need to be ringfenced for probation services and protected from the clamour for prioritisation for other public services. Highlighting some of the cost-savings that could be achieved by preventing harm at this stage (to victims, communities and people on probation) is an important part of this discussion.

**9. Working in line with principles of effective trauma-informed practice** and desistance principles and as a result reducing victimisation and harm and protecting communities. There have been significant advances in our understanding of the extent of trauma and disadvantage experienced by people on probation and the need for service provision to be sensitive and informed about the impact of trauma. Additionally, the advances in desistance theory and its interaction and overlap with rehabilitative services have led to calls for integration of principles of desistance into probation practice. There is further work to be done on how this works practically but this should be a core consideration for a devolved Welsh Probation Service.

**10. Offer effective Victim Liaison and Restorative Justice services.** The probation service plays an important role in ensuring victims of crime are recognised as stakeholders in

the justice system including the process of supporting people on probation to reduce their offending behaviour. This includes a responsibility to liaise with victims of crime and offer restorative justice services where appropriate and agreed to.

The principles set out above inform the design of probation structures but we are mindful of the existing interfaces and important local connections in existence. Members of the PDG have been honoured to be able to make a contribution to the plans moving Wales towards a devolved justice system. This is a unique opportunity to reimagine Welsh probation with a good understanding of the history of probation and wider criminal justice and the various reforms introduced over recent decades.

It is essential that this reimagining is done in active conversation with core stakeholders, including statutory, third and private sector organisations working in community safety, probation staff, community representatives, and victims of crime and people on probation.

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# Senedd Cymru Welsh Parliament

**CAN DEVOLUTION HELP TO  
PROMOTE EFFECTIVE PRACTICE?**



The devolution of probation services, to become a responsibility of the Welsh Government instead of the Ministry of Justice in London, has now been recommended by two authoritative independent bodies: the 'Thomas Commission' on Justice in Wales in 2019 and the Independent Commission on the Constitutional Future of Wales in 2024. This short paper has been prepared by two members of the Probation Development Group (PDG) of the Wales Centre for Crime and Social Justice, in consultation with other members of the group including experienced researchers and practitioners, and with some input from sentencers. Our aim is to explore whether devolution of probation could contribute to more effective practice and the improvement of probation's impact on the criminal justice system: part of the case for devolution is that it should lead to things being done better. With this in mind, we briefly review the current state of effective practice: first, some areas of practice which have a firm evidence base; second, some promising approaches for the future about which evidence is still developing, and finally some issues in interagency work and public protection.

### What the evidence tells us so far

Knowledge about effective practice in correctional services has been dominated since the 1990s by what is known as the 'risk need responsivity' approach or RNR, developed by Canadian forensic psychologists and supported by a large volume of international research. In Britain approaches influenced by RNR became influential in the 1990s and took the form particularly of cognitive-behavioural group programmes, designed mainly by psychologists and quality-controlled by an accreditation panel.



**Peter Raynor**

Professor in Criminology, Criminology, Sociology and Social Policy, Swansea University



**John Deering**

Visiting Fellow at the Centre for Criminology University of South Wales

Programmes undoubtedly played a significant role in making probation more evidence-based and more aware of outcomes, but by now it is clear that they are not the only form of effective 'intervention': in fact they have been more successfully delivered in prisons than in the community, where completion rates are often low (only 18% in a recent inspection in London). When well matched to participants' needs and well delivered, programmes have an important place but cannot be the whole offer of probation services. Two other unhelpful consequences of a focus on programmes as the main form of 'intervention' have been first, the tendency to reduce the probation officer's role to assessment, monitoring and surveillance, and second, the passing round of people on probation to various supervisors and interventions with insufficient attention to social and personal needs, resources and strengths.

