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# OBAILUIN BAILUIN Issue 24: June 2022

# Embeddin **Approaches in Adult Probatio**

### IT'S A HARD BALANCE TO FIND

**Perspectives of youth justice practitioners on the place** of 'risk' in an emerging 'child first' world

# LANGUAGE BARRIERS IN THE CRIMINAL JUSTICE SYSTEM

A new series of research reports and practical guidance

### **WORKING WITH WOMEN**

Vicarious trauma in the probation service





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# SUBMIT AN ARTICLE FOR THE NEXT EDITION OF THE 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 people on probation 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 completed research. (Note: we do not publish requests for research participants)
- 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. Please also read our language policy which asks all contributors to avoid stigmatising language.

#### Disclaimer

All contributors must adhere to the <u>Probation</u> <u>Institute Code of Ethics</u> but the views expressed are their own and not necessarily those of the Probation Institute.

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### WELCOME TO PROBATION QUARTERLY ISSUE 24

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**Jake Phillips** Editor, Probation Quarterly

#### Unification, one year on

It has been almost one year since CRCs ceased to exist and the new Probation Service was created. A unified probation service was a step in the right direction in terms of overcoming some of the structural issues that had caused myriad problems during the TR-era. However, it is also the case that – as forewarned by the Chief Inspector at the time – unification would not be a silver bullet and it is clear that probation services and practitioners are still struggling.

When speaking to probation practitioners, reading about probation and spending time on social media, staffing and workloads occur as frequent issues. I regularly hear about unmanageable workloads, difficulties in recruitment and high staff turnover all of which impacts on the ability of staff to work effectively. Much of this is being borne out in recent HMI Probation reports with the recently published regional review letter to the East of England highlighting problems of staffing which 'impacts on service delivery across many functions, including sentence management, interventions, courts and resettlement'. But this is also important because of the impact it has on staff. One of the ways in which high workloads impact on staff is through an increased risk of burnout. Academic research shows that burnout is more likely to the be the product of poor

working conditions than personal characteristics or the content of work. Burnout takes time to materialise amongst a workforce and so there is a need to deal with this now, to prevent a fully burnt-out and depleted workforce further down the line. We should acknowledge that around 1500 new probation trainees have been recruited and this should – in time – help the situation and so I hope to be able to reflect more positively this time next year.

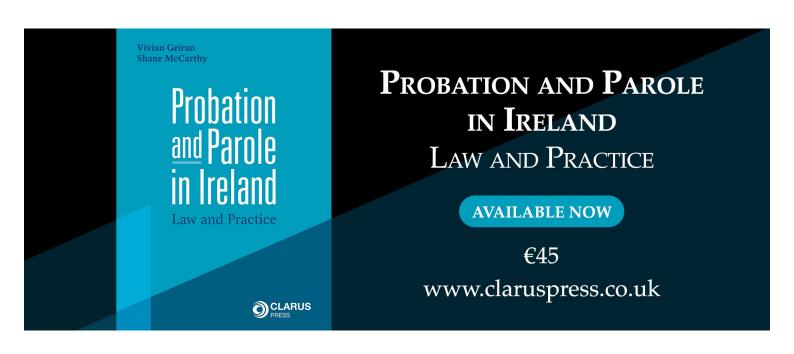
The articles in this issue cover a wide range of topics which probation practitioners engage with on a regular basis as part of their work, some of which tie into my thoughts above. We begin with an article from Alexandria Bradley and Madeline Petrillo summarising their research on working with trauma in probation. They argue that currently 'the future of TIP within the Probation Service feels fragile' but that the service needs to maintain its commitment to this valuable way of working. In her article on working in a rural probation setting, Lizzie Doble provides us with a personal reflection on her experiences of working in a region which suffers from wider issues (such as a lack of housing and unemployment) and a probation infrastructure which places a greater burden on people on probation by virtue of being rural.

I'd be very interested in receiving similar reflections from other practitioners working in different contexts. Laura Riley reflects on recent changes to the ways in which young people are supported with the transition from youth justice services to adult probation. This has - rightly - been identified as an area that needs addressing and Laura's article provides a useful overview of the issues.

John Stubbins then introduces the work of the Oswin Project - based in the North East of England - focussing on the importance of mentoring within their projects. Becky Shepherd has been doing research looking at the experiences of women working with women - with a focus on vicarious trauma - and uses her article to provide some simple solutions to improve the situation for women practitioners. Anne-Marie Day then provides an overview of her work with youth justice practitioners focusing

on how they balance the need to focus on risk management whilst also trying to adopt a child first approach to working with children in the youth justice system. Suzanne Smith, from the Centre for Justice Innovation, introduces recently published reports on how people who have English as a second or additional language experience criminal justice which will be of real use to probation practitioners. Finally, Philip Mullen's summary of Revolving Doors' Probation Inquiry provides an overview of the main findings from their wide-ranging research conducted by and with people under probation supervision. The findings from this study have important ramifications for probation practice and I hope they will be acted upon by leaders within the Service.

I hope you enjoy reading issue 24 of *Probation Quarterly.* As ever, if you have something you would like to contribute, please do get in touch.



# WHAT'S GOING ON AT THE PROBATION INSTITUTE?



Helen Schofield
Acting Chief Executive
Probation Institute

Since the March issue of Probation Quarterly the Probation Institute has been approved by the Charity Commission as a <u>Charitable Incorporated</u> <u>Organisation</u>. To be accepted as a charity an organisation must have objects that are in the public interest; for the Probation Institute these include:

- promoting education and training in probation services and related areas within the profession;
- encouraging and sharing good probation practice and high standards through research and leadership;
- support and enhance the work of the probation service and wider organisations in the rehabilitation of offenders through the enhancement of skills and knowledge.

