

The magazine of the Probation Institute

PROBATION

Issue 8 : June 2018

Quarterly

SHORT BUT NOT SWEET

A Study Exploring the Impact
of Short Custodial Sentences
on Mothers and Their Children

Probation is a profession,
never let that go

Reflective Practice and
Questions of Identity

Can probation be
re-born in England
and Wales?



 **Probation
Institute**

PROBATION Quarterly

Editor

Anne Worrall

Designer

Richard Rowley

Contributors

Lucy Baldwin

Sofia Buncy

David Coley

Rona Epstein

Chris Leeson

Yannik MacKenzie

Shona Minson

Philip Priestley

Professor Paul Senior

Maurice Vanstone

Rob Whyman

PUBLISHED BY



Acting Chief Executive

Helen Schofield

Address

2 Langley Lane

Vauxhall

London SW8 1GB

Web

www.probation-institute.org

Twitter

@ProbInstitute

Email

admin@probation-institute.org

Telephone

0203 0533 551

Organising a conference or event?

Recruiting staff?

Have something to publicise or sell?

Reach an exclusive readership of probation staff, senior managers, academics and others interested in criminal justice by advertising in Probation Quarterly.

It's cost effective too. Check out our rates.

Full page - **£250.00**

Three-quarters of a page - **£210.00**

Two-thirds (same as this space) - **£175.00**

Half page - **£150.00**

Quarter page - **£125.00**

Box ad (one column square)- **£50.00**

10% reduction for all those booking an advertisement for the first time!

We will take a brief and design your ad for you - at no extra cost. If you prefer to submit your own artwork, that is fine too. It should be a print-ready PDF using CMYK colours with a 3mm bleed. We will provide you with exact measurements.

Copy and advertising deadline for the next edition: Wednesday 15th August.

Just email admin@probation-institute.org with your requirements.

Maybe I should place an ad in PQ?





4



6

4 Welcome

New Probation Quarterly Editor Anne Worrall shares her thoughts on the key themes of this issue.

6 Probation is a profession, never let that go

A fascinating insight from Professor Paul Senior.



9



12

9 Effective Probation Practice

Yannik MacKenzie shares the work and plans of the new EPP Division at HMPPS.

12 Short but Not Sweet

Lucy Baldwin and Rona Epstein discuss the Impact of Short Custodial Sentences on Mothers and Their Children.



12



16

16 Reflective Practice and Questions of Identity

David Coley discusses some of his Sir Graham Smith Award final research findings.

18 The role of court probation staff in safeguarding children when the court is sentencing mothers

Shona Minson provides guidance on courts' legal obligations.



18



21

21 Strengths, resources or controls?

Rob Whyman talks about the findings of his Sir Graham Smith Award research.

23 Resettling Muslim women after prison

Sofia Buncy from Muslim Women in Prison shares her thoughts on a neglected minority.



23



26

26 Could you conduct research on women and criminal justice?

Chris Leeson invites probation practitioners to become researchers in the area of women and criminal justice.

28 Can probation be re-born in England and Wales?

Maurice Vanstone and Philip Priestley introduce their new book.

Welcome to Probation Quarterly Issue 8



Welcome to Issue 8 of Probation Quarterly. We have been delighted with the positive feedback from Issue 7 and hope that Probation Quarterly will continue to be an enjoyable and useful publication for practitioners and researchers.

In this issue, we are sorry to say farewell to Paul Senior as Chair of the Probation Institute. His powerfully moving article reminds us of the need to retain the core values of Probation as a profession, regardless of its changing organisational contexts.

Paul has been a committed founder member of the Institute and, as Chair since 2015, has contributed greatly to its development. His background as a former probation officer and NAPO activist and as an academic has made him the ideal person to steer the Institute through difficult political waters and establish its credibility and authority. He will remain a Fellow of the Institute but we wish him a peaceful and well-deserved retirement.

One of the key purposes of the Institute is to support practitioner research and we are very pleased that two recent recipients of the Sir Graham Smith Research Awards – David Coley (from Kent, Surrey, Sussex CRC) and Rob Whyman (former Practice Tutor Assessor with NPS, now with HMPPS) – summarise their research on, respectively, reflective practice and protective factors. Both articles emphasise the importance of working thoughtfully and positively with offenders.



Another theme of this issue – represented in our cover design – is the impact of the imprisonment of primary carers (especially mothers) on children. Lucy Baldwin and Rona Epstein present their recent research on the effects of short prison sentences for women and argue for their replacement with community-based sentences. Shona Minson takes a lawyer's view of the implications for the safeguarding of children of the sentencing of women and offers specific guidance to pre-sentence report writers. Sofia Buncy talks about a resettlement programme designed to meet the specific needs of Muslim women. Christine Leeson, from the Griffins Society, encourages practitioners to undertake

research into matters that affect women offenders.

We are particularly pleased that Yannik MacKenzie, Head of the new HMPPS Effective Probation Practice Division, provides an informative and useful summary of the work of the Division and its future plans.

Maurice Vanstone and Philip Priestley are well-respected probation academics and former probation officers. In this issue they introduce their recent book 'Probation and Politics' which has contributions from a wide range of academics who were former probation officers. Their book will be reviewed independently in a future issue of Probation Quarterly.

For the next issue, I am particularly looking for articles relating to PQiP, the current probation training programme, so if you have experience of PQiP, as a learner, lecturer, tutor or manager, please think about sharing your thoughts in PQ. If you would like to write for PQ, please look at the box below for information about submissions.

Anne Worrall, Editor
Emerita Professor of Criminology
Keele University
a.j.worrall@keele.ac.uk

Guidance from the Editor about writing for 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 offenders 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 research
- 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.

Probation is a Profession, Never Let That Go

A fascinating insight from Professor Paul Senior

In 1997 I submitted a paper to the Home Office regarding the urgent need for a Professional and Regulatory Body in the light of Probation's withdrawal from social work training and its partnership with CCETSW (Central Council for Education and Training in Social Work) and as part of the construction of independent training for probation staff. I was told to remove this paper from discussion as it would cost too much so we proceeded to craft an excellent training, the Diploma in Probation Studies, with only light touch and non-independent oversight from the Home Office.

There have been costs to this approach with uncertainty over qualifications for different grades of staff, whether probation could or should be regarded as a profession, the demise of post-qualifying training and much more. It always felt to me and others a wrong decision to make and there has been a gap ever since.

