



# Professionalism and Probation

## Introduction

This Position Paper is a contribution to the important discussions about professionalism in probation. The service is taking steps towards formalising the professional status of practitioners through a licence to practice, codes of conduct and values, continuous professional development and registration. We hope that this paper will stimulate discussion in the probation service and among the many various partner agencies, about the meaning of professionalism in probation.

The Probation Institute is developing a sister paper on the relationships between regulation, scrutiny, inspection, accountability and individual practice, particularly in the context of risk assessment, risk management and victims.

## Professionalism and probation over time

It is interesting to note that the status of probation as a profession has been contested throughout its history. Writing in 1985, in the third of his four papers discussing the evolution of probation practice, Bill McWilliams noted the resistance to professional training for probation officers between the 1920's and the 1960's, for fear that professional status may diminish the zeal of the original police court missionaries. Even at time when a professional social work qualification was required to practise as a probation officer, there was no mechanism for setting standards for probation work, nor of regulation and monitoring of practice. And, despite the job role requiring professional qualification, the Probation Service did not have a formal process of registration and monitoring for practitioners, in the way that health roles have always had, and which social work and psychology, for instance, do now.

Following the demise of the reorganisation of probation services through Transforming Rehabilitation, the issue of regulation for probation work was resurrected. Writing in 2021, The Centre for Justice Innovation made the case for professional registration of probation work, and identified the key factors which it considered define a profession; a professional register conferring a licence to practice; a code of practice and associated standards; and an independent body which regulates practitioners who are subject to registration. (Bowen, 2021.)

It is critical to note that, historically, professional status and regulation evolved out of the recognition that professional roles conferred significant responsibilities on practitioners working with people who could be defined as vulnerable - patients in the case of medicine, children and vulnerable adults in the case of social work, and, for probation, people who are doubly vulnerable, whose status as probation supervisees may well have been informed by their own experience of trauma, and, in addition, who are **involuntary** users of the Service. In this context, it is important to note that people convicted of crime may also be victims themselves - a commonplace scenario in probation work, and one which confers additional vulnerabilities, requiring corresponding additional responsibilities of integrity and professionalism of probation practitioners.

The Probation Institute came into existence primarily to seek to enable the formal registration and monitoring of probation practitioners, via an externally regulated independent body, and that remains a priority.

The PI is aware of the recently formed Internal Register for Probation Practice, and that the aim of The National Probation and Prison Service is to formally register all practice roles within the Service. This position paper seeks to look more broadly at professionalism in probation, and to consider key aspects of what being a professional probation practitioner actually means.

## Concepts of professionalism

The concept of professionalism, and what being a professional means, has been similarly contested over time. The range of perspectives includes seeing professional status as a mechanism for protecting an elite and exclusive group of practitioners. Conversely - and perhaps more helpfully, in terms of probation practice - Elliott Freidson, who has written extensively about professionalism, defines a profession as 'an occupation that controls its own work, (is) organised by a special set of institutions, and sustained in part by a particular ideology of expertise and service.' (Freidson, 1994, 10.)

Clearly, Probation practice does not wholly control its own work, being subject to government policy, for instance, with regard to early release from prison; the sentencing decisions of the Courts; and the workings of the parole process. But the idea of probation work being 'organised by a special set of institutions' seems very apt, and may include formal institutions, notably the order of the court which generates the work of the Probation Service; and the organisational practices, often through regulations, which define what practitioners do - such as the induction process for supervisees, systems of reporting and of breach and recall, and the ways in which people are assessed via the utilisation of the Offender Assessment System. (OASys.)

It is also essential to acknowledge the key work of The Probation Service with people who are victims of offending. Alongside working with people who are direct victims of crime, and their families, it is important to reinforce the point made previously, that a significant number of people subject to statutory supervision are, or have been, victims of crime themselves. In this complex scenario, due process demands that victims are treated in their own right, with the acknowledgement that victims hold a different role and place in the court process; and that care needs to be taken not to blame a victim of crime, possibly through prejudice, and inappropriate assumptions and stereotypes as to who constitutes a 'legitimate' victim.

Listening to the accounts of victims, and validating their experience, is key to their capacity to move forward; and Restorative Justice, pioneered by The Probation Service, can be a valuable process for both perpetrators and victims, in making sense of their differing experiences, and so to enable positive change. Core probation skills are needed to undertake this delicate and sensitive work, alongside specialist knowledge, and experience, of the contexts in which people have become victims of crime, particularly those from BAME groups, victims of domestic abuse and people who may have been trafficked, or are seeking asylum, and may be in breach of the law themselves. As part of its role in seeking to establish professional status for probation work, The Probation Institute also works with partner organisations on these issues; and is committed to sharing learning regarding situations that victims may find themselves in.