The changes necessary to bring about the new structures are now under way and will have positive implications for our members commencing with an Annual General Meeting. We hope that the charitable status will allow us to secure funding for our own growth and development and to continue making important contributions for professional development and research for probation and wider rehabilitation. We continue to seek a <a href="new chair for the Probation Institute">new chair for the Probation Institute</a> and we encourage contact from individuals who are interested in taking on the important role of leading the Probation Institute at this time.

We are delighted by the wide readership of the Probation Quarterly and the positive responses. Similarly, we are pleased to see conversation increasing on our LinkedIn pages. PQ is published free of charge on-line and is funded from membership income. Our decision not to charge for, or restrict access to, the PQ reflects our wish to offer open access to professional development to all practitioners. If you would like to indicate your positive support for the PQ please join the Probation Institute. Membership is open to everyone who wishes to support and strengthen effective, inclusive rehabilitation through the work of the Probation Institute.

In recent weeks we have written to Minister Kit Malthouse asking him to give very serious consideration to establishing an external, independent and inclusive Regulatory Body to regulate the professional standards and qualifications required by Probation and key partners. There would be a requirement to demonstrate ongoing continuing development. The Probation Service badly needs this level of recognition and scrutiny. It is an organisation within the Civil Service that should be more open and closer to the communities it serves.

Recent activity in the Probation Institute includes continuing monthly Professional Discussion Groups, setting up a new Professional Discussion Group for BAME practitioners on-line, the completion of the Research Project Journeys to Harmful Behaviour (to be released imminently) – looking at the life histories of 14 ex-armed services personnel who have committed offences of serious harm, our Research Event on Drug Treatment and the Justice System in April, approval of this year's Sir Graham Smith Award research project, a meeting of our Academic Advisory Group and good progress with our Position Paper on Race Equality.

# **Embedding Trauma-Informed Approaches in Adult Probation**

Dr Alexandria Bradley, Leeds Beckett University Dr Madeline Petrillo, University of Greenwich



Within the last decade, awareness around the impact and pervasiveness of trauma across an individual's life course, has become an expectation, rather than an exception within many human service systems (Fallot and Harris, 2009; SAMHSA, 2014). The emergence of trauma-informed approaches (TIA) began in American addiction and mental health services over 20 years ago (Harris and Fallot, 2001). The key principles underpinning TIA are Safety; Trustworthiness; Choice; Collaboration and Empowerment (Fallot and Harris, 2006) and these are to be embedded within the culture, practice and policies within a service. Crucially, those implementing TIA are not seeking to treat or directly support healing from trauma. Alternatively, TIA aim to increase staff knowledge around the legacy of trauma and how this impacts behaviour. This enables organisations to develop a culture that encourages greater engagement and access to services for individuals with trauma histories. However, within the context of the United Kingdom, more focus is being placed on embedding trauma-informed practices across various contexts. This includes a range of largescale institutions, for example: the Criminal Justice System; Schools; Universities and Health Care settings (Emsley, Smith, Martin and Lewis, 2022; Thomas, Crosby and Vanderhaar, 2019). The implementation of TIA across such diverse institutions, services and disciplines, highlights some crucial factors:

- 1. Trauma is a public health crisis;
- 2. Trauma-Informed approaches are required in every service which comes into contact with children, young people and adults.

More recently, some services and organisations within the Criminal Justice System have begun to embed TIA. Some examples include probation; prisons; youth services; addiction services; mental health services and police. These organisations recognise the prevalence of trauma histories within the lives of the individuals accessing their support (Bateson, McManus and Johnson, 2019; Bradley, 2021; Sweeney, Filson, Kennedy, Collinson and Gillard, 2018).



**Dr Alexandria Bradley** Leeds Beckett University



**Dr Madeline Petrillo** University of Greenwich

This article will introduce key findings from a bulletin published by Her Majesty's Inspectorate of Probation, which examined 'Working with trauma in adult probation' (Petrillo and Bradley, 2022). The bulletin included the voices of 38 probation practitioners and managers. Data were collected between April and November 2021, using qualitative methods including twenty-seven individual semi-structured interviews and two focus groups with eleven participants. More specifically, this article presents a theme relating to the implementation of trauma-informed practice/approaches across the Probation Service.

#### Implementing a Comprehensive Trauma-Informed Approach in Probation

The implementation of TIA requires consistency, commitment and regular reviews of practice (Covington, 2016). McCartan (2020) suggests that, in order for probation staff to succeed in embedding TIA, they require effective support, encouragement and supervision. In addition to this, an implementation strategy is required to provide a flexible framework which encourages organisational change, leaders to champion TIA and the appropriate space to identify barriers/ stagnation within the implementation journey (Fallot and Harris, 2009; Triesman, 2021). The probation practitioners who took part in the research felt that some practices associated with assessment and enforcement conflicted with TIA. However, staff demonstrated innovation and provided tangible and easily replicated examples of TIA within sentence management aspects of their roles. These included:

- Re-wording warning letters to better express empathy and providing an invitation for an individual on probation to re-engage.
- Establishing openness and transparency within breach and recall processes that focus on enforcement as a mutual acknowledgement of immediate challenges and opportunities to co-produce in a more meaningful way.
- 3. Developing a trauma-informed wording template for the free text sections of OASys, to enable probation practitioners to assess an individual's behaviour within the context of their histories and experiences of trauma and victimisation (Petrillo and Bradley, 2022).

Working in a relational way with individuals accessing probation could support more meaningful engagement in the support they are receiving. Staff stated that adopting TIA within probation meant that the focus of their work was shifting away from 'managing' people towards 'helping' people:

"It's giving permission to work in a way that maybe feels more rooted to actually the principles of working well with people and in a relationship-oriented way where it's not just about risk and public protection, it's actually about the quality of that interaction and using that as a means in itself to be able to help that person move down that rehabilitative journey."