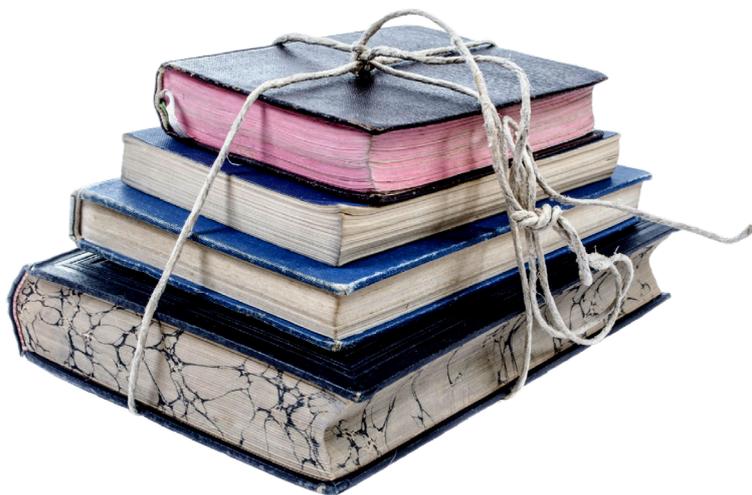


It has taken a long time since then to create a framework for a body and an organisational home to support these issues in the more uncertain post-TR world, but these issues remain pertinent and are now the central rationale of the Probation Institute. I have been honoured to Chair the Board of the Probation Institute over the past three years in a much-overdue effort to shape an organisation which, through its independence and expertise, can ensure the creation and maintenance of a regulatory framework, a professional body and a centre of excellence. This work remains in progress given the difficult times in which such an organisation has been introduced. In this paper I reflect on my time in this role which I leave in September 2018.

I want to be clear about my reasons for leaving. I was diagnosed in January 2012 with an incurable, ultimately terminal, cancer. I have had a lifetime commitment to the profession and to the maintenance of professional standards of probation practice, having actively resisted attempts to de-professionalise the job against political pressures over many years. Through a range of guises - Probation officer, Chair, NAPO Professional Committee, CCETSW Council, joint appointment in training between probation and university, designer and implementer of the DipPS and researcher and probation academic - I have tried for over 40 years to support the best in probation. Jan 2012 was not a good month for me but it was disastrous for probation as the TR paper was published then. Like many others I campaigned against the changes and spent time attending rallies, speaking at events, tweeting endlessly and submitting papers. My paper to the 16th Bill McWilliams Memorial Lecture in 2014 'Privatising Probation: the death-knell of a much-cherished public service?' (P Senior, (2016) *Howard Journal*, 55, 414-431) attempted to capture many of the critical features of this change. I took it personally having worked on making probation practice robust and effective since I started as a probation volunteer in 1975.

As the new arrangements came into being in 2014 with a bifurcated service delivery model comprising the public sector National Probation Service and 21 Community Rehabilitation Companies I promoted the construction of a professional development framework working with others, most notably, Helen Schofield and Mike McClelland. The danger of this split was that professional standards would become inconsistent and there appeared to be no attempt to insure against this. This framework would eventually be adopted by the Probation Institute (PI).

The PI came into existence rather hurriedly, supported by a steering group of professional associations and unions, at an inauspicious time for it to be an easy ride. From the outset it sought to shape its identity and its independence through its members, its representative groups and committees and ultimately through its national Board. Though arguments have remained strong for such a body (nothing had been put in place since I had attempted to do so in 1997) it had to fight critiques from across the spectrum from ministers, unions and disgruntled and disillusioned probation staff. At a time of job insecurity and cutbacks it did not secure sufficient membership to grow the organisation quickly but recognition that it filled a gap ensured the PI was invited to the table on many professional discussions. I joined the Board in March 2015 and was made Chair in September of that year.



Having spent a lifetime fighting for probation this role has suited me. I took early retirement from Sheffield Hallam University in 2016, driven sadly by ill-health, but this allowed me to focus exclusively on the PI. All the work we have all done in the past few years has been done pro bono with a tireless acting chief executive, an energetic Board and fellows, volunteers and members. We are independent with no external funding outwith project work. I think we have succeeded through a lot of our initiatives to shape our future engagement with the sector.

We worked tirelessly to campaign for a Regulatory Body for Probation and Rehabilitation staff and it now has strong support amongst government, organisations, unions and members and awaits time for legislation which Brexit is blocking on many fronts. We have published position papers on a range of topics which have contributed to national debate on key issues, submitted written and oral evidence to Justice Select Committees and other committees/enquiries such as the Lammy. Enquiry, we have worked with NPS and CRCs on the development of the new qualifying training, apprenticeships, on equality and diversity issues, on a women's strategy and our Trainees Conferences and our annual Practitioners Conference are well supported.

Through our Research Committee we have successfully promoted practitioner research with the Sir Graham Smith Research Awards, we have strong links with universities through the Academic Advisory Panel chaired by Professor Anne Worrall as well as ground breaking research and e-learning on veterans in the criminal justice system.

This summary of our work does not do justice to the development of a strong sense of purpose in what we can offer both as a bulwark against the isolation and disillusion of probation staff but also to support and promote good practice in the future.

Sadly for me my time is up, and I hate leaving a job incomplete but such is life. The world of probation remains uncertain as we go forward and there are no easy solutions. I am convinced that the PI can contribute to a brighter future for individuals within criminal justice and help deliver practices I remain proud of. Through my PI Honorary Life Fellowship I will continue to dip a toe into the work of the PI and wish the next Chair and the Board every success.



Effective Probation Practice

Yannik MacKenzie, Head of Department, shares the work and plans of the new EPP Division at HMPPS

I am really pleased to have this opportunity to share the work of the Effective Probation Practice Division with the readership of Probation Quarterly.

The Division has been in operation since the summer of 2017. Our main office base is in London but we have team members across England and Wales which allows us to gather evidence and ideas on both local and national innovations in probation practice as well as ensuring that we can liaise with a diverse group of colleagues and partners across the criminal justice and academic spectra.

Our vision is to enable the National Probation Service to deliver practice that is recognised as high quality and effective. This will further support the National Probation Service in its goal to become a world class provider of probation services.

Building on the 'What Works' strategy, we are promoting evidence based practice, clarifying standards, harnessing technology to its best effect, disseminating learning and best practice and investing in professionalism.

We are committed to being responsive and collaborative with colleagues in HMPPS and partners across the criminal justice service.



HM Prison & Probation Service



The Division is divided into 5 Teams, which are led by the following senior managers:

- Public Protection - Sam Denman
- Courts and Foreign National Offenders - Fuschia Allen
- Quality and Effectiveness - Valerie Watkin
- Performance and Knowledge Management - Natasha Garnham
- Professional Skills and Recognition - Debbie Knight (to start in June 2018) who has replaced Catherine Fuller

PUBLIC PROTECTION

The team has been working on a number of projects which include an exciting new approach to working with those who have committed sexual offences. This involves using video clips from academics who have undertaken research into sexual offending and role plays by experienced practitioners. This will be available on the new IT Platform for Offender Managers to easily access.

We are further developing formal training for both newly qualified officers and experienced officers in working effectively with those who have committed sexual offences. We are developing of a toolkit and strategy to aid the work with the perpetrators of Child Sexual Exploitation which includes developing an awareness of victim issues. We are producing monthly 'Seven Minute Briefings' on a range of practice issues that have so far covered desistance, effective communication, the new SFO process and the effects of Imprisonment.

We are identifying a more consistent approach to what ordinary single agency management looks like in the NPS for MAPPA cases, assessing the safeguarding information available to staff at the sentencing stage and working with an accommodation provider to house vulnerable offenders.

COURTS

The team has been involved in the following pieces of work: liaising with the Sentencing Council to develop a set of revised instructions and producing a video on Suspended Sentence Orders; working with academics to provide best practice when sentencing defendants who are parents; working closely with the Women and Victims Division to produce guidance on writing court reports on female offenders; and, currently working with operational staff to provide clearer guidance on report type along with defining the assessments that inform pre-sentence reports.

