

Bill McWilliams, the late historian of the Probation Service, writing at the beginning of this decade, reviewed the main strands in probation thinking over the past century, from special pleading, through diagnosis to managerial pragmatism. 'This was operationalised in court as respectively, a place for mercy, a diagnosis and associated treatment plan, and finally, the specification of a realistic disposal within the overarching policy of reducing custody.'

(McWilliams, and Pease K. 1990)

The Probation Service in the 21st Century

John Harding assesses the strengths and weaknesses of the modernising programme for the Probation Service.

In the nineties, despite its so called 'centre stage' position as managing 'punishment in the community' as part of the 1991 Criminal Justice Act, probation lost ground as we moved towards a position of penal authoritarianism (Prison Works) with an ever widening range of criminal sanctions and an uncontrolled drift towards the expanded use of prison. There was less emphasis on rehabilitation and an increased focus on management efficiency, risk management of offenders, control and surveillance etc. The lot of the probation officer has felt burdensome, too, with additional workloads, new practice responsibilities, the disappearance of probation training as we knew

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it, restructuring and right sizing exercises due in part to reduced cash limits and governmental responses to trends in the private sector.

Joined-up thinking

With the publication in 1998 of the Government's 'Joining Forces to protect the public' document and the recent issuing of a Correctional Policy Framework in the context of a seamless approach to Service delivery by the Prison and Probation Services, a new agenda is set for the next decade. What are the essential priorities of this approach? Paul Boateng, the Probation/Prisons Minister of State at the Home Office at a recent Conference for a probation audience, summed it up succinctly:

"We are a law enforcement agency, it is what we are, it is what we do".

He was perhaps reflecting on item 4 of the Correctional Policy Framework, that the Probation Service should principally contribute to the 'effective execution of the sentences of the courts so as to reduce re-offending and protect the public'. How is this to be achieved?

The modernisation programme

The Home Office modernisation programme for the Probation Service consists of three elements: a nation-wide commitment to the development of 'What Works' evidence based programmes that actually reduce offending behaviour, a revision of National Standards and improved enforcement rates in relation to breaches of community penalty requirements and, finally, infrastructure changes in the Service that enable the necessary improvements to take place.

The 'What Works' principles are based on offending behaviour programmes involving planned interventions over a specific time period which can be shown to change the behaviour, attitudes and social circumstances of offenders. Underpinning the effectiveness drive, the prison and probation services are currently piloting a common offender assessment system, known as OASys which will be rolled out nationally from August 2000. Plans are in progress

to develop 18 evidence based programmes which cover a broad range of specific offending behaviour including substance misuse, domestic violence, motoring, sex offenders, racially motivated behaviour, women offenders, violence against the person and general offending. The core curriculum targets for accredited programmes involve taking through 10,000 offenders by 2001/2 and 60,000 by 2003/4. All this is set against the goal of reducing reoffending rates by 5% by 2003.

Effectiveness is clearly related to proper enforcement procedures. If community sentences are to have credibility with the courts and the public, they need assurance that measures are enforced. The probation service has been criticised by the Home Secretary, following inspections and audits, for inconsistent breach practice. As part of the drive for improvement, new National Standards will take effect on 1st April 2000. One of the standards will be tightened, requiring probation officers to warn offenders under supervision on the first unacceptable absence and return them to court on second breach. The upshot of this approach is likely to see breach rates of 25 to 30% in relation to community penalties managed by the Service.

The third element of modernisation and the centre piece of the Probation Bill in the 1999 Queen's Speech will involve a major restructuring of the Service with the appointment of a National Probation Director, centrally driven policies and objectives and the reduction in the number of probation areas from 54 to 42, thus making all services co-terminus with the newly aligned Police, Crown Prosecution and Magistrates' Courts Services. Closer regional arrangements with the Prison Service are likely to follow although the functional nature of the prison estate will mean that differentiated regimes cannot all be contained in any one region.

Repositioning probation: some thoughts

The repositioning of the Probation Service may also involve a change of name. Despite the reluctance

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of most probation staff to ‘rebadge’, (probation is, after all, a recognised worldwide concept for intermediate court sanctions), how does it square with the public protection requirement? Other title contenders include the words Public Protection, Community Justice, Offender Enforcement, Community Corrections etc.