(Participant 9, Senior Probation Officer).

This approach could improve the engagement of people accessing probation. In addition, many probation practitioners highlighted that TIA increased their job satisfaction, as this enabled them to fulfil the relational roles they had envisaged when joining the probation service.

## Top-Down Trauma-Informed Probation Practice

The findings of the bulletin highlight that the Probation Service as an organisation and the teams within it, are at different places and are progressing at different speeds along the journey of becoming trauma-informed (Petrillo and Bradley, 2022). For some of the probation practitioners, trauma-informed practice (TIP) represented little more than new or retranslated terminology for treating people respectfully. However some staff demonstrated a deeper understanding and examples of inspirational pockets of good practice when working with trauma (See Petrillo and Bradley, 2022).

Within the context of strategic implementation and governance relating to TIA, the probation service has worked hard to embed TIP alongside gender-responsive approaches across many areas of service, including courts, assessment, supervision and compliance. The staff highlighted the prevalence of trauma within the lives of women on probation and explained:

"it's like breathing in and breathing out when you work with women" (Participant 25, Senior Probation Officer).

There is commitment at a strategic level to keep pursuing the implementation of TIA when working with justice-involved women. For example, a Director has overarching responsibility for women across prisons and probation who is supported by a Deputy Director for Women and the Head of the Women's Team. The development of a specialised team is intended to encourage organisational accountability across prisons and probation. The strategy for women on probation is led by a Community Lead, who collaborates with various probation regions through specific role holders, such as Senior Women's Leads and Senior Probation Officer Women's Leads. Across each region, there are a number of Women's champions and single points of contact, who work collaboratively within the structure, to anchor their trauma-informed purpose and drive the women's agenda forward. The strategic structure and specialist roles helps to support the consistency of trauma discussions and commitment within the journey of becoming trauma-informed. The above strategy aligns with TIP implementation recommendations, encouraging organisations to establish a top-down approach (Senior Management, Stakeholders and Leaders directing the changes) and includes specific roles and 'champions' to drive the change (Covington, 2016).

### Unification and Trauma-Informed Practice in Probation

The majority of the probation practitioners interviewed, believed that the Probation Service has the potential to be trauma-informed. Prior to the unification of probation services in June 2021, a former Community Rehabilitation Company, had been delivering Healing Trauma, a sixsession trauma-informed and gender-responsive intervention for justice-involved women (Covington and Russo, 2016). Staff overseeing the delivery of this programme felt that it generated momentum for the implementation of TIP within their service. However, following unification, many of the staff interviewed, shared mixed feelings around the future of TIP within the Probation Service. For some staff, they felt that the unification brought an opportunity for the service to redefine itself as a traumainformed organisation and make progress. However, many other staff shared concerns that TIP and the implementation had stalled and fallen behind other transitional priorities.

"My hope would be that moving forward, especially in the reunification, it will be implemented and underlie every kind of intervention that's delivered, whether that's kind of bread and butter one-to-one work with people on probation or more formal accredited programmes. And that every staff member in the organisation has an understanding of TIP. So, it's got that top-down and bottom-up approach, it's flowing right through the organisation. Everybody is aware of it, and everybody is aware of the difficulties in applying it sometimes, and how we can make that fit in the organisation. And so, I just hope it is implemented right through so the hard work that a lot of people have done isn't lost, it's accelerated."

(Participant 4, Head of Service)

Whilst the future of TIP within the Probation Service feels fragile, the bulletin highlights many areas which had achieved a level of practice which could be considered trauma-informed (Petrillo and Bradley, 2022). Future research in this area should revisit probation practitioners, once the unification process has settled, to capture the collective institutional commitment of the Probation Service's journey towards becoming trauma-informed.

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# The challenges and benefits of working in probation in a rural setting

Lizzie Doble, Probation Officer

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I have been a Probation Officer since 2008 and I am currently based at the St Austell Probation Office. I hold Integrated Offender Management cases, high risk of serious harm cases and those persons convicted of Sexual Offences. For the last six months I have been tweeting about the experiences and challenges of being a rural Probation Practitioner on our corporate <a href="Twitter">Twitter</a> account. The aim of this has been to highlight the unique aspects of being a probation practitioner in a rural setting.

Cornwall is known for being a seaside heaven with beautiful beaches and picturesque countryside. It is famous for cream teas (jam first), surfing and the Cornish Pasty. As a result of TV shows from Rick Stein, Doc Martin and travel documentaries. Cornwall is often romanticised through a portrayal of sandy coves, charming fishing villages and being known as a 'bucket and spade holiday' destination. As a result of the COVID19 pandemic and the increase of the 'staycation', the summer of 2021 was one of the busiest for Cornwall's hospitality sector. Whilst this has been positive for local businesses, there are longer term negative consequences for local residents, including an accommodation crisis as a result of the trend in increased second home ownership and the financial increase of the property market.

CIOS was formed during the Unification of the Probation Service in June 2021, and prior to this it was known as Plymouth Cornwall and Isles of Scilly Local Delivery Unit. Of 1252 People on Probation within the region 914 are in the



Lizzie Doble
Probation Officer
Cornwall and Isle of Scilly Probation Delivery Unit

community and 338 are in custody (this number can fluctuate on a daily basis). There are three main offices: Camborne, Truro and St Austell, with reporting centres in Bude, Bodmin and Newquay. There is one Approved Premises in Camborne and the nearest prisons are HMP Exeter, HMP Channings Wood and HMP Dartmoor. There are Magistrates' Courts in Bodmin and Truro, and one Crown Court in Truro. We have 54 members of staff across Sentence Management and Court teams.