FOREIGN NATIONAL OFFENDERS

The team is establishing a set of work streams focussing on Foreign National Offenders (FNOs) which has included producing guidance on working with FNOs in Approved Premises and a wider FNO manual and tool kit to assist staff with the management of this cohort.

The team is also working with Home Office Immigration and Enforcement (HOIE) to develop better communication protocols between our two organisations.

The FNO work stream has also developed:

- Guidance to Schedule 10 of the 2016 Immigration Act, which relates to the bail accommodation referral process. This has been disseminated and uploaded to EQuIP.
- A Business Case for joint funded (NPS/HOIE) embedded practitioners within Criminal Case Work. When agreed this will provide a national resource to support the interface between HOIE and NPS Case managers.

QUALITY AND EFFECTIVENESS

The Quality and Effectiveness team supports quality initiatives at both an organisational and operational level. In 2017, it supported the business to successfully achieve Recognised for Excellence at 4 star level. Awarded by the British Quality Foundation, on behalf of the European Foundation for Quality Management, this award demonstrated that the NPS has a robust approach to leadership, strategy, people management, partnership working and service delivery that translates into high performance results.



At an operational level, the team has led the development and deployment of a number of practice improvement tools, aimed at supporting practitioners to understand and deliver to expected quality standards in areas such as court and parole reports, risk assessment and the use of professional judgement. It has also developed an approach to staff supervision focused on reflective supervision techniques and observation of practice.

Over the coming year, this will be supported by a broader programme of culture change focused on developing enabling practice, supported by desistance research.

PERFORMANCE AND KNOWLEDGE MANAGEMENT

The Performance and Knowledge Management team deliver at both a strategic and operational level. The team oversees the annual Performance and Knowledge Management Work Programme which last year delivered standard Management Information reports for MAPPA, Probation in Prisons, Commissioners and dashboards for Reconviction data and Approved Premises. The team has also overseen the development of the new NPS Balanced Scorecard.

The team pulled together the data for the results section of the recent Recognised for Excellence awards, supporting the organisation in receiving four stars. We have held a number of 'roadshows' in divisions to help us develop a Knowledge

Management strategy suitable for all staff across the NPS and we are working up relevant project documentation which supports the new Knowledge Management work package as part of the NPS 2020 programme.

We have taken over the Assurance role on behalf of NPS which means we coordinate NPS responses to HMIP Inspections, as well as Internal Audit and Operational & System Assurance Group reports. The team also leads on the coordination of national ICT training which is challenging, given the rate of change and recruitment.

We have also been instrumental in working on NPS organisational readiness for CRCs moving off legacy systems and moving on to the Strategic Partnership Gateway.

PROFESSIONAL SKILLS AND RECOGNITION

The focus of the PSR team this year has been the exploration of options for probation professional regulation and registration and opening up probation officer qualifications to a wider group of staff.

Further to recruitment targets for those training to be probation officers falling short in the autumn of 2017 by 50%, the division put forward a proposal for a 21 month PQiP route open to all level 5 candidates. This has resulted in a 6 fold increase in applications and we have now exceeded our targets for recruitment.

Continuing Professional Development of our Newly Qualified Officers (NQOs) following their completion of the PQiP has been a high priority and the division is piloting arrangements across all divisions with a view to the development of a national package. All divisions now offer NQOs support and learning ranging from fully integrated learning and development packages to action learning sets and other learning and support products.

A survey of NQOs and line managers has been completed pointing to good levels of confidence across a wide range of professional practice as well as areas of further development. A full report of the survey will be available shortly.

I would like to take this opportunity to thank Catherine Fuller for the excellent work she has done in developing the probation professionalisation agenda.

Whilst it is still early days I am very proud of the achievements of the new Effective Probation Practice division and have appreciated the support from colleagues both within the NPS and from wider partners and stakeholders. It is very exciting to lead this new area of work and to oversee the large number of projects we have developed. I am confident that we will continue to go from strength to strength and achieve our goal of supporting NPS colleagues to evidence that we are indeed a world class provider of Probation Services.

Short but Not Sweet:

A Study Exploring the Impact of Short Custodial Sentences on Mothers and Their Children.

Lucy Baldwin and Rona Epstein summarise their recent research.

Introduction

Recent figures reveal most women in prison are serving short, or very short, sentences, or periods of remand. Seventy-two per cent are serving sentences of 12 months or less and 62% are serving 6 months or less (Prison Reform Trust Bromley Briefings 2017).

This study, part-funded by the Oakdale Trust, explored the impact of short sentences (less than 12 months) on mothers and their children. The study involved 17 mothers, a small but representative sample, who between them had 50 children.

All the mothers had at least one of their children in their care prior to their imprisonment, the children's ages ranging from 18 months to 19 years. The mothers were sentenced to custodial sentences ranging from 2 weeks to 34 weeks (all bar two, less than six months), all for nonviolent offences.

“It took a long time to readjust to all living together again. Everything changed in those few short weeks....”

Michelle, mother of twins aged 2, and toddler aged 3, served 9 weeks for benefit fraud.

The Findings

The mothers all felt both they and their children were negatively affected by their sentences, despite the 'shortness' of their sentence. Many of the mothers had pre-existing mental health issues, with several taking prescribed medication, including antidepressants. These mothers all experienced delays in accessing medication, most for over a week. Two mothers experienced a delay of over 2 weeks. Mothers described the impact of this: 'It [the delay] was hard, especially as I was the lowest I'd ever felt. I was suicidal being away from my kids'; 'I self-harmed for the first time ever'. Several mothers described feeling suicidal in this period.

Mothers additionally experienced challenges to their physical health. Two women miscarried during their sentence, with one mother describing bleeding in her cell alone overnight, before miscarrying on her way to hospital in handcuffs. Both mothers felt sure the 'stress' of being imprisoned, had at least contributed to them miscarrying. In relation to telephone contact and visits, mothers experienced multiple challenges, in part because of the prohibitive costs (of both phone calls and visits) and long distances. Consequently, several mothers (and therefore children) had only one or no visits during their separation. Mothers described delayed and upsetting phone calls and at times all parties described being distressed during visits. This was due not simply to the visit ending, but also to the restrictions placed on them during visits, for example, limited physical contact.

“ It broke my heart it did. I knew the baby would forget me completely... and she did. When I got her back, I felt like she wasn't even mine. She wanted her Nanna, and cried coming to me' (Sandra, 13 weeks, shoplifting and possession, pregnant when sentenced, baby sent 'out'). It was awful anyway. I wasn't allowed out of my seat. I wasn't allowed them on my knee. It's cruel, why punish them if it's me that's done wrong. ”

Jade, children aged 3, 4, 7.
Nine weeks, shoplifting.

Mothers felt that support during their sentence was inconsistent, reporting both positive and negative experiences with prison staff. PACT¹ however, was reported as consistently helpful and supportive, several mothers saying they 'would not have gotten through the sentence without PACT staff'. Some prison visits were facilitated by PACT staff and volunteers, who received glowing reports. (Sadly the scheme which previously funded this is now defunct due to discontinued funding, despite a positive evaluation). Most of the fifty children, were cared for by family and friends, most often grandmothers. Mothers felt that the carers and children were not adequately supported, financially or emotionally, leaving the children further disadvantaged and vulnerable to being taken into care at a later date (which in fact happened in one case): 'my sister couldn't cope, she put my kids in care'.