## Professional identity and professional practice

With regard to professional status, it is significant that, consistently over time, research with probation practitioners has concluded that, amongst other traits, they **perceive** themselves to be professionals, characterised by a deeply held professional identity, and which is justified by the specialist expertise and skills of probation work, manifest in the one to one supervisory relationship (the 'therapeutic alliance') with the person on probation; and by collaboration with other agencies of the criminal justice system, notably the courts, but also via, for example, MAPPA arrangements.

Additionally, it is important to focus on the mental and emotional demands of probation work, for which possessing a sense of professional identity may be key to navigating the challenges of the role. Stuart Collins, writing in 2016, i.e. during the significant period of Transforming Rehabilitation, described what he termed 'professional commitment:' by which he means the investment of personal resources, or what is often called emotional labour, of service before self; a strong sense of community with peers - what could colloquially be termed as one's 'tribe;' opportunities for progression in the professional role; a sense of autonomy; and confidence in the organisation to which practitioners belong. (Collins, 2016, 32.)

This sense of professional identity is strongly related to and underpinned by a commitment to what are perceived to be the values of probation work. Professor Emeritus Rob Canton (2011) discusses these 'traditional probation values' as including: location in and engagement with communities; social inclusion and reintegration; restorative justice; a belief in the possibility of change; and recognition of the role of social capital in desistance. A study from 2013, conducted by Rob Mawby and Anne Worrall, discussed the persistence of related beliefs over time, noting the significance of themes such as a belief in the capacity of people to change; satisfaction in the job, which was closely linked to a sense of autonomy; and practitioners finding meaning for their work through their professionalism. A particular concept which may find resonance with practitioners is Mawby and Worrall's discussion of 'responsible creativity,' the capacity to work in chaotic and challenging situations, to think on one's feet, and to continually rethink practice in order to engage the people subject to supervision, and sustain the overarching priorities of effectively assessing and managing risk.

Two other elements seem to be critical to professionalism in probation work - reflective practice, and anti-discriminatory practice.

Reflective practice derives from the work of Donald Schon, who formulated the notions of the reflective practitioner, and of reflection in action, as key to professional roles in a range of settings, including social work, education, and criminal justice. He identified what he described as the 'messes' where practitioners operate, which inform day to day practice (Schon, 2016: 42). He stated that:

*'There are those who **choose** the swampy lowlands. They **deliberately** involve themselves in messy but crucially important problems and, when asked to describe their methods of inquiry, they speak of experience, trial and error, intuition, and muddling through.'*  
(Schon, 1991: 43, emphasis mine)



Schon further argues that, within this context, each professional relationship will generate different problems and challenges. This demands specific approaches and skills of the practitioner, working in a febrile and possibly volatile context; but, also, that each encounter presents new situations for learning by both practitioner and supervisee. (Schon, 1991: 155).

In a paper from 2022, written shortly after the reintegration of probation work into The Probation Service, Anne Burrell suggested that Schon's approach 'pretty accurately describes the experience of being a probation practitioner. And, consequently and inevitably, a typical day in the working life of any practitioner is unlikely to follow whatever is mapped out in their diary at its outset. This capacity to operate within an incessant state of flux requires particular skills and attributes - as does operating in an environment with scant rewards, whether financial or appreciative; and a setting where the outcomes of the work may be opaque for some considerable time.' (Burrell, 2022, 441.) In other words, it may not be possible to know whether probation intervention is successful by the end of a period of supervision - the rewards for positive change may well come much later on in a person's life.

Relatedly, reflection affords consideration of the practitioner's own prejudices and ideologies. Ainslie identifies that reflective practice enables practitioners to challenge their own knowledge base and assumptions - arguably, as well as the assumptions of their organisation, particularly with regard to 'what works.' In this context of reflective practice enabling a challenge to both personal and organisational prejudices, it is of note that, in 2021, HMIP published a highly critical report into the ways in which probation services were working with Black and Minority Ethnic (BAME) service users, as well as the experiences of BAME staff. This report concluded that, subsequent to Transforming Rehabilitation, The Probation Service had retreated from anti-discriminatory practice; and that there was therefore much work to be undertaken in this regard.

It is inevitable, therefore, that the processes of professional development for probation practitioners remain constant throughout their working lives, as probation work evolves and changes; and as the context and demands of the role are required to continually adapt and reframe.

## Conclusion

Writing in 2018, the late Paul Senior, former Professor of Probation Studies at Sheffield Hallam University, and also former Chair of the Probation Institute, argued robustly that 'probation is a profession - never let that go.' In that article, and elsewhere, he worked to achieve for a Regulatory Body for Probation and Rehabilitation staff.