Recent research has begun to change this. In other countries it has been recognised that the main form of contact between probation staff and supervised people is still one-to-one supervision, and research has been carried out on how this might benefit from appropriate application of RNR principles to individual contact. Research on the skills used in personal supervision now shows that individual supervision is not just 'offender management' but is an *intervention in its own right*, and where the right skills and approaches are employed it significantly reduces reoffending (PQ readers wanting to see the relevant research studies will find them cited in the PDG online report: PDG 2024). Supervision by highly skilled staff is often

found to be associated with larger reductions in reconviction rates than are typically demonstrated in research on effective programmes. Such findings would have been no surprise in the days when probation was regarded as a social work service within the criminal justice system, working with individuals to address the personal and social problems and challenges which contributed to their offending. In England (and consequently Wales) politicians have preferred to reduce the apparent social work content and affiliation of probation work in order to promote a tougher image, but this does not encourage or reflect the responsive individual approach which has shown the most promising results. Probation works best when it is used to exercise a positive personal and prosocial influence on people under supervision, addressing problems linked to offending. The relevant skills have been summarised by the Probation Inspectorate as:

*'Relationship skills: engaging service users in relationships which are respectful, caring, enthusiastic, collaborative, motivational and which value personal autonomy;*

*Structuring skills: facilitating changes in attitudes and behaviour through pro social modelling, effective reinforcement and disapproval, skill building, cognitive restructuring, problem solving, effective use of authority, and advocacy-brokerage' (HMIP 2020).*

The latest research in England and Wales shows that better use of engagement skills in supervision is significantly associated with better outcomes, including lower reconvictions. It is now clear that there would be significant benefits in organising services so that the most effective forms of supervision could be more consistently delivered. This would require appropriate training, supervision by skilled and experienced practitioners, sensible caseloads (lower than 50 according to HMIP) and empowerment of qualified staff to exercise more discretion about how to supervise.

### Promising developments

Thinking about the goals of supervision has recently been strongly influenced by the emergence of a focus on the positive goal of desistance rather than simply stopping offending. Desistance is the process of building a satisfying crime-free life and identity through the development of personal and social 'capital', and will be familiar to readers of PQ. In addition, a new understanding of the importance of a trauma-informed approach to people whose life-chances have been damaged by adverse experiences helps to shape a more person-centred and understanding approach to supervision. Both these approaches take probation closer to its roots as a social work service informed by public service values. Research to demonstrate the impact of newer practices inevitably takes time to produce and is limited at present, but these are clearly promising. In addition, probation officers are involved in tasks akin to social work when they work with other agencies to address education and training, employment, substance misuse,

health, housing, benefits and debt, and family relations. In Wales these are mainly delivered by devolved services. Inter-agency cooperation is also central to the Probation Service's public protection role, implemented through Multi-Agency Public Protection Arrangements (MAPPA) and Integrated Offender Management (IOM). There is not space here to discuss these in detail, except to point out that we would see no barriers to devolving their management to Wales: interagency work is well established in Welsh Youth Justice, and a thematic inspection of IOM in 2020 found that IOM in Wales was better managed than in other areas.

In addition, the Probation Service became responsible for some contact work with victims of serious offences as part of the first Victims' Charter launched in 1990. Initially, this related to families of murder victims when the perpetrator was approaching release. A revised Charter in 1996 and the Crime and Court Services Act (2000) extended contact to victims of sexual or violent offences where the perpetrator received more than 12 months' custody and placed this contact on a legislative basis. However, little evaluative work has been done, with the exception of a few Inspectorate reports, and it is difficult to say anything at this stage about how devolution to Wales might affect this work. However, Wales was an early pioneer of Victim Support, with the second successful scheme in Britain established with Probation Service support in Port Talbot in 1978.



## The next steps

To sum up, we believe that an improved probation service should incorporate the following practices:

- Restoring greater localism, to bring probation staff closer to the communities they serve and the voluntary and statutory agencies they need to work with. More local means more responsive.
- Restoring judicial involvement in the governance of the service, to rebuild confidence and knowledge and a sense of shared ownership.
- Developing a clear policy framework promoting community sentences as the core of a strategy to reduce imprisonment.
- Introducing more voluntarism and less coercion to the resettlement of short-sentence prisoners, encouraging them to opt in through personal contact before release rather than punishing them for failure to engage.
- Recognising that the most effective resource is the skilled practitioner, with regular supervision and a realistic caseload.

Devolution is not essential to achieving some of these, but they seem less likely to happen while probation remains in the civil service, run from London as a junior partner to a much larger and more expensive prison service. Justin Russell, the former Chief Probation Inspector, used his final report to argue for serious consideration of more local models of probation governance. We agree, with the added advantage that transfer of responsibility to the Welsh Government would open up the possibility of new legislation and new community sentences – or even, perhaps, the restoration of an older one, known as the Probation Order.