¹Prison Advice and Care Trust: <https://www.prisonadvice.org.uk>

Four mothers in the study were evicted because of imprisonment. Eviction often results in children being taken into care, thus preventing reunification and creating a vicious circle. Anna wrote, 'being evicted means landlords won't give me a chance and the council don't make a priority because I don't have my kids yet, but I can't get them because I don't have a home. So, I'm stuck.' Many women leaving prison, although not evicted, were left vulnerable to future eviction. Their children were vulnerable to disruption and homelessness because of accumulated debts caused by disruption of benefits/paid work resulting from their imprisonment - potentially increasing the risk of reoffending.

There was a mixed response to supervision. One mother described her probation worker as 'amazing and really helpful', with others feeling supervision was 'nothing more than a check in...it was pointless'. Several stated they would have appreciated and benefitted from earlier support prior to going to prison: 'that might have stopped me going to prison in the first place'.

There were both short and long-term effects on their children. After their mother's return, the children expressed distress and anger. Younger ones were 'clingy and insecure', 'anxious and needy', 'difficult to discipline', and conversely older children were 'more independent', 'distanced' or 'aloof'. The children experienced bedwetting, nightmares and anxiety. Older children were described as 'angry' and 'resentful', less amenable to maternal discipline and 'quietly judging', and 'as though they were punishing me for leaving them'. Some children had experienced bullying at school.

Clare and Lily, who went to prison for council tax debt reported negative effects on their children.

Clare wrote:

“My children have been affected by me having to leave them. They have never been without me. I have never committed a crime, therefore to send me to prison was a horrific injustice. It's made myself and my children very vulnerable, and scared that I may leave them again.”

Lily, whose daughter was particularly vulnerable due to the illnesses of both parents, described serious effects on her daughter. 'Louise suffered from great anxiety and insecurity, [...], constantly seeking reassurance that I would be OK. She asked if I'd be safe and what would my cell be like.' Louise remained clingy and dependent. Post release, several mothers noted strained parental relationships, especially with older children. One wrote: 'I think the kids hate me a bit for going to jail.'

Long-lasting anxiety and insecurity in the children featured in many of the mother's stories. Effects on the children included increased nervousness, bed wetting, anti-social behaviour and neediness. Three 17-year olds in the study cared for their siblings whilst their mother was incarcerated, permanently disrupting their education, and arguably life chances.

In several cases siblings had to be separated and placed with multiple carers.

Sandra reported:

“I don't think my kids will ever be the same people they were going to be. As brothers and sisters, they are changed forever for the worse.”

Conclusions

We echo the recommendations of the Prison Reform Trust paper, 'The Sentencing of Mothers', http://www.prisonreformtrust.org.uk/Portals/0/Documents/sentencing_mothers.pdf.

Additionally, we make ten further recommendations. In summary, we call for a presumption against short custodial sentences (following the example set by Scotland) and we call for the abandonment of any intent to build additional prisons for women, instead focussing on community-based alternatives and diversion away from the Criminal Justice System.

We call for a presumption against the sentencing to custody of mothers with dependent children and pregnant mothers.

We call for Mother and Baby Units to be moved into the community, more evenly located geographically, their use widened to support mothers affected by, and at risk of being affected by the CJS, and most importantly, designed and run in consultation with the principles and expertise of Birth Companions: <https://www.birthcompanions.org.uk>

We urgently call for the development of accurate recording of the actual number of mothers sentenced to custody, the numbers of children affected and the arrangement of their care.

We ask that carers of children of incarcerated parents be more formally and fully recognised and supported in the, often vital, role they play in keeping families together.

We urge an invigorated return to the Corston recommendations and a committed investment in the development and maintenance of community resources for women, as both diversionary support and post-sentence options.

We ask that where mothers are imprisoned and separated from their children, that prisons explore determinedly ways in which more effective family contact can be supported and

facilitated, (i.e. more flexible, child friendly visiting spaces, with thought given to technology for improved contact via skype/video/ in cell phones etc).

Finally, we call for the urgent development of gender specific sentencing guidelines, thereby providing sentencers clear diversion pathways and instruction on the very extreme circumstances where custody is unavoidable. For positive change to occur there needs to be a recognition of the widespread harm cause by the unnecessary and overzealous imprisonment of parents, which is compounded further when that parent is a mother.

The full report is accessible at: <https://www.dora.dmu.ac.uk/xmlui/handle/2086/13084>



Lucy Baldwin

Senior Lecturer in Criminology
De Montfort University
lbaldwin@dmu.ac.uk



Rona Epstein

Research Fellow
Coventry Law School
R.Epstein@coventry.ac.uk

Reflective Practice & Questions of Identity

David Coley discusses some of his Sir Graham Smith Award final research findings in a follow-up to his earlier article in Issue 6 of Probation Quarterly



How is your professional reflective practice getting along these days? When, where and how do you undertake reflection in work; or are you struggling with time and workload pressures? These are some of the questions raised within a recent research study, facilitated by a Sir Graham Smith Research Award, which explored reflective practice amongst probation officers. In a time of seismic change within probation services the issue of reflective practice within a continuous professional development framework has perhaps been neglected. As the dust begins to settle on the Transforming Rehabilitation process it is time to revisit these questions and place them within a context of understanding contemporary probation staff professional identities.

Although the research focussed on probation officers working within the National Probation Service, the issues it examined and some of the findings can be seen to have a broader resonance throughout probation services. Five female and five male officers were interviewed and vignettes of their work-based narratives are conveyed here as we listen to their voices and find clues to the meanings and understandings they reveal - clues not only in relation to reflective practice but also their self-perceptions, aspirations of continuous development in work and what it means to be a professional.

If we think of reflection as enabling staff to make sense of their working experiences through analysing them in situ, it can also be a process of putting thoughtful practice into a practical learning situation.

Considering the value of reflective practice, probation officer Martin echoes the views of other research participants when he indicates that:

“...there’s nuances and subtleties to everybody’s personalities and the reasons for their offending and you’ve got to see all those people as individuals. As soon as you start doing that you have to reflect on what you’re doing with them and what they’re saying to you. So yeah, for me it’s the foundation of what we do.”

With the project focus on reflective practice, the research identified a wide range of themes emerging from the exploration, the interim findings of which were discussed in Probation Quarterly, Issue 6, March 2016. These will not be replicated here but suffice to say that those interviewed see reflective practice as an essential prerequisite to dealing with complex, disadvantaged and, at times, damaged human beings. Consequently, some key questions relating to the necessity for scheduled, compulsory, clinical supervision, especially for female staff operating in a high risk of harm environment, emerged within research participant narratives. Any available time and space for reflection was clearly appreciated in light of high caseload pressures and time limitations.

Embedded within experiences of reflection, ideas of professionalism and continuous personal development in work also surfaced.

