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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.



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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.

Selected references

Commission on Justice in Wales (2019) *Justice in Wales for the People of Wales*. Cardiff: The Commission on Justice in Wales.

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Probation Development Group (2024) *Towards a Devolved Probation Service in Wales*. Cardiff: WCCSJ.