

REVIVING PROBATION: TEN EVIDENCE-DRIVEN STRATEGIES

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Now that the Government has launched the review of sentencing which should have happened years ago, it is likely that much of the evidence submitted will suggest that the key to reducing prison numbers is to revitalise and prioritise the use of community sentences. The natural vehicle for such developments is seen as the Probation Service, as it was in 1991 when an Act of Parliament tried to achieve much the same shift in the assumptions and practice of sentencing (Home Office 1991). However, a major obstacle might prove to be the current state of the Probation Service. In 1991 it was locally run and clearly linked with the courts, having sentencers closely involved in governance through local committees and able to have a voice in the development of community sentences, in which they demonstrably had greater confidence than they do today. Now the voices raised on behalf of probation tend to be those of concerned academics (often ex-probation) and of the staff themselves through their trade union NAPO. In addition, the Probation Institute is perhaps the nearest thing we currently have to a body which speaks for probation. The Service itself is unable to take part in policy debates because it no longer exists as a separate and distinct body, but instead looks more like the community arm of the Prison Service within the Ministry of Justice. Managers who control the direction of development in probation no longer need to have had any experience of supervising people on probation in the community, and Civil Service rules prevent the open participation of voices from within the Probation Service. The Probation Order itself, once the long-lived and flexible paradigm of community sentences, no longer exists.

Many jurisdictions in Europe are developing and building up their community sentencing offers: the Confederation of European Probation draws together research and experience from across the continent and further afield, for example in an important recent report on how to develop and embed probation services in criminal justice systems (Pitts and Tigges 2023). Where is the comparable thinking in British probation? Controlled by civil servants, dangerously understaffed and looking to forensic psychologists for its thinking about methods rather than to its own more-than-a-century of developing probation in the community, is no surprise that the Service now does more work supervising released prisoners than delivering non-custodial options for the courts. What is more worrying is that post-custodial supervision leads to substantial numbers of recalls to custody which themselves help to inflate prison

numbers. The Probation Service seems to have become the main overseer of the post-custodial revolving door.

A dispassionate observer might conclude that the Probation Service, named as it is after a non-custodial alternative to punishment, no longer really exists. Certainly it is no longer the innovative service at the cutting edge of social work which I joined in the 1970s, and I wonder whether I would now be so attracted as I was then to what seemed to be a clear mission of decarceration and social rehabilitation in the community. In spite of many important developments since the 1990s, including risk and need assessment, cognitive-behavioural methods, accredited programmes and many technological advances, nothing has stopped the rise in custodial sentencing which was triggered by a Conservative Home Secretary in 1993. There has been no clear political commitment to reducing or even stabilising the use of incarceration, or to empowering the Probation Service to deliver a decisive shift towards community sentences. However, the Service clearly retains great potential, including many excellent hardworking and creative staff. They deserve a better future than simply serving the mass incarceration machine as another brick in the wall of social exclusion.

What then is the alternative? There is in fact much more international research evidence available to guide the development of probation services than there was in the past. What follows is a summary list of promising initiatives which research suggests could and should make a positive difference, helping to deliver a Probation Service that can develop and succeed:

- i. Develop the interpersonal skills used by staff in supervising people on probation. Several studies now show that staff who use high levels of personal communication skills are more effective in reducing reoffending, and that appropriate training improves skills and outcomes (Chadwick et al. 2015). Results in these studies are typically better than those reported for programmes. This can be a particularly cost-effective approach since it improves the impact of staff who are already in post and being paid.
- ii. Move urgently towards appropriate caseloads. Evidence suggests caseloads should be less than 50 and in many circumstances around 30, or even less where particularly high risks and needs involved. Research by HM Inspectorate of Probation shows that both better supervision and sensible caseloads produce better results (HM Inspectorate of Probation 2021, 2023). This was also the conclusion of research carried out as long ago as the 1960s by Bill McWilliams in

London (McWilliams 1966). Youth justice workers have much lower caseloads than probation officers and achieve much better results in inspections. In addition efforts to promote more continuity of contact in supervision are more likely to produce good results than continual changes of supervisor. There is limited research on this, but a Home Office study of 2004 (Partridge 2004) showed that both probation officers and people on probation welcomed continuity. People do not want to tell their story again and again to a series of strangers in pass-the-parcel supervision. A few years ago it was not unusual for probationers to be in contact with the same probation officer from initial pre-sentence or social inquiry report right through to the end of an Order, or even through further offending, maybe a prison sentence and subsequent post release supervision.