Considering professionalism as containing aspects of evolving and intersecting collective values, abilities, experiences, beliefs and motives, Carla tells us,

“That’s what to me being a professional is, it’s understanding that it’s not up to you to take the moral high ground or to think that you know it all. Being a professional is to use your diagnostic tools, to look at the person in front of you and think about what their needs may be and what their risks may be. To make an assessment, a professional assessment, based on the person in front of you and the situation in front of you, which will be different virtually every time.”

Clues arise here from Carla relating to the moral aspects of working with unique individuals and their ever-shifting personal requirements, whilst simultaneously utilising analytical tools and individual abilities to assess dynamic risks. Samuel takes us a stage further as he locates his learning and development within his understanding of professionalism, explaining that,

“...in an ideal world we would have time in our work schedule to read articles...., I do reflect on that quite a lot, because you need to move forwards professionally. You can’t just stay still from the day you graduate.....in other organisations there’s that classic thing about you wouldn’t go to your doctor and expect them not to have done any training since they qualified.”

Inferences are made that Samuel works in a less than ideal environment, yet still feels the need to progress with his development through knowledge enhancement, comparing his experiences to other professions and indicating his necessity to prevent personal stagnation at work.

Sally completes a suggested picture of staff expectations surrounding what it means to be professional when she shares with us her amazement at not being registered as a practitioner, saying that,

“It’s crazy! (If...) Probation got its act together and ensured that the quality of probation officers was being kept up through registration, and the need to prove reflective practice, that’s another arm of what should happen and to show that it’s valued. So in order to keep your registration you have to have the reflective practice. Then employers (are) going to have to pay attention to that, otherwise they’re going to have no probation officers.”

Aside from the exasperation expressed in Sally’s voice, pertinent issues relevant to maintaining the quality of staff interventions with service users, as well as the pressing need to secure staffing levels, emerge in her story of everyday experiences on the front line.

Within this study we find an evocative picture of reflective practice enabling probation staff to preserve a sense of identity and derive meaning from within the context of their working environment. Although some of the central areas of reflection remain those of professional values, skills application, knowledge development, risk management and service user needs, there are indications that reflection cannot be confined within the purely functional parameters of any role. It appears to envelop wider matters as it considers professional identity and attendant expectations. Staff in this study call into question the forces shaping their working identities as their voices express a keen sense of personal agency. This research offers us a glimpse into these issues and a starting point from which to extend more questions and further a collective discourse.

Read the full research report: <http://probation-institute.org/wp-content/uploads/2018/03/D-Coley-GSRA-March-2017.pdf>

The role of court probation staff in safeguarding children when the court is sentencing mothers

Dr Shona Minson from the Centre for Criminology, University of Oxford, provides guidance on courts' legal obligations when sentencing women with dependent children

A series of films and briefing papers entitled 'Safeguarding Children when Sentencing Mothers' was launched in January 2018 based on research conducted on the sentencing of mothers at the Centre for Criminology, University of Oxford.

The research found that sentencers are unaware of the impact of maternal imprisonment on children and as a consequence even when they try to consider the impact of a sentence on dependents (in accordance with the Sentencing Guidelines, see below) they are unable to do so as they don't understand what it is they should consider.

Four films based on the research have been produced in collaboration with the National Probation Service, the Judicial College, Magistrates Association, the Criminal Bar Association, the Criminal Law Committee of the Law Society, and with the support of the Economic and Social Research Council and the Prison Reform Trust.

The resources highlight, through interviews with members of all the supporting organisations, the requirements for every sentencing court to consider dependents, whilst interviews with women and children who have been directly affected by imprisonment address the impacts of maternal imprisonment on children and families. The resources are designed to assist the court to fulfil its duty to obtain all relevant information prior to sentencing a primary carer (*R v Bishop* [2011] WL 84407 Court of Appeal).

This article draws upon the research and resources to outline the impacts of maternal imprisonment on children and the role which probation staff can play in safeguarding child dependents.

Do children suffer harm when their mother (primary carer) is sent to prison?

Upwards of 17,000 children each year in England and Wales are affected when their mother is imprisoned. These children are particularly vulnerable as they often experience the loss of their sole or primary carer and their education, family relationships, health, and well-being are impacted. (This contrasts with the situation when fathers are imprisoned where research has shown that most children remain with their mothers in their home).



The impacts affect every area of children's lives:

- Change of carer, change of home, change of school
- Potential separation from brothers or sisters
- Disrupted education – there may not be school places available where they move to
- Relational changes affecting future stability
- Increased poverty
- Social isolation: stigma and shame
- Behavioural problems

Although the impacts start at the point of imprisonment, often beginning when women are held on remand awaiting trial, they do not end with the mother's release. The instability these children face in childhood affects their future life chances. Children who have experienced parental imprisonment are less likely to be in education, training or employment in later life, are more likely to have mental health and addiction problems, and are likely to earn less than their counterparts by the age of 30. Children who experienced maternal imprisonment are more likely to die before the age of 65 than their peers.

The impacts on other family members who care for the children

When their mother is imprisoned many children move into overcrowded housing with carers who struggle to meet their needs and who have not been consulted about taking on the care of the children. Those who take on their care are often ill-equipped to do so and are not supported in any way by the state, despite the cost to a household of caring for extra children. Family members take in children, but may lack even the most basic bedding and clothing for them. Inevitably such carers' health and wellbeing is damaged, and many leave employment to care for the children, pushing them further into poverty. The result of this disruption and lack of resourcing is stress and strain which increases the risk of poorer outcomes for children.

Sentencing guidelines

Sentencing Guidelines set out clearly how a sentencer should consider dependent children in all sentencing decisions:

For offenders on the cusp of custody, imprisonment should not be imposed where there would be an impact on dependants which would make a custodial sentence disproportionate to achieving the aims of sentencing.

(Imposition of Community and Custodial Sentences: Definitive Guideline, The Sentencing Council: 2017)

Factors indicating that it may be appropriate to suspend a custodial sentence include that: 'Immediate custody will result in significant harmful impact upon others' (as above). In all Sentencing Guidelines being the 'sole or primary carer for dependent relatives' is included in the 'non-exhaustive list of additional factual elements providing the context of the offence and factors relating to the offender', which may 'result in an upward or downward adjustment from the sentence arrived at so far.'

These guidelines mean that the fact that a defendant has children who are dependent on them may in some circumstances mean that they are given a different sentence from the one they might be given if they did not have dependent children. The sentence may be different in substance or in length.

A number of cases have affirmed that the impact of sentences on dependent children should be considered by the courts in every case where a primary carer is sentenced. The most well known of these is *R v Petherick* [2012] EWCA Crim 2214.

The information the court should have about dependent children prior to sentencing

The case of *R v Bishop* [2011] WL 84407 Court of Appeal, established it is the duty of the court to ensure that it has all relevant information about dependent children before deciding on sentence. To sentence a parent to custody without having ascertained the whereabouts of and plans for the care of that child is a safeguarding issue and denies a child their right under Article 2 of the United Nations Convention on the Rights of the Child (1989) not to be discriminated against because of the status or activities of their parents.

Court Probation Officers can assist in providing this information which can be included in a Pre-Sentence Report. The following checklist may be a useful tool to ensure all relevant information is before the court.