There are several challenges that Probation Practitioners face when working in a rural region. A very current crisis is homelessness, partly a result of the booming holiday trade, and many properties having been purchased as second homes. Even prior to the COVID 19 pandemic, property in Cornwall has always been expensive relative to the local average wage. For a long time, the demand for rental properties has outstripped supply and there have been long waiting lists for social housing. Since the pandemic, these issues have intensified with landlords selling properties, the negative impact of the stamp duty freeze, an increase in the number of holiday lets and tenants being evicted to make way for holiday lettings. As a result, finding people on probation accommodation can be very difficult. The demand for rental properties is high, with landlords being able to pick and choose their tenants. Whilst we have close working relationships with Cornwall Council, along with Interventions Alliance who provide accommodation support through Commissioned Rehabilitation Services this does not overcome these wider issues. There are regular meetings with the accommodation agencies with a Probation Service Officer and Senior Probation Officer present. The joined up working relationship provides a valuable support, however the lack of available properties remains problematic. Stable accommodation is a key protective factor for people on probation and a key element of the Risk Management Plan and so homelessness really adds to the complexity of managing risk in rural communities. Transport in Cornwall has its own difficulties, and for people on probation who rely on public

transport traveling to the offices can be difficult. For example, the Bodmin Reporting Office covers a wide area including Callington, Liskeard and Launceston (which is 21 miles, or 50 minutes by bus). Bodmin Parkway train station is located just outside the town on the busy A38 and walking to the town centre is too dangerous. Therefore, people on probation sometimes have to travel for over 30 minutes on multiple buses to get to their appointment. This can impact on their compliance, especially when they are trying to overcome other issues, such as drug and alcohol use, and unemployment. We try and support them as much as possible through train and bus warrants, and by taking into account the fact that transport is not always reliable in Cornwall. This means being responsive to each individuals circumstances and their travel arrangements.

Home visits are an important element of risk assessment and risk management of People on Probation. They are vital in understanding the person's home life and how this may impact on their offending behaviour. Being in a rural location can mean probation practitioners travelling up to 45 minutes each way to conduct home visits which then places increased pressure on staff who are working under high workload conditions. The addresses are sometimes difficult to find in small country lanes and the lack of phone signal can cause problems. We have recently acquired lone worker devices to offer increased security to members of staff, which are linked to dedicated call centre for emergency support if required. Reporting centres such as Bodmin are not open five days a week so appointments need to be prearranged and people on probation cannot always 'drop in' to see their Probation Practitioner.

The rural location of Cornwall can make access to interventions difficult. Currently Horizon, our community-based group programme for People Convicted of Sexual Offences is only run in Plymouth which, for someone residing in Camborne would mean a three-hour trip to access their intervention. Whilst making the difficult journey can be a good indication of their motivation, it potentially limits their engagement due to the stress of the journey and feeling tired. Again, we support people through travel warrants and are responsive to those that work with the offer of evening programmes and discussions are in place to allow the running of this programme locally to make it more accessible. Programmes such as Building Better Relationships and the Structured Interventions are delivered in Cornwall and long travel distance is not always required.

The reality of living in Cornwall can be very different to the romanticised portrayal of our region in the media. There are high levels of poverty, inequality, and unemployment. In recent years, industries linked to Cornwall - such as fishing and farming - have struggled to be financially viable and sustainable. As a holiday destination, employment can be seasonal and in the winter months the busy towns can be deserted. People on probation can struggle to gain employment, especially when they have committed serious offences which would require disclosure to the employer. Since the launch

of the Commissioned Rehabilitation Services, we can refer to a new Education Training and Employment service. This has been a positive move, with people on probation being linked into local colleges, CV writing and receiving assistance about making disclosures.

Despite the challenges raised in this article, there are some real benefits about working in probation in a rural community. Working in a busy environment with workload pressures can cause people to feel the need to work through the lunch period, but it is important to take some time out of the day. Cornwall is a beautiful area and going for a lunch time walk to the beach or the countryside can allow time to reflect and a moment to de-stress. We have many staff members taking advantage of sea swimming, surfing and mountain biking on the local trails, all on their lunch break.

As a rural probation practitioner, I am extremely grateful to be working at CIOS, I have good support from my colleagues and a supportive manager. It is challenging, but we work together as a team and support each other. The Cornish might be known for doing things 'dreckly' (it will get done at some point) but practitioners and staff take a pragmatic approach and are part of a collaborative environment utilising the high level of skills for risk assessment and risk management.



The milestone of becoming an adult is much more than reaching your 18th Birthday. Whilst society no longer requires parental consent in decision making and offers new opportunities such as the ability to vote, purchase alcohol, cigarettes and lottery tickets, little attention is given to the other less potentially 'exciting' responsibilities that an individual might find themselves responsible for, or the skills needed to navigate the 'adult world'. There is no manual of 'how to become an adult', less so how to become an adult whilst on probation but the importance of this transition is now being addressed by the probation service (HMPPSa: 2022).

Young adults need to be prepared for what adult probation entails, understand how it may differ from youth offending and appreciate any resulting consequences. This can be difficult for a group where emotional and cognitive maturation has not fully developed. When a young person transitions to adult services, the support they had been receiving may no longer be available resulting in a loss of relationships or the available provision may not meet the needs of the individual in previously identified and necessary way (one example here is social workers addressing child protection concerns). It has thus been argued that young adults require a tailored approach because the transitional period can result in increased vulnerability requiring higher levels of practical and emotional support (Hughes and Strong: 2016).