- iii. Ensure appropriate supervision of front-line staff by experienced colleagues, managers or peers in order to sustain and develop skills. This has been shown to provide effective support for training and implementation in skill development (Bourgon et al. 2010). The need for this kind of supervision has implications for Senior Probation Officers, whose contribution is likely to be particularly important here, and also strengthens the case for probation to be managed by people who have experience in the Service.
- iv. Reset post-custodial supervision for short sentence prisoners. A year of supervision following a short sentence is often disproportionate and in some cases simply serves to increase the risk of recall for non-compliance, which now makes a substantial contribution to prison numbers (Raynor 2020; Jones 2024). Supervision should reflect risks and needs, and when it serves no useful purpose and is unwanted it can be terminated early in lower risk cases. At the same time, practical support for resettlement needs to improve: people released from prison without basic resources such as accommodation are being set up to fail. Giving people a tent as they leave the prison is no substitute for proper pre-release planning.
- v. Work locally. The services which people under supervision need, both statutory and voluntary, are more effectively accessed through local contact, particularly when supported by personal relationships. Co-location of services can be particularly effective, as in the Newham Hub for young adults (Phillips et al. 2024; see also Schofield 2024). Different localities need different approaches and probation staff on the ground need the freedom to develop local strategies, rather than arrangements being handled through top-down central tendering and contracting over large areas. The need to work locally, and to free professionals to develop local services, is one of the main drivers of the widespread view

among practitioners that locating probation in the Civil Service as an appendage of the Prison Service impedes the development of distinctive probation strategies and practices. It is now widely believed that probation services require more local governance outside the Civil Service, and the Welsh Government's desire to see control of probation devolved to Wales is driven by similar concerns, with the support of the staff unions.

- vi. Renew engagement with sentencers in the criminal courts. It is often forgotten that probation services used to be run by local committees consisting mainly of sentencers, who were also the employers of probation staff. This connection was weakened when probation became a London-based and centralised service, and since then the judiciary has largely lost confidence in community sentences and makes far fewer of them. Research on pre-sentence reports in the 1990s (Gelsthorpe and Raynor 1995) showed clearly that well written, thorough and individualised reports were more persuasive and resulted in more community sentences. Judges interviewed as part of this research said that they wanted reports which helped them to understand the person they were sentencing. In those days reports were written by qualified probation officers, seen as professionals in their own right and often well known to their local courts. It is at least questionable whether today's algorithm-driven reports, recently described as 'formulaic' by one very senior magistrate (Ponsonby 2024), can command similar confidence. Sentencers can also be re-engaged as stakeholders and play a role in the local governance of probation; this could help to ensure that they understand and influence the community options available in their area.
- vii. Renew probation's mission by aligning the service with government-led decarceration policies. The Probation Service is the obvious agency to drive the development of new community sentences (and maybe even old ones, such as the Probation Order itself). If the Probation Service is given this task it needs to be free to deliver it, and to devise strategies and approaches independently of a Prison Service which has a different role and culture. Liaison between services remains essential and could be managed better, but this does not require probation to be a branch of the prisons. Cooperation between probation and prisons was an established feature of practice long before the two services were joined together.
- viii. Introduce separate management and governance for probation. To carry out a distinctive policy, probation needs its own distinctive governance and management structures. It is to be regretted that the Ministry of Justice has tended to move in the opposite direction through the project known as 'one

HMPPS'. Senior managers need to be able to discuss and debate policy openly, to publish their views and to engage in the development of proposals and their implementation. All of this used to happen before the Probation Service was centralised under Home Office control at the beginning of this century. As civil servants, probation officers of all levels and grades are not currently encouraged to express opinions in public. To drive the policy and practice changes that are needed, probation services need to tell a clear story about what they are for, and tell it repeatedly (Pitts and Tigges 2023).

- ix. Embrace appropriate technology. Developments in remote supervision and different types of electronic tagging can help to keep supervisors informed and in some cases can help to keep potential victims safer, for example by prohibiting access by perpetrators of domestic violence to their former victims. Cases where victims are attacked again by released perpetrators have rightly led to public concern about early release and parole. There will be little public support for reductions in imprisonment unless public safety can be shown to be a very high priority. Technological solutions can help to increase compliance by supervised people where motivation to cooperate is limited or variable. The Confederation of European Probation has recently produced a report summarising development and making recommendations about principles (Confederation of European Probation 2024). These issues cannot be ignored, or left to private sector suppliers who provide little personal supervision. Technology is there to strengthen personal supervision and needs to be part of a package of supervision and help which will improve the chances of willing cooperation. We can also hope that improvements in technology might eventually reduce the need for probation staff to spend so much of their time in front of computers instead of dealing with people.
- x. Finally, evaluate everything and build the evidence base. Many of the suggested strategies lend themselves to pilot projects. Accredited programmes need full evaluation, not relying simply on accreditation as a guarantor of effectiveness, which it is not. The three-legged model of evaluation based on understanding, measurement and comparison (Raynor 2019) can be applied to most of the proposals in this paper. Evaluation is not cheap but needs to be understood as investment: services shaped by sound evidence will be more likely to achieve the intentions of policy.