Care provider/ Change of home

- What are the names and ages of the children?
- Who will take care of the child if the mother is imprisoned?
- Has this person been asked about taking on the care of the child?
- Do they have space in their home?
- Will they take all the children, or will siblings be separated?
- Do they have the means to support another child?
- Are they in good health?
- Will they lose their employment if they take on child care?
- Do the rest of their family – partner, children also agree to taking in the children?

Education

- Will the child continue at their current school or nursery, or will the change of carer necessitate a change in school due to distance?

- Are there school places in the area they are moving too?
- Is the child or children at a crucial stage taking public examinations (age 14 -18)?

Health

- Do the children have particular health or emotional needs?
- Will the alternative carer be able to adequately meet those needs?

Mother/child relationship

- Will the child be able to visit their mother if she is imprisoned? (50% of mothers in prison receive no visits from their children as women are held an average of 60 miles away from their homes and carers do not always have the financial means to make visits. Although some transport costs can be claimed back, not all can and for a family already struggling to make ends meet visits may be impossible.)

And finally ...

Even when a custodial sentence is necessary, sentencers must consider whether proper arrangements have been made for the care of any dependent children. If a defendant mother is at court with no provision for her children's care, the harm to children can be minimised if sentence is deferred to allow proper arrangements to be made. Research has found that many women in that position do not have anyone who could take on the care of their children, and even if they do, arrangements may not have been made because they have not been able to face the reality of the likely court outcome. In such situations the probation staff can help women work through those issues to ensure that their children's welfare is protected.

Minson, S. (2017) 'Who Cares? Analysing the place of children in maternal sentencing decisions in England and Wales', University of Oxford

For more information on the effects of imprisonment on the mother/ child relationship see https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3067653

Strengths, resources or controls? The assessment of protective factors in probation practice

Rob Whyman talks about the findings of his Sir Graham Smith Award research



Protective factors help to explain why some offenders desist from offending even in the face of multiple risk factors. In the broadest sense a factor that may be deemed protective is one that helps decrease the risk for further offending. Whilst the exact value of assessing protective factors during risk assessment remains unproven it is now widely argued that a focus not only on offenders' risk-related deficits but also on their strengths or resources leads to more accurate risk prediction and supports desistance.

This research project, facilitated by the Sir Graham Smith Award, aimed to explore how well protective factors are understood and assessed within probation practice in the assessment and management of risk of serious harm. The National Probation Service's approach to assessing risk of serious harm stipulates that practitioners need to assess which factors are indicative of risk of serious harm and which act as protective factors. The Active Risk Management System (ARMS) used by the National Probation Service has subsequently brought to the fore the importance of assessing protective factors as well as risk factors. But for all its merits, its introduction has in some ways highlighted the limitations in the knowledge of probation practitioners about the significance and role of protective factors and how to assess them.

Literature around protective factors was explored to provide some understanding of the term 'protective factors', context for probation practice and the limitations in existing research.

Semi-structured interviews explored the knowledge, ability, confidence and attitudes of a sample of probation officers working in the National Probation Service. The hypothesis was that probation as a discipline could be doing better in this area of practice. The hope was that this research would shed light on what it is that is limiting focus on protective factors and test if this is to do with a lack of knowledge about protective factors, how risk assessment tools are being used, lack of confidence amongst probation practitioners or any other factors. The data has helped provide some insight into this and the findings have highlighted some good areas of practice and indeed some areas where knowledge and practice could be improved.

One thing that was highlighted in this research was that practitioners who were interviewed were not necessarily accessing and using the guidance around protective factors that is available to them. But even if they were, they would find that the very subject of protective factors is less researched, documented, discussed and ultimately known about within or in relation to probation practice when compared to risk factors. As such, there is very little information for practitioners to access and draw on in relation to protective factors and, in the case of OASys, one could argue very little encouragement to specifically assess protective factors. Despite this general lack of knowledge, it was very encouraging that everyone interviewed held a positive attitude towards protective factors, what they represent and the idea of focusing on the positive things in someone's life.

The impression was that this is the sort of approach that a) people had in their mind when they first joined probation and b) they would like to see the organisation embrace more.

There is certainly something to be said about the wider context this subject is operating within. It was notable that a number of respondents in the study alluded to the culture of the organisation as limiting their focus on protective factors. For example, one respondent stated:

“The protective factors are all well and good and lovely but I suppose for me I maybe see them as a bit of an add on. I maybe don't give, yet, sufficient weight to them because I suppose we have been more focused on risk, risk, risk and focusing on those factors more.”

Whilst there has in recent times been more focus and consideration of theories and approaches linked to desistance and the strengths of individuals, there is no denying that probation is still a risk-focused organisation. The challenge for the organisation and practitioners alike is to be able to strike the right balance between its competing demands, to ensure risk is managed but to incorporate a greater focus on protective factors as a means of managing risk and supporting desistance. In doing this what needs to be avoided is reducing the subject of protective factors down to a simple tick list exercise at the expense of real and meaningful assessment of how they protect.

The emphasis therefore needs to be on improving assessment skills so that practitioners are better able to identify factors that might be protective and to assess what the protective element of the factor is and the extent of its protective quality.

Without this, assessments are likely to remain focused on risk factors, and too great a focus on negatives can cause practitioners to develop an unrealistically negative view of those assessed and over-estimate risk levels for particular individuals.

A logical next step in researching this subject would be to engage with offenders, to ask them about their protective factors. This approach would emulate our own approach to working with offenders. When respondents were asked how they gathered information about an offender's protective factors a unanimous response was “the offender”. As this respondent stated:

“When you're asking them your questions, naturally in the conversation you're trying to find out who they've got around them, what support network they've got, what did they have before.”

It would be particularly interesting to find out what offenders think their protective factors are but also how protective they consider strengths, resources and controls are for them. Taking this approach into a longer research study on protective factors might also be able to provide the opportunity to start exploring how and why protective factors protect.

Read the full research report: <http://probation-institute.org/wp-content/uploads/2018/03/Rob-Whyman-GSRA-report-Nov-2017-.pdf>



Resettling Muslim Women After Prison

Sofia Buncy from Muslim Women in Prison talks about the needs of Muslim women returning to their communities on release from prison

The Muslim Women in Prison (MWIP) - Community Resettlement Programme is currently in its second year of delivery based at the Khidmat Centres in Bradford. The project has been a conscious effort on the part of its lead practitioners to model resettlement support within the Voluntary Community Sector (VCS) and especially within a BAME community set up. Part of this has been to address and raise the under-represented voices and experiences of Muslim women prisoners, their pre-offending context, prison experiences and resettlement support needs. Another motivation has been to bring about awareness of the issue of disproportionality of offending within the Muslim community and to test the capacity of the BAME VCS sector to take ownership, be creative and seek community led solutions to desistance.

Resettling Muslim female prisoners back to communities has meant we have had to carefully tailor a culturally competent support and mitigate some of the unique challenges that Muslim women leaving prison face. Our groundbreaking community-led research into Muslim Women in Prison in 2015 and subsequent research, pointed to the 'invisibility' of Muslim women at a policy, research, prison and community level. Our research also indicated that many of the women had shared a history of physical, sexual or mental abuse often within the family or within close community proximity which ultimately triggered some aspects of their plight. In custody, Muslim women harboured a strong sense of isolation and in many cases faced being left abandoned by their partners, families and friends because of the outrage felt against them for bringing 'shame and dishonour'. Lack of knowledge of the prison system, language barriers and being a 'minority within a minority' further compounded their sense of isolation.