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# INCLUSION HEALTH APPROACHES FOR PEOPLE ON PROBATION IN WALES





## Introduction

The health of people on probation are known to be worse than the general public and mortality rates are higher. Mental and physical health are considered criminogenic factors (Social Exclusion Unit, 2002). Despite this, health matters, particularly physical health, are typically not prioritised within probation supervision.

A better understanding and response to the health needs of people on probation can have wide humanistic and economic benefits (Skinner and Farrington, 2023). People on probation have been found to use emergency departments regularly and have longer hospital inpatient stays (Williams et al, 2023). Therefore, improving the primary care response is important for effective health resourcing, as well as identifying and preventing the worsening of health conditions.

Probation leaders have acknowledged that 'making sense of the health and justice landscape can be challenging due to the complexity of, and interdependencies between, the health and justice systems' (HMPPS, 2019: 7). This system complexity is arguably more challenging in Wales, compared to its neighbour England, due to the 'jagged edge' of justice (Welsh Government, 2019). Probation policy is led by the Westminster Government whilst significant inter-related policy such as health and substance misuse are devolved to the Welsh Government.



**Ella Rabaiotti**

Former Probation Officer and Lecturer in  
Criminology, Swansea University

Positively, there are efforts by Public Health Wales (PHW) to understand and respond to the delivery landscape and needs of people on probation through an inclusion health approach. This article reflects on the importance of such developments, with reference to a PHW commissioned study which mapped the health needs and support services in Wales (Rabaiotti, 2023).



## Taking an inclusion health approach

Those who experience social exclusion and barriers to health care, such as stigma and discrimination, and ultimately, poor health outcomes, fall into 'inclusion health' policy and practice (PHE, 2021). Whilst 'health and justice' has replaced 'offender health' terminology, I argue within my article for the Probation Journal that people on probation are an 'inclusion health' group (Rabaiotti, *forthcoming*). This categorisation is arguably important given that people on probation 'often face a double disadvantage of both health inequality and difficulty of access to health services' (Lloyd, 2013:4).

Situating the issue as 'inclusion health' positions work to support people on probation as a public health priority. This has been driven in Wales through the PHW communicable disease programme, whose concerns include the increased prevalence of diseases such as bloodborne viruses and sexually transmitted diseases for people on probation, as well as other population groups such as the homeless, substance misusers and sex workers. Taking an inclusion health approach allows public health workers to help address inequities within 'the most vulnerable and excluded populations' (Luchenski et al., 2018: 266). Therefore, there is an opportunity for practitioners who work with such groups, including probation staff, to understand and respond to health and wellbeing issues (PHE, 2021).

## Health issues for people on probation in Wales

Whilst mental health and substance misuse issues are generally well documented, there is limited understanding on the physical health needs of people on probation, and the health of prisoners is often used as a proxy to understand issues. For example, inspection reports indicate 20% of prisoners arriving at HMP Cardiff describe a physical health problem and 44% have a disability (HMIP, 2019).

However, a recent study in one Welsh Probation Delivery Unit found that as many as 46% of people on probation self-reported long-term illness (Williams et al., 2023). The same study highlighted the importance of considering wider determinants of health, including poverty, employment and housing issues. It highlighted that people on probation live in the most deprived areas and are less likely to have access to an outdoor area or garden at home than the general population in Wales.

Improving health and justice working in Wales is particularly important given poor criminal justice outcomes (such as higher imprisonment and recall rates in Wales compared to England, and an overrepresentation of ethnically diverse people) (Jones and Wyn Jones, 2022) as well as Wales' specific health sector challenges around longer waiting lists and higher mortality rates.

Currently HMPPS in Wales has responsibility for commissioning services, for example in relation to Alcohol and Drug Treatment Requirements, whilst Welsh health boards provide health care within the Welsh prisons, as well as the community (HMPPS, 2019). However, the Commission for Justice in Wales stated there was greater opportunity for services to be effective through close integration (Welsh Government, 2019: 135).

## Key findings of public health mapping in Wales

Public Health Wales funded mixed-methods research aimed to contribute to a developing understanding of needs and support available. The study included a mapping of services, Freedom of Information (FOI) Requests to HMPPS and a survey (see Rabaiotti, 2023).

FOI responses identified that HMPPS in Wales do commission and co-commission a range of services of which the majority support mental health, emotional well-being, and substance misuse. Whilst it is a strength that HMPPS are commissioning health-related services, many of these are targeted to certain cohorts and are limited in their attention to physical health.