As a former probation officer and now lecturer in criminal justice I have observed these challenges directly. We often use sophisticated language in enforcement communication, induction paperwork and interventions (even those that are adapted) which many young adults may struggle to fully understand. We also introduce new processes that a young person may be subject to following noncompliance - such as recall on licence and breach



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of community penalties - whilst simultaneously trying to establish and navigate new relationships. One stark difference I identified in moving from working in adult probation to youth offending related to the breach process. Having previously chaired compliance meetings for young people subject to YOS management, the decision-making process regarding returning an order to Court for non-compliance is subject to much greater levels of discretion and provides the young person an opportunity to demonstrate improved attendance and engagement before any action is taken. In comparison, the two-warning process implemented in adult probation is far less responsive and can result in young people being returned to court more quickly, and is thus more likely to result in further criminal convictions.

Having worked in youth offending and adult probation services pre- and post-unification I have observed the variations in the process of transferring of young adults from the Youth Offending Service (YOS) to Probation. Very often this is just a process 'on paper' whilst what happens in practice is dependent upon on local resources and provision. Prior to June 2021 this also depended on whether the young adult was managed by the National Probation Service or Community Rehabilitation Companies (CRC). Her Majesty's Inspectorate of Probation report into transitions arrangements in 2012 identified the need for clearer preparation to ensure continuity of service which was effective for the individual and not just procedural. The subsequent reinspection in 2016 identified insufficient improvement had been made to the quality of work undertaken during transition which was "not always well organised, recorded or smooth" (HMIP: 2016), advising previous recommendations should be fully implemented. The reunification of probation services last year has resulted in service wide reform impacting the opportunity for significant progress to be realised.

The potential risks of a process led transition is that person specific needs and vulnerabilities of young people moving between services can be overlooked or lost. People of colour will present with further needs which need addressing over and above the issues I have identified here. I do not have the space to explore this in greater depth, but it goes without saying that the Probation Service needs to take this seriously, especially considering HMI Probation's (2021) thematic review of racial inequality. I remember countless supervision sessions with a young adult discussing their personal experiences

where significant information was disclosed that I was not aware of, and they were surprised I had not received the information prior to me seeing them. This can result in people feeling that their experiences are neither valued nor significant enough to warrant being shared and acknowledged. Brewster's (2019) research on the neuroscientific turn in youth to adult (Y2A) transitions policy shows that this understanding of transition - often referred to as the 'direct transfer of responsibility' - overlooks broader issues. The transactional process of transferring a case file containing pertinent and sensitive information regarding an individual - often still a child - is an adult procedure. Moreover, this is a far cry from the 'child first' approach being implemented by the Youth Justice Board for children and young people involved with youth offending services.

Relationships are important to young people's engagement with the service (Livingstone et al: 2015) and probation practitioners - like the young adults they work with - need to be prepared for how their knowledge, practice, and skills will be different when working with older people or those with developed maturity. Specifically, they need to be able to respond to needs, vulnerabilities, and varied levels of maturity. In my experience little training was provided prior to commencing such work, with a greater responsibility being placed upon practitioners to 'upskill' themselves and seek out development opportunities. This is reflected in the current management framework which acknowledges that learning and development is key to supporting practitioners in undertaking responsive work.

As such, material can be accessed via the learning and development team, learning platform, briefings, evidence-based summaries and third sector learning resources. Given the organisational challenges that the Probation Service is currently facing post-unification specifically around staff retention and excessive workload - it could be argued that this approach is not supportive of a learning centred environment where practitioners are afforded the capacity to read and reflect, develop the necessary and required skills to understand and deliver tailored work to improve outcomes for young adults. This could be heightened further where practitioners manage a generic caseload. I am therefore pleased to see transitional hub pilots once again emerging, having worked in one in 2014 and seen the benefits not only to my own development but, more importantly, in increased engagement and improved outcomes for young people.

Following probation reunification in June 2021 a new Joint National Protocol for Transitions was implemented by the Youth Justice Board (YJB) and the Probation Service to support effective transition between YOS and adult probation services. The 'overriding objective' of the protocol and effective transition process is a safe transition for the child and their community (HMPPS & YIB: 2021). This is coupled with the Probation Service's Management of Young Adults framework which identifies four key aims to support staff in applying good practice with young adults: to adhere to youth to adult transition process identified in the joint national protocol for transition; understand and respond to the particular needs of young adults; assess and respond to maturity levels at critical points of contact and recognise and consider the impact of intersectionality on engagement (HMPPSb: 2022). This - hopefully - underpins the organisation's recognition of the need for change and action. It is too early for the impact of the new framework and protocol to be fully assessed and evaluated. It does, however, establish the opportunity to develop the way we work with young adults under probation supervision, impact their transition into adulthood and ensure that moving between the two organisations is not a process but works to enable the achievement of better outcomes.

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The Oswin Project provides mentoring, training and paid employment to prison leavers, working with The Probation Service to ensure they progress in line with their legal requirements.

Our commercial bakery within the grounds of HMP Northumberland is where many prisoners find a positive way forward under the guidance of our professional baker and team. From there, on release, they can find employment in our cafe in Newcastle city centre within St Nicholas' Cathedral. For others, there is the opportunity to work in our landscaping, gardening or decorating teams. Our aim is to benefit both prison leavers and society. By the latter we mean the families of perpetrators, victims of crime and the taxpayers who jointly bear the burden of high rates of recidivism.