During pre-release contact with Muslim women prisoners, we learned they had extreme concerns of being released into a possibly hostile and unwelcoming reception from their families, friends and the community. Many feared 'second sentencing' on release. Some simply felt unable to return to their families or community for fear of reprisals for slurring the good name of the family or community. The complexity unveiled that many of the women, having lived in 'closed patriarchal' family settings harboured anxiety about being placed in an open and hostile environment without someone to hold their hand and guide them through. There was a very real sense of a lack of 'middle ground'. Families either supported prisoners or rejected them. Faith also factored heavily for some of the women prisoners as a source of solace.

Other notable findings in our research were that cultural norms, such as shame and honour, had a silencing and normalising effect on difficult issues of domestic abuse, sexual violence, forced marriage and mental health disclosures. Women felt whistle-blowing on a perpetrator or confessing to being a victim would impact on family and the community's acceptance or disownment of them. There was a very real sense that a woman's word was not highly regarded in the community and that, as with most communities, the patriarchy prevailed. Most women were able to distinguish that this was a cultural malpractice and distortion of faith values.

In response, the resettlement model that is being evolved at Khidmat Centres is tailored to help to mitigate and overcome the fears, concerns and needs of Muslim women prisoners on release within their faith and cultural context. The aim is to provide a welcoming and supportive environment and personalised practical assistance - for example, language support, help with finding a suitable safe accommodation, registering with GPs, referrals to other providers in the area (mental health and counselling), offering volunteering opportunities at the Centre, access to educational courses and, where appropriate, re-building links with families. Much of this we attempt to move forward with the inclusion of Probation Services and Social Services as part of a client's resettlement plan.

More importantly, the Khidmat Centres offers a non-judgmental space for former women prisoners, thus building their personal dignity. The aim is for these women to successfully pick up the pieces of their life and move forward. The reality of this includes engaging with members and providers who are representative of their own communities, norms and lived experiences.

As one of our service users stated:

“ I need somebody who looks like me to connect to. I am Pakistani and Muslim and that is how I have lived my life. You can't just expect to pluck me out of prison and into a community who I have nothing in common with and expect me to get on with it. That is not my reality. I need to be accepted and among my own people. ”

In our experience, we have found that many of the providers both in the prison and outside (though willing and committed to help) often do need to have appreciation of the cultural and social context of Muslim women prisoners and therefore inadvertently fall short. There is a real need for proper support and training for professionals operating in this difficult and under-documented area of need. At the same time, we recognise the limitations of the BAME VCS sector in this climate of austerity, thus making the challenge for community-led desistance and support that much harder. There is a real need for capacity-building and empowerment of the sector if we are genuine in our motivation to tackle the systemic causes and solutions to offending.

Download the Muslim Women In Prison report here: http://hpc.org.uk/upload/ourwork/1469102220-1764225782-MWIP_Report.pdf





Could you conduct research on women and criminal justice?

Chris Leeson, Director of the Griffins Society, invites probation practitioners to become researchers in the area of women and criminal justice.

I would like to tell you about our work with women and to encourage you to think about working with us.

We are an independent national charity, dedicated to the use of research to bring about change in the treatment of young and adult women in the criminal justice system. We do this by providing support for practitioners who work directly with women and who want the opportunity to influence practice and policy by carrying out their own research.

Why do we sponsor research only around women? As probation practitioners you will know that overall, the criminal justice system is very male focused, not least because the numbers of men far outstrip those of women, which has meant that much of the evidence base for 'what works' with offenders comes from studies of young and adult men. Arguing for a different approach to women who are such a relatively small population has always been difficult, but the same or 'equal' treatment of men and women, does not ensure equal outcomes. In recent years there has been more debate on the differences between men and women; that their pathways into the criminal justice system and indeed their responses to it, can be very different and that because of this, a fundamentally different approach is needed.

We therefore argue that it is critical to adopt a gender-sensitive approach to ensure better outcomes for women and to reduce the often-devastating, inter-generational impact on their families.

Griffins contributes to this on-going debate by running an annual research fellowship programme for practitioners in conjunction with a number of partners, including our academic partner, the Institute of Criminology, University of Cambridge. Our aim through our research programme is to influence practice and policy around the treatment of young and adult women, to bring about change both locally and nationally and we want to encourage those working directly with women to apply to us with their research ideas.

All our research fellows are highly motivated individuals – they have to be. We don't fund sabbaticals. Their research is carried out alongside their day-job – a job that is often hugely challenging in its own right, without the additional demands of carrying out a research project, but the rewards of becoming a research fellow can be enormous as past fellows can testify.



Despite the major review on women in criminal justice by Baroness Corston over a decade ago and signs of more interest in distinct, gender-based and holistic approaches – to both women and men – there are still fundamental problems and issues that need addressing. I think there are three things about us that makes our approach unique:

- Firstly, we are practitioner-led; we believe in a bottom-up approach to research and so we fund practitioners, not professional researchers, to research an area of concern that they have identified themselves, whether in practice, policy or both. This is because we think that practitioners are the ones who are best placed to see what is happening on the ground and what is and is not working.
- Secondly, these research studies are also usually qualitative rather than quantitative in approach. This is because we also believe that the women themselves – their voices – are too often absent from research. Understanding the differences between men and women and trying to work out what actually works with women offenders, is clearly critical and it is gradually being understood that outcome evaluations of interventions that neglect service users' insights can lead to under-estimating resource needs, unrealistic target setting and indeed the eventual abandonment of promising approaches in favour of the next panacea. Qualitative interviews with women are an important approach when you are trying to understand the causes of women's offending and their experiences of involvement in criminal justice. They provide a richer, less superficial and more layered take on what is happening. All of which we would argue is crucial in the design of effective services.

- Thirdly, we refer to the research findings as 'indicative'; we make no apologies for the small-scale nature of the research we sponsor – it is completed by working practitioners, usually in just a year and alongside their day job – but this means that it is often timely, reflecting very current concerns and the recommendations that come off the back of the findings can serve as both an indicator and catalyst for change.

A definition of Action Research is that it is either research to solve an immediate problem or a reflective process of progressive problem-solving with the aim of improving how issues are addressed and problems solved. It is about actively participating in a change situation and conducting research to solve the problems that you see in front of you – so both being an active stakeholder and also a systems designer. We ask all our fellows to think about what would need to change to address the issue or problem they have identified and it is not always about insufficient resources. Sometimes it is about a smarter way of thinking, about systems design and identifying those levers that could make a difference.

We would suggest that you as probation practitioners should all be regarded as stakeholders in the system you work in and that you should also be designers of it too, influencing and shaping the service you deliver.

If you work with women offenders, think about the Griffins Research Fellowships as an opportunity to bring about change – both in yourselves through the experience of undertaking research, but also with the aim of achieving systems change – something we should all be engaged in.

If you have any questions about the society or our fellowship programme, please do e-mail me at: chris.leeson@thegriffinssociety.org and to look at our published research, visit <http://www.thegriffinssociety.org/our-research>

Can probation be re-born in England and Wales?