A broader set of services for adults were mapped (140 in total), primarily consisting voluntary sector organisations who provide needs-related services to people on probation in Wales. The services mostly provide general support, employment and housing advice and to a lesser extent substance misuse and health support.

When also considering the commissioned services, there is a gap in providing inclusion health support across the population group. However, the survey respondent group (51 responses from professionals covering 34 community-based services in Wales) did indicate developing support mechanisms. 86% of respondents indicated that their service identifies or assesses health needs and 41% provided health-related services either directly or through a partnership or commissioned service. Collaborative examples include bloodborne virus (BBV) testing, enhanced GP services and neurodiversity support.

However, the survey respondents indicated several barriers to accessing healthcare – most notably were service availability and waiting lists, and mistrust of professionals. The most identified health needs were mental health and substance

misuse related as seen in the wider literature. Depression, stress and anxiety were most commonly cited mental health concerns.

## 'They fear they will be judged': Why Inclusion Health approaches are important

Inclusion health principles recognise that there are inequalities for certain population groups, such as people on probation, in accessing to health care. Barriers are reflective of systemic problems, particularly for prisoner leavers due to issues around processes and service access (see Patel et al., 2018). Difficulties around communication and information sharing continue within the community (Parkes et al., 2012).

In order to understand and address such issues, there is a developing picture of inclusion health studies in South Wales (see Irwin and Whitear 2020; Jones, 2022; Williams et al., 2023) and other health needs assessments being used to inform policy and practice (including a review across Wales' Approved Premises).

My survey identified service gaps; for example, communicable diseases are known to be prevalent for people on probation yet only a quarter of respondents from services said their service has a policy or process to detect or support the management of communicable diseases.

Furthermore, over a third of respondents felt that 'mistrust' acts as a barrier to accessing healthcare and reinforces the position of people on probation as an inclusion health group. Inclusion health groups face stigma, particularly those who are prison-experienced (Schnittker and John, 2007, Williams et al., 2022). As one voluntary sector respondent said people on probation are 'less likely to access services due to...fear they will be judged' and another had observed individuals being 'discriminated against because of their issues with substance misuse and offending.'

## Moving forward: Concluding thoughts

There is a lack of voice given to people on probation directly around their experiences of accessing health care. I am seeking to address this and the limitations of my study through follow-up research within one Welsh Probation Delivery Unit.

Whilst people on probation have a universal right to health treatment, the low levels of interactions between this group and primary care suggests there needs to be supportive strategies between health and justice agencies (HMPPS, 2019). Developments in health and justice partnership working in Wales include employing three dedicated coordinators to strengthen treatment pathways (HMPPS 2022). Health and justice partnership coordinators have been seen to have a broad and flexible role in Wales, including setting up BBV screening and sexual health clinics, as well as engaging more actively in strategic health partnerships and public health research.

Currently, at an operational level, there is no requirement for probation to have health-based workers although this exists within youth offending teams (Brooker et al., 2023). However, improved efforts to integrate inclusion health responses within probation, including such roles, could be beneficial. Indeed, there are positive indications coming from desistance-based approaches to health needs (Brooker et al., 2023; Link et al., 2019).

Any developments within a new Welsh probation service (as outlined by the Probation Development Group – see Borja et al, 2023) would benefit from strategic and operational integration between health and probation to enable continuity of service and care. It is hoped that increasing the evidence base in Wales will lead to increased collaboration and recognition of the importance of inclusion health for people on probation.

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## A CONVERSATION ON VALUES AND PRINCIPLES IN PROBATION



## Introduction

The following conversation took place as part of the work of the Probation Development Group at the Welsh Centre for Crime and Social Justice (Deering et al., 2023). We reflect on the impact of policy and organisational changes on staff in probation, focusing on their values and principles regarding probation work. In particular, changes within probation following the Transforming Rehabilitation policy (see Deering & Feilzer, 2015) are considered. Su and Ella both left probation as a result of this policy. Su later rejoined and Ella has moved into academia. Traditional values and principles in probation based on its originating ethos of 'advise, assist, and befriend' are thought to have come under significant pressures over the past few decades as part of numerous reforms to probation structures, changes in its overarching purpose, departures from its traditional social work training, and a dramatic staff turnover and change in staff composition.

## Reflecting on values and principles

**Martina:** [Transforming Rehabilitation - TR] was quite tragic for the service, because a lot of people who'd been in probation for a long time, just left. That loss of experience was really quite marked.