Taken together, it is suggested that these evidence-driven strategies can provide a route to a revitalised Probation Service. Most of them are not new but would benefit from being revived. Some caveats are in order: the focus here is on work with people who have committed offences, so victims are not mentioned, and in any case there is little

clear evidence so far on how successful the Probation Service's work with victims has been, or whether it should be the focus of a specialist victim-centred agency or branch. Family work was similarly separated out into CAF/CASS some decades ago. Another omission is detailed estimation of costs: clearly expenditure would be needed and investment is a political decision which would hopefully result eventually in reductions in prison costs. However, the Prison Service itself faces serious problems and needs investment and development, not just criticism. Close collaborative working with prisons should continue to be a feature of probation practice. Finally, readers will have noticed that many of these suggested strategies are informed by experience of past probation practice. It is important to avoid rose-tinted or nostalgic hindsight: there was no Golden Age. On the other hand, memory of the past is useful and arguably a vital guide to achievement and potential, although not in itself a sufficient guide. Evidence based approaches need to be informed by evaluation and to pay close attention to implementation. We often see a marked decrease in effectiveness when pilot projects are rolled out more widely. This gap in implementation presents a challenge particularly to middle management such as Senior Probation Officers, and their role requires investment, development and support as much as main grade staff. Policy, leadership, evaluation, inspection and staff development need to work together to address this problem. The criminal justice system is in crisis and the Probation Service should be an essential part of the solution.

References

Bourgon G, Bonta J, Rugge T and Gutierrez L (2010) 'Technology transfer: the impact of ongoing clinical supervision in translating "what works" to everyday community supervision' in F McNeill, P Raynor and C Trotter (eds) *Offender Supervision*, Abingdon: Willan 91-112.

Chadwick N, DeWolf A and Serin R (2015) 'Effectively training community supervision officers: a meta-analytic review of the impact on offender outcome', *Criminal Justice and Behavior* 42, 977-989.

Confederation of European Probation (2024) *Practice recommendations regarding technologies in probation*. Utrecht, CEP.

Gelsthorpe L and Raynor P (1995) 'Quality and effectiveness in probation officers' reports to sentencers' *British Journal of Criminology* 35, 188-200.

HM Inspectorate of Probation (2021) *Caseloads, workloads and staffing levels in probation services*. Manchester: HM Inspectorate of Probation.

HM Inspectorate of Probation (2023) *The links between the quality of supervision and positive outcomes for people on probation*. Manchester: HM Inspectorate of Probation.

Home Office (1991) *Criminal Justice Act 1991*. London: HMSO.

Jones M (2024) *A statement from HM Chief Inspector of Probation on the launch of an Independent Review of Sentencing*. HM Inspectorate of Probation online publication (accessed 7/11/24)

McWilliams W (1966) 'Probation Failure' *Case Conference* 13 89-91.

Partridge S (2004) *Examining Case Management Models for Community Sentences*. Home Office Online Report 17/04, London: Home Office.

Phillips J, Ward J, Albertson K, Cracknell M, Duke K, Fowler A and Riley L (2024) *Process Evaluation of the Newham Y2A Hub*. London: Ministry of Justice.

Pitts S and Tigges L (2023) *Building probation capacity: what works?* Confederation of European Probation online publication (accessed 31/3/24).

Ponsonby, Lord F (2024), speech to Westminster Legal Polic Forum conference on the future of probation, 29 January.

Raynor P (2017) 'The Search for Impact in British Probation: from programmes to skills to implementation' in P Ugwudike, P Raynor and J Annison (eds) *Evidence-based skills in criminal justice: international research on supporting rehabilitation and desistance*. Bristol: Policy Press 37-56.

Raynor P (2020) 'Resettlement after short prison sentences: what might work in England and Wales?' *Probation Journal* 67 326-339.

Schofield H (2024) *Probation: a local collaborative venture*. McWilliams Memorial Lecture, Cambridge 27 June.