Maurice Vanstone and Philip Priestley introduce their book: 'Probation and Politics: Academic Reflections from Former Practitioners'

Public services never stand still. They come and grow, they fade and die - now and then with a little help from their 'friends,' and new ones take their place. Sometimes change is on the side of the angels; sometimes not. Perhaps the most egregious example of the latter, maybe of all time, has been the recent ideological assault on probation in England and Wales. In 2013, seven of us, all former probation officers who became academics, had a letter published in the Independent protesting the proposed sale of probation to the private sector, due for Parliamentary confirmation the following Monday:

“To remove up to 250,000 of its cases and auction them off to an untried consortium of commercial interests and voluntary bodies is in our view to take a reckless gamble with public safety and to put at risk the prospects for personal change and reform which lie at the heart of what Probation is and does.”

(Canton et al. 2013)

Following the passage of the Offender Rehabilitation Act (2014) into law we recruited further authors (making seventeen in all) and proposed a book of essays relating similarities in their shared career trajectories to public events within the criminal justice system.

Collectively their contributions sketch an informal oral history of probation for almost half its lifespan in England and Wales. In *Probation and Politics: Academic Reflections from Former Practitioners* (Vanstone & Priestley 2016) they cast a critical eye over the history of the service, its values, and the effectiveness or otherwise of its diverse practice. They raise important questions about: the probation service's identity, purpose, and methodology; its response to emerging research findings; its reaction to political pressure and an increasingly punitive criminal justice environment; its relationship with risk measurement; and, its adjustment to the needs of women and minority ethnic groups. These reflections reveal a deep level of uncertainty about the service's survival as a humanising factor in criminal justice within the context of ever increasing, ideological, politically-driven governance.

A service receptive to change

Since its inception the probation service has held at its core the principle that positive change is possible for people on probation, and consistent with that principle has been its own adaptability to change. In response to social and political demands, the lessons of ineffective practice, and the lure of new, often untested methods, it has embraced transformations in its functions, duties, responsibilities, theoretical foundations and practice. It is, therefore, no stranger to change.

That change has encompassed practice methods and their rationale, the types of work undertaken and how they have been managed, as well as the organisational shape of the service, but it has not altered its fundamental values encompassing as they have the notion of offering people who have been convicted of crime the humanistic opportunity of rehabilitation. The latter point, perhaps, has ensured that for the greater part of its history the service has occupied a constant position within the criminal justice system and been valued and endorsed by governments of different political persuasions. The fact that successive governments have deemed the probation service useful in so far as it allowed some expression of compassion within the processes of criminal justice has, perhaps, led to a reciprocal adaptability by the service in relation to its purposes, work and governance that has contributed to its survival.

It is not overstating the case to say that the probation service has been suitably cooperative, constructive and flexible when faced with political demands and instructions. However, governance has intensified since the time chief officers were left to govern in their own way and probation officers allowed to do the job and make decisions largely unencumbered by bureaucracy, and in contrast, late twentieth and early twenty first century governance has been characterised by information systems and computer programmes, politically reordered objectives and priorities, National Standards, and new management systems. Much of this, it might be argued, introduced necessary improvements at both manager and practitioner level in the way the service was managed as well as in the practice of probation officers: those subject to intervention by probation workers need it to be skilful and informed by evidence as do the communities within which they live. There is no argument against change that demands professional accountability from managers and practitioners alike and raises expectations that practice should be informed by evidence of effectiveness.

Equally, it is not unreasonable to insist that changes made by government intervention should be driven by knowledge and evidence rather than ideology. What we have witnessed in the last few years are transformations emanating from a neo-liberal political philosophy that has led to the near extinction of a state agency with a hitherto distinguished history. Unsurprisingly, all of the contributions to the book coalesce around this sad reality.

Language, values, and the restoration of probation

During the writing of *Probation and Politics* an umbrella debate between editors and authors addressed appropriate ways to refer to people who have broken the law, have been convicted, placed on probation, or served prison sentences. Latterly the view has grown that derogatory and pejorative labels for these groups are not only disrespectful in themselves but actually undermine the primary effort of probation to reduce rates of reoffending. The worst 'offender' in much of this 'shameful naming' has been the incorporation of probation into NOMS - the National Offender Management Service. Together with official encouragement (requirements) to routinely use the words 'offender' and 'punishment' in reports and other official communications, they have become embedded in official discourse to an extent difficult to avoid. Although the name of NOMS has itself been abolished, the odour of its punitive patois lingers on.

If probation is ever to be restored to its proper place as a non-punitive, constructive response to law-breaking in the community, its traditional language, together with the values that inform it, will play crucial roles in the process. One contributor to *Politics and Probation* calls for the total 're-moralisation' of probation along Kantian lines (Whitehead, 2016), echoing sentiments expressed elsewhere in the book and in the literature.

Equally vital to the restoration of probation will be the deployment of 'evidence-based' methods for reducing reoffending together with evaluation procedures automatically integrated into practice - as tracked vehicles carry their own road with them.

Authors in this collection share a common sense of outrage at what has become of their former profession, and a conviction that it must be born again, but none of them is sanguine about it happening imminently. However, some of them in their lifetimes of academic work have discerned what might be called a 'probation underground,' an enduring repository of traditional values, roles and practices attested in numerous interviews with serving practitioners, where a less censorious working language may have survived.

The values include a bedrock belief in positive personal change, which Shadd Maruna identifies as a 'key factor' when communicated by significant others of individuals desisting from offending (Sinclair-Jones, 2014). Could this counter-culture also be construed as a probation-service-in-waiting ready to step forward when the present pandaemonium of failing privatisations finally collapses under the weight of its own contradictions?

Fingers crossed.

PROBATION *and* POLITICS

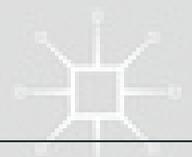
*Academic Reflections
from Former Practitioners*

EDITED BY

MAURICE VANSTONE AND PHILIP PRIESTLEY

References

- Canton, et al. (2013) Letter to the Independent. Saturday 9 November.
- Sinclair-Jones, C. (2014) Cease and Desist. Interview with Shadd Maruna. Probation Quarterly. 2. Autumn. Probation Institute.
- Vanstone, M. & Priestley, P. (2016) Probation and Politics: Academic Reflections from Former Practitioners. London. PalgraveMacmillan.
- Whitehead, P. (2016) Probation duty and the re-moralisation of criminal justice: a further look at Kantian ethics Chapter in Vanstone, M. & Priestley, P. eds: op cit
- Contributors to Probation and Politics: Jill Annison, Lol Burke, Rob Canton, Malcolm Cowburn, John Deering, David Denney, Mark Drakeford, Wendy Fitzgibbon, Marilyn Gregory, Hazel Kemshall, Philip Priestley, Peter Raynor, Paul Senior, David Smith, Maurice Vanstone, Philip Whitehead, Anne Worrall





*Positive Practice,
Positive Outcomes*



3RD ANNUAL PROBATION PRACTITIONER CONFERENCE 2018

2nd July 2018, London

Delivered in partnership with the
National Probation Service and
Community Rehabilitation Companies