By way of a critique, few would dispute the rationale for the Home Office document ‘Joining Forces’ to ‘Protect the Public’. There is a clear logic for greater co-terminosity between the key criminal justice agencies and the need for shared strategic thinking and operational planning across regional and area boundaries. None of us, too, would argue with a proposition that probation, like the prison service, should embrace the need for evidence based practice as part of the recently announced crime reduction programme. But the thrust of ‘Joining Forces’ is unbalanced displaying a flawed understanding of probation’s traditions, values and strengths as a series of locally based services at the hub of criminal justice with its point of reference focusing outwards towards a complex web of connections with local communities, local authorities and the independent sector.

Whilst not denying the shared concern with the Prison Service for protecting the public from future harm through rigorous and credible forms of supervision, probation stands apart from the beliefs that support imprisonment. That view is reinforced by the nature of prison as a place of exile, exclusion and pain with all the attendant difficulties of resettling men and women who all too often have severed links with families and little initial prospect, through sheer weight of numbers of, initially, finding acceptable accommodation and meaningful employment.

The Probation Service is more at ease in understanding the community context in which crime takes place, of playing a central part in the community safety

planning arrangements which are enshrined in the Crime and Disorder Act 1998. The effective practice dimension, important through it is, remains a limited response if it is not complemented by the Probation Service of the future, acting in concert with its community based partners, the police, local authorities and the independent sector to address the social factors most associated with crime, in particular, lack of work, homelessness and drug and alcohol misuse.

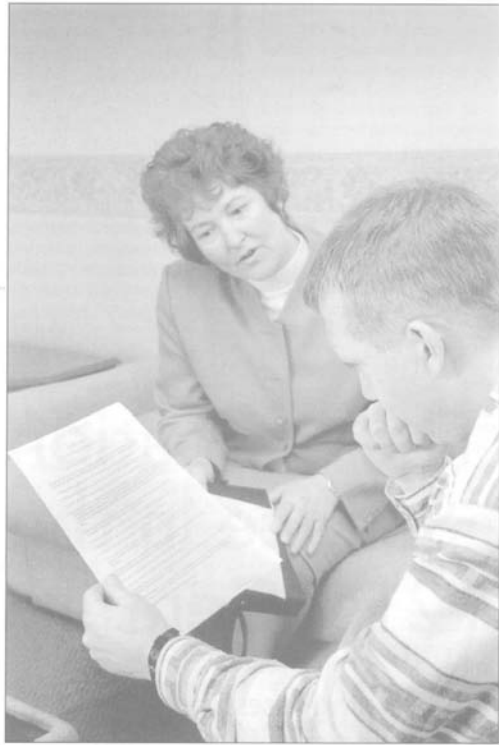
The ‘Joining Forces’ document could have equally included a police dimension in recognising the strength of current mutual concerns with probation at the local level. Within such an alliance, a vast number of interventions are possible. These include crime prevention initiatives that address the risk factors on troubled estates, conflict resolution processes that are applicable to neighbourhoods, schools or adjudicated young offenders, community problem solving meetings, the use of advocates to mentor those at risk, and enforcement procedures with vulnerable offenders that demonstrate a tangible partnership between the police and probation in high crime communities.

We are, as Paul Boateng suggests, ‘a law enforcement agency’ but one whose conceptual roots lie in community justice. A multi-dimensional focus is an essential determinant of the future as we strive to maintain public confidence in our work.

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- Home Office (1998) ‘Joining Forces to Protect the Public - Prison-Probation’. A consultation document, Home Office, London.



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Home Office (1999) ‘The Correctional Policy Framework’, London

Boateng, P (1999), Speech for the 1999 Chairs and Chiefs of Probation Conference, October 7th 1999, London

“The most significant development of the last decade has been the proposal and implementation of Youth Offending Teams incorporating a multi-agency approach to youth offending.

The most significant development of the next decade is likely to be the realisation of this approach as an effective means of intervention with young offenders and their families.”

Angela Slaven, Chief Executive, Divert