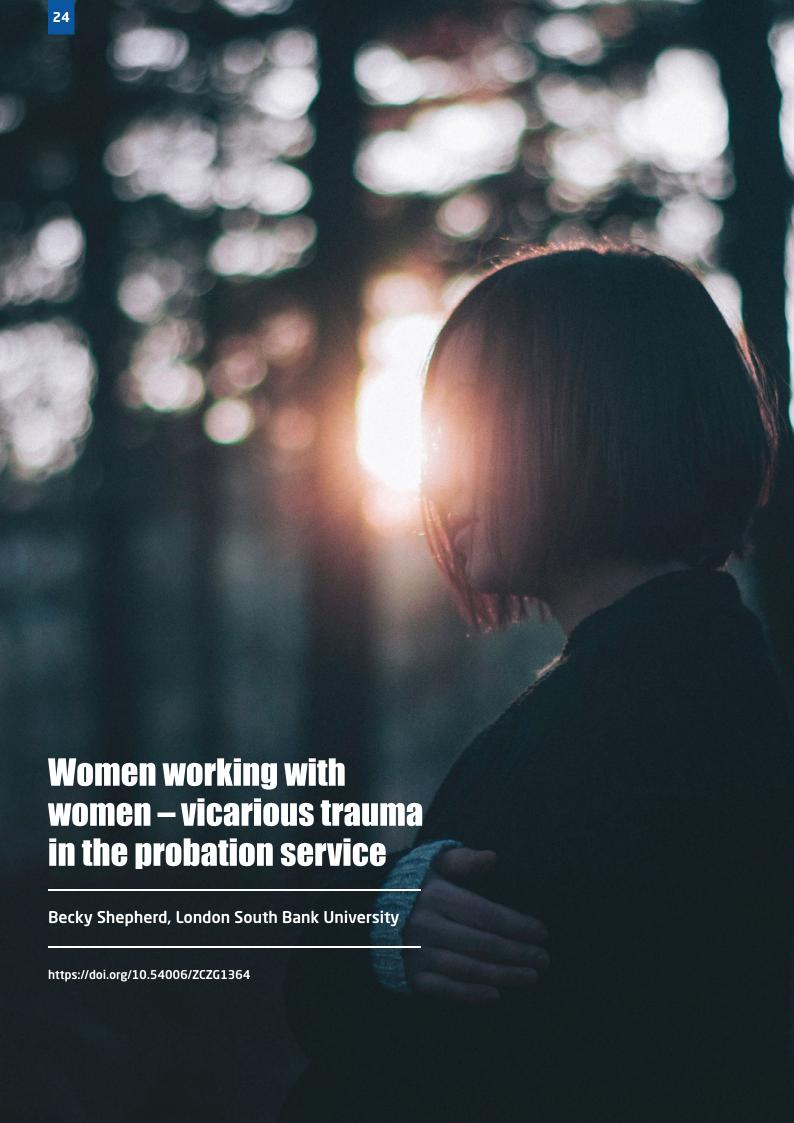
For some organisations, mentoring may take place at designated times with dedicated staff and resources. Within The Oswin Project, mentoring does not have a start nor a completion date. The mentoring journey with our Oswinners (as we call our clients) begins at the very first interaction and continues beyond their time with us. As we start to get to know our people, we listen. We listen to what they say, how they say it, the words and phrases they choose when describing their journeys. We consider their attitude and give them the attention that they deserve and require to change their lives. We consider what they have shared and what they have chosen to hold back. Comprehensive forms and entrance questionnaires are completed, and we ensure the necessary permissions have been granted to work with partners such as The Probation Service. At all stages of our journey together we are attentive, planning is very much teamwork. Underpinning our policies, procedures and codes of conduct, are high expectations.

We train and support our Oswinners to achieve the highest of standards by setting the example ourselves in our Cafés, bakery, gardening and landscaping teams. Inevitably some need greater support while other individuals thrive more readily. The Oswin Project appreciates that success looks different for every client. Recently, some Oswinners participated in our conference on Changing Perceptions. They shared their experiences in a live interview format alongside guest speakers, whilst others chose to have their stories shared using podcasts that they recorded.

Our focus on ensuring productivity provides individuals and our organisation with the clear evidence that is so essential for building capacity, development and growth. Together we are effectively preventing reoffending whilst repaying and repairing the society they have harmed. In evaluating success, most obviously we see who is still engaged in the work we provide, the way they apply themselves and their feelings and beliefs in their own capacity to continue to move positively forward. It is within this process that we aim to provide a mirror. In this, those we seek to help can honestly reflect on the content of their lives. We also hope to discover how individuals feel and how they have come to understand their experiences. An openness in sharing these truths will inform the next steps to take.

So often challenges, that we have limited capacity to mitigate (such as housing requirements), prove insurmountable for some. The fear and stresses of both commitment and cost and the time scales in which some must work, prove too great; returning to prison is sometimes the unavoidable outcome. A viable answer to the costly problem of reoffending seems elusive. However, to the Oswin Project it is simple: the trinity of support, housing, and work. The key being the independence, purpose, and structure employment brings.

All who work in this sector acknowledge that acting collectively we can become more successful, through mutual support, greater communication, sharing of resources and access to tailored solutions. Together we can transform lives. If you are interested in working with The Oswin project, or to find out more, visit our website oswinproject.org.uk



#### Introduction

Articles in the previous edition of Probation Quarterly highlighted the need for trauma-informed practice relating to mothers in the justice system, and spoke to the lack of a paradigm shift in relation to supervising women and girls (Issue 23, March 22). These issues are all highly relevant to my own research which is exploring vicarious trauma in probation with women practitioners working with women.

Lucy Baldwin's (2022) article discussed traumainformed perspectives (TIP) in probation in relation to maternity, and welcomed probation's move towards whole women's teams (which were operational in some CRCs before reunification and have now been abolished, thereby diffusing much expertise into the generalised probation workforce); whereas Charlie Weinberg's article reflected on the challenges of supporting criminalised women and girls against a backdrop of casual sexism and stereotyping among professionals, noting a real absence of a paradigm shift towards criminalised women.

The move towards trauma-informed practice (TIP) in probation - already embedded in youth justice (YJB, 2017) - is encouraging; particularly so in relation to women, given the prevalence and severity of traumatic experiences in the criminalised female population (Corston, 2007).