And Gwen Robinson, who has researched extensively into probation work, suggests that, as the Probation Service seeks to establish itself as a unified service, key to its effectiveness will be the ways in which the Service addresses 'issues of agency, identity, and voice.' (Robinson, 2021:152). Significantly, she suggests that the proposed professionalisation of the service, via a professional register, is one device to seek to gain **moral** legitimacy within the criminal justice system. Additionally, Robinson suggests that it is the interface on a local level, with other agencies, which will provide the locations where 'probation work is real and tangible, and where perceptions of legitimacy will be formed.' (Robinson, 2021,161.)

So, how can professionalism in probation be summarised? The focus could be on the formal organisational processes of professional practice, and the value of monitoring and regulating probation work, and probation practitioners. These are important issues, and the landscape regarding professional registration seems likely to continue to change in the immediate future.

But it is equally important to consider the meanings of professionalism for probation practitioners on the personal level, in terms of what probation practice is, and how it is conducted.

Firstly, it seems unavoidable that a key component of probation work is that of forming and sustaining relationships, between probation practitioners and the people whom they are supervising, as well as with victims of crime; other criminal justice agencies, primarily at a local level; and, importantly, with local communities. Professionalism encompasses how practitioners present themselves, in a range of settings. It includes skills of reflection, which enable practitioners to identify, and to address unconscious biases. Professionalism and reflection can generate an awareness of issues of power in the supervisory relationship, and the impact of practitioner decision-making on the lives of the people who are being supervise. These qualities can similarly enable effective practice in work with victims of crime.

In their 2013 study, Rob Mawby and Anne Worrall (2013: 154) refer to probation as 'an honourable profession.' They concluded their book on their project by asserting that:

*'It would be courageous .....to respect that this work inevitably involves a willingness to work holistically and optimistically, though not naively, with uncertainty, ambivalence and (to a degree) failure. Someone has to do it.'*

And that seems to be a great summary of what probation work is all about...

Probation work is challenging, rewarding, frustrating, satisfying, and sometimes downright scary. But it is intrinsically worthwhile, with the strength of probation practice coming from the people doing the job. The Probation Institute is firmly of the belief that proper professional recognition, independently supported and sustained, will be key to the future effectiveness of this vital work.

## Summary Points

1. The Probation Service has been in existence for over a century; yet probation work has never held formal professional status.
2. Probation work inevitably involves working with vulnerable people, whose risks and needs mean that they require effective interventions, with a focus on safeguarding.
3. Formal professional recognition would provide a mechanism for independent effective monitoring of probation practice, and of probation practitioners.
4. The registration process would enable application of a code of ethics, which would place responsibilities and duties on the practitioner, whilst also providing protections from unethical or dubious policy decisions.
5. The current landscape for probation work, and the breadth and gravity of probation practice, including serious organised crime, politically motivated offending, and cases of serious harm and abuse, demands that practitioners working in these settings are professionally qualified, and supported in their role.

## References

- Ainslie S:** (2020) 'A time to reflect?' *Probation Quarterly* 17: 9-12. London: Probation Institute.
- Bowen P.** (2021). 'Delivering a smarter approach. Probation professionalisation.' *Centre for Justice Innovation*. (Online.) (Accessed on 18 September 2022.) <https://justiceinnovation.org/publications/delivering-smarter-approach-probation-professionalisation>
- Burrell, A.** (2022). 'The Reflective Practitioner in Transition. Probation work during reintegration of probation services in England and Wales.' *Probation Journal* 69 (4) pp 434 - 451.
- Canton 2011:** (2011). *Probation: working with offenders*. Abingdon: Routledge.
- Collins S:** (2016). 'Commitment and probation work in England and Wales.' *European Journal of Probation*, 8 (1) pp. 30 - 48.
- Freidson E:** (1994). *Professionalism reborn: theory, prophecy and policy*. Oxford, Polity press.
- HMIP:** (2021) *Race equality in probation: the experiences of black, Asian and minority ethnic probation service users and staff*. London: HMIP. Available at: [Race equality in probation: the experiences of black, Asian and minority ethnic probation service users and staff \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk/race-equality-in-probation-the-experiences-of-black-asian-and-minority-ethnic-probation-service-users-and-staff/) (accessed 3 August 2021).
- Mawby R. and Worrall A.** (2014). 'Probation worker cultures and relationships with offenders.' *Probation Journal* 61 (4) pp. 346-357.
- McWilliams W:** (1985). *The Mission Transformed: professionalisation of probation between the wars*. *The Howard Journal*, vol 24, no 4, pp 257 - 274.
- Robinson G.** (2021). 'Rehabilitating probation: strategies for re-legitimation after policy failure.' *The Howard Journal of Crime and Justice*, 60 (2) pp 151-166.
- Schon D:** (1991) *The Reflective Practitioner*. London: Arena publishing.
- Schon D:** (2016) *The Reflective Practitioner: How Professionals Think in Action*. Abingdon: Routledge.
- Senior P:** (2018). 'Probation is a profession, never let that go.' *Probation Quarterly*, issue 8, pp 6 - 8.