**Su:** I still feel it now. There's lots of young people [in the service now], very few old lifers like me. That loss of experience was huge and the oral history of the service before TR is fading fast.

**Ella:** I was just thinking about people joining the previous probation service and thinking of those people that are now joining into the Civil Service...I wonder if there's a difference between the values and principles of these groups regarding joining probation. Are civil service probation values something different?



**John Deering**

Visiting Fellow at the Centre for Criminology  
University of South Wales



**Martina Feilzer**

Professor of Criminology and Criminal Justice  
Bangor University



**Su McConnel**

Vice Chair, Napo Cymru



**Ella Rabaiotti**

Lecturer in Criminology, Swansea University



**Su:** I think they're different. Previously I think people joined with the same loose set of values that I had in 1986, although without thinking it through very much: 'do good, mend people'. I worked in community service when I started, and the chief administrator of the service I worked for criticised me and my lot. He said I can't tell you apart from your clientele, you all look the same. You all drive dodgy cars, and you dress badly, and we took this as an absolute badge of honour: that we were so on side with our clientele. I sense an 'us and them' now, a much stronger sense of there being a staff group who do something to another person.

The new mantra of 'assess, protect and change' are all things that you do to people. So we assess, 'we're going to do this to you. We are going to protect everyone else from you because we're deeply worried and scared of you and perceive you as a threat. And we're going to change you.' I think that's sort of absorbed somehow into the way people approach the work.

**John:** The new mantra was at least a change from the previous 20 years which was not about even imagining that you could change people, and that assessment was purely a narrow assessment of risk. We're 'just going to manage you.'

This is not just a job. You've got to enjoy it in some basic ways that are about how you view the world and how you treat people. I asked the trainees in 2010 - the government is telling you that probation is about punishing people and protecting the public. So why did you join? Nobody said I'm here to punish people. And that remained consistent throughout their training (Deering, 2010). But it's interesting to hear you say now that since it's become a civil service that maybe it's different?

**Martina:** It would be interesting, but I wonder whether it makes a difference? Listening to our students who express an interest in probation, they are saying 'I'm doing this because I care about people, I care about the community I live in'. [But they] have no idea what they're walking into as a profession, and people should be quite open about that. They've got certain ideas about the job, but then join and people tell you what to do, and that influences what you think about the job and how you do it. I still think we underestimate the amount of time that is spent in front of the computer trying to fill in a form and fighting with that and how all that can influence your practice?

**Su:** We keep using the word profession. One of the definitions of a profession is the thing that you do for life, if you're a lawyer, or a surgeon, or whatever that's something you do for your working life, and that is not the case anymore in probation. You get your long service medal at 5 years these days, and a huge round of applause. So that is a challenge in itself.

**Ella:** Often professions will have some sort of values framework. In probation ethics, principles and values have been quite changeable and wishy-washy over the years without a clear framework. I know that Napo had clear views on this and the Probation Institute has produced a list of values for practice and of course lots has been done in Europe. How important is it to have these things? I don't think people look at organisational buzzwords and fundamentally change [their values]. They might change elements of practice due to different strategies and policies, but do they change their deep rooted values? I know we've tried to state some of these things within our publication. Do you think it is important to put a marker in the sand? Say, well, this is the sort of probation that we want with these sorts of values.

**John:** I suppose it's about what you think probation is about. In my view, if it's not about trying to help people change and improve their lives, then there's no point to it. You could just fine all the people who don't go to prison or give them hours of unpaid work. But if you believe that things can change for people, then you have to think that you can work with people, that you can be empathic and believe in their ability to change.

**Martina:** In our survey (Deering & Feilzer, 2015), respondents referred to public sector values and a core belief that people can change. And that the role of the probation officer is to assist in that change. However, in research since I've noticed that there isn't a lot of 'profession for life' anymore, and in probation you seem to have a criminal justice professional, where people move between different services, from police to probation and back again, including to the private and charitable sectors. However, the ethos of these sectors are very different. You can see some similarities between the public and charitable sectors, but some people move between both the private and public sectors and I don't think we have a full grasp of those individuals yet in terms of their values.

**Su:** I think we're offering what we think, a view of what values and ethics of a probation service should be. People make individual decisions based on their own skills and understanding all the time with reference to their training and to a set of values and ethics. So you need to have a set of values and ethics to refer to, and the profession can resist calls to work in ways that conflict with its agreed values and ethics.