## Trauma-informed practice with women

However, there is still much change required before probation can be described as truly trauma-informed. One aspect of TIP which is underrecognized in probation is the risk of vicarious trauma. My current research explores the experiences of female probation practitioners



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working with women; primarily those who supervise a caseload, but also female probation staff based in courts, in women's prisons, and partner link workers (those staff who support the partners of violent men supervised by probation). The research project, which is being supported by Napo (the probation and family courts trade union and professional association), asks women practitioners about their experiences supervising women, and the challenges that this presents practically, psychologically and emotionally. The project is still under way (those interested in taking part are welcome to contact me), and this article discusses initial findings from the first stage of the research which involved distributing a survey via Napo's membership networks. 145 responses were received and although the data are still being analysed, this article discusses some of the initial findings.

#### Vicarious trauma

Those familiar with probation will not be surprised at the findings in relation to female services users: practitioners described the overwhelming majority of their female clients as having experienced multiple severe trauma, including domestic abuse, sexual violence, drug misuse, childhood trauma; bereavement, trafficking, and mental health difficulties. This is pretty much what we expect in relation to criminalised women. The Corston Report (2007) remains the acme of empirical research into women in the England & Wales justice system, and her findings continue to be borne out by research project after research project (begging the serious political and philosophical question of why the State's response to criminalised women has not significantly changed, nor looks set to change).

As reliably depressing as these findings are, this research project is not primarily about the trauma of criminalised women, it focuses on the women who supervise them. This is an emerging body of academic literature on vicarious trauma in probation (Merhay, Lawental & Peled-Avram (2018); Lee (2017); Giovanni (2015)) but in relation to women this is still somewhat underexplored, notwithstanding HMI Probation's recent – and very thorough – research bulletin on working with trauma in adult probation (Petrillo & Bradley, 2022).

Much vicarious trauma literature in relation to women tends to focus on the VAWG sector, such as services for domestic abuse or sexual violence services, whilst the literature on vicarious trauma in probation can often focus on the risks of working with abusive men (e.g. Catanese (2010), Moran (2008)) particularly in an American context. More knowledge of how this work affects women in probation is needed.

#### **Survey findings**

What is clear from the survey findings for this project is that women practitioners are suffering, and that support is limited, inconsistent, and not always trauma-informed. 145 women nationally completed the survey. This article highlights some of the key findings from the survey, and considers action HMPPS might take to ameliorate the working conditions associated with vicarious trauma. Once the project is completed further academic publication is anticipated.

#### Vicarious trauma prevalence

51% of women practitioners reported physical symptoms of vicarious trauma which included (but was not limited to) hair loss, migraines, stomach disorders, exacerbation of existing health problems. 25% had time off sick as a direct result of vicarious trauma.

Multiple psychological symptoms of vicarious trauma were reported, including (but, again, not limited to) sleeplessness (71%), concentration problems (60%), burnout (52%), viewing the world as inherently dark or dangerous (45%) and panic attacks (20%).

#### Direct trauma prevalence

86% of women practitioners had experienced their own significant trauma, including (but not limited to) domestic abuse, sexual assault, bereavement, childhood trauma.

Interestingly, many respondents felt that their own trauma helped them to engage meaningfully with traumatised clients and have greater empathy. However, for several the impact of their own direct trauma led to feelings of anxiety, stress, panic and fatigue.

## Impact of lockdown and working from home

69% of respondents worked from home during the pandemic.

There were mixed views about the lockdown work experience. Although some practitioners reported positive feelings about working from home (including an ability to manage worklife balance better in particular), the majority experienced a significant negative impact, including: working excessive hours, blurring the lines between home and work, feeling unable to switch off, feeling their homes were invaded by clients' trauma, finding the impact on looking after children who were home-schooling difficult, having a lack of opportunity to talk to colleagues about cases, feeling isolated, and finding it easier to overwork as the normal office day timings were absent.

#### Workplace support

Management supervision was mostly reported as consistent, with 56% of respondents having supervision every 1-3 months and 24% reporting monthly supervision. More worryingly 12% reported having supervision less frequently than every six months, including some who said they never had supervision, although this was low (4%). 40% reported being able to talk about the psychological impact of the work with their manager, and 53% said they would feel able to tell their manager if they felt they were suffering from vicarious trauma. There is scope for more analysis here of any link between access to supervision and adverse experiences of trauma through their work.

63% of respondents had no access to clinical supervision. Of those who answered the question there was strong support for clinical supervision to be made available (84%) with many responses pointing out if time and workload relief is not allowed for this it would be impossible or very difficult to take up.

#### Informal coping strategies

Multiple strategies to manage the impact of the job were reported, the most prevalent being informal debriefing with colleagues (75%), support from family and friends (77%) and exercise (59%). Other strategies included private counselling or therapy (25%), prescribed medication (23%) and hobbies (39%).

#### Implications for practice

These findings are from the first tranche of analysis of this project. The next stage of the project involves interviewing practitioners, which is ongoing. However, it is clear at this early stage that there is a mismatch between what practitioners need and what is provided. The backdrop of the disbanding of women's supervision teams and the loss of team managers with specialist knowledge in this field, is an additional concern. It is hard to meet the complex needs of women clients if the work environment does not meet practitioners' own personal and professional needs.

Based on the survey results, it would seem there are some fairly simple things that could improve the situation for women practitioners, including:

- Provide gender-specific training on vicarious trauma for all staff supervising women (As survey respondents pointed out, this would only be helpful if it came with workload relief, otherwise practitioners do not have time to attend.)
- Provide access to regular specialist clinical supervision for staff supervising women (Respondents also raised concerns about having the time to attend clinical supervision. Some respondents noted that generic employee assistance programme counsellors did not have the required level of specialist knowledge to discuss trauma.)
- Amend the Workload Management
  Tool weightings, so that women cases
  are allocated more time based on
  complexity rather than simply risk
  level. Establishing a relationship of trust in
  which meaningful change can be effected
  is time-consuming and complex, yet women
  do not usually fall into the High risk of
  serious harm (ROSH) category, meaning
  that allocated time to work on their case
  is limited and appointments are often
  fortnightly or less.