**Ella:** Agreed, but there is something about the interpretation of the words, isn't there? Earlier we talked about 'assess, protect and change', and it being potentially negative where we do the change to the people, we make them change - or

positive if we enable and support them to change. How does this relate to the training, the development, the support of practitioners? So they can discuss and consider what some of these things mean and how they can be interpreted.

**Martina:** The point Su was making is important. It's about the organisation as much as the individuals within it. However, the Civil Service has no history or culture as a probation organisation, and neither does being part of HMPPS promote a probation-specific ethos. When we say 'challenge the individual', we also need to say 'challenge the organisation' to support individuals to deliver some of this work.

**Ella:** It almost mirrors what we do with working with people on probation, isn't it? We challenge them as individuals. But we should be going back to the system that created the circumstances that put them in that place.

**John:** Ever since probation became a punishment, a sentence of the court in the 1991 Criminal Justice Act, governments have tried to change the ethics and values of the organisation. Government was saying probation was about punishment in the community. With the arrival of National Standards, the government set about trying to redefine the organisational culture: "We are an enforcement agency, it's who we are, it's what we do". They knew how important it was in order to change the organisation.

**Ella:** That's when I started. But because I was working with the old guard, I guess, who would be like 'forget about that'...This is how we do probation. There was a mixture of this conflicting policy, guidance and people, saying, this is what we are, and then other people go, 'no, this is what we are.

**John:** Until the last 30 years 'advise, assist and befriend' was a requirement for probation. It was all a bit vague, but it represented the values of the organisation that people within it were supposed to try and work towards, so in some sense you were able to hold them to account. I think we're quite right to argue that Probation needs to go back to an idea that it is working to engage people in a humanistic and empathic way, because we know what is potentially effective is based on those sorts of things. It's about having a proper relationship with somebody and professional work.

**Su:** When I first joined probation I used to laugh, if a week went by when I hadn't spent an hour discussing our values base in a meeting or other, it was a weird week. Sometimes it would go down a bit of a rabbit hole, but actually, values and ethics were talked about all the time. That social work reflective thing. It was just a naturally occurring feature in any staff meeting or conversation.

So, if we were to persuade a probation service in Wales to adopt our set of values and ethics, we should probably suggest these are discussed at team meetings, or that should be very much part of the training.

**Ella:** Yes indeed, Su. Probation spearheaded anti-discriminatory practice, probation officers would bring these important issues up, and I think you might get back to that place where probation officers can lead on these important issues around respecting people as people first. That would be great for the future.

**Martina:** I think the point is that values and principles are only worth something, if people know how to use them in their day to day work, and can buy into them. It needs to be something that is real, and whether people agree with all of the bits it doesn't matter. That's all part of the discussion. It must go both ways so that individuals don't feel that only they are monitored or held to account for their values, but also that they can hold the organisation to account. I've been mulling over how important it is that you have organisations that represent

different views in the criminal justice system. So that opposition to a law enforcement punishment narrative exists, and that probation should hold that line. Does it sound wrong to be on the side of the person who has committed a crime? But it used to be that position, didn't it? It's about regaining that ground because the argument is that you will protect communities in the long run if you do that.

**John:** I think we've got to emphasise that this is not just a theoretical debate. It's about something that you need to make this organisation work in a certain way. So, it's absolutely integral. We need to tie it in with the evidence about effectiveness in practice and say these things are intertwined.

**Su:** Once we finish this conversation, I'm off to have a very final session with a woman on the very last day of 2 consecutive, suspended sentence orders, and she's been absolutely brilliant. So, we're just going to have tea and cakes, and that'll be great. Keeps me going. The thing for me about the values and ethics is, it should make us very distinctly different from other organisations in the criminal justice system. We shouldn't be part of the prison system. Their job is to keep people in, and our absolute job is to keep them out.

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# THE 26TH ANNUAL MCWILLIAMS PROBATION LECTURE

## ‘PROBATION — A LOCAL COLLABORATIVE VENTURE’

**2pm-4:30pm, Thursday 27 June, 2024, University of Cambridge**

with Helen Schofield, Chief Executive of the Probation Institute, and  
Respondents - Katie Lomas, HMPPS, and Will Hughes, London Metropolitan University

**[Further information](#)**





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