#### Conclusion

These survey findings indicate that - despite the efforts of staff risking ill-health to support their vulnerable clients appropriately - probation is not consistently trauma-informed in its work with women. We continue to await the paradigm shift.

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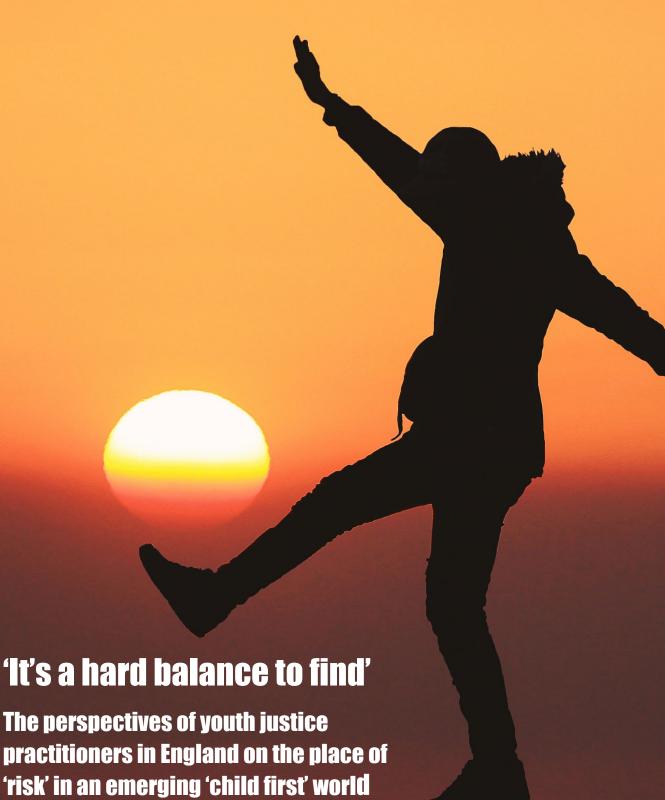
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#### **Setting the Scene**

The Youth Justice Board recently published their Strategic Plan which identified child first as their central guiding principle (YJB, 2021: 10). This represents a significant policy shift for the YJB away from the risk factor prevention paradigm (RFPP) (Bateman, 2020; Case and Haines, 2016; Wigzell, 2021). However, despite this shift, there remains within national legislation the principle aim of youth offending teams to 'prevent' offending (s37 (1) The Crime and Disorder Act 1998). Risk assessment and management have become how the statutory responsibility to prevent offending has been executed. As a result of this and other key pieces of legislation, a 'risk culture' (Case and Haines, 2016; Hampson, 2018) has dominated both youth justice and wider criminal justice practice for the past quarter of a century.

In a recently <u>published article</u> in *Youth Justice* - based on 14 interviews with youth justice staff - I have argued that the policy shift away from risk is being met with several challenges on the ground. Previous research has argued that despite attempts by the YJB to move towards desistance and child first approaches, the risk culture continues to dominate front-line practice (Hampson, 2018).



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My own research offers further insight into how this cultural shift manifests on the ground, and emphasises the importance of listening to front-line staff about the direction of youth justice policy and practice. Ideological shifts in policy often seek to trigger equally sudden shifts in practice. Such shifts, however, can often lead to a number of challenges for practitioners and it is these which I explore in this article.

#### Key terms within youth justice

**Child First Justice** - See children as children; develop pro-social identity for positive child outcomes through strengths based, future oriented work; collaboration with children via active participation; and maximum use of diversion (Case and Browning, 2021).

**The risk factor prevention paradigm** - seeks to identify causes within the context of risk factors, and focuses firmly on preventing and controlling the crime 'problem' through risk assessment, management and interventions. Heavily criticised in recent years for its flawed methodology (Case and Haines, 2009), labelling effect (Bateman, 2020), and the adulterisation and responsibilisation of children (Haines and Case, 2015).

**Desistance** - the process of stopping offending (primary desistance), and then maintaining the cessation of offending by achieving a shift in identity from pro-offender to pro-social (Maruna and Farrall, 2004).

## On the Ground - Resistance, Contradiction and Confusion

#### Resistance and a culture of fear

Evidence emerged that staff feel that risk should continue to form a central part of their work with children. Practitioners discussed striking a balance between risk and welfare-based approaches such as child first:

'The risk stuff, I'm not with the school of thought that says risk has no place in a child-centred system, because I think it does.' (YOT Team Manager 1).

There was a perception amongst staff that, should a serious incident occur, the risk assessment and management systems provided some protection and clarity about why decisions were made. Although this may be true to a degree, risk-based approaches can also be used as evidence of 'poor' decision-making and thus serve to responsibilise practitioners. It is apparent

that the 'risk culture' within youth justice practice goes beyond interactions with children, and has created a 'risk averse culture' and workforce that is fearful of 'getting it wrong' and being subject to scrutiny:

'There are so many specialist risk assessments, that the fear is that you haven't got time to do them all, so you leave yourself exposed' (YOT Officer 3).

There was also concern about how children deemed to be 'dangerous' would be safely managed in the community if risk management controls were removed:

"...the reality is in the here and now they are dangerous, they do present a significant risk of harm to other people. The important bit for me is actually...what you put around them to contain and support...that keep them safe as much as other people safe' (YOT Team Manager 3).

Evidence of a resistance and reticence to completely abandoning RFPP emerged strongly from the data. There appear to be several reasons for this including: a fear of 'getting it wrong' and that the RFPP provides some protection; an uneasiness about how to manage children who are deemed to be 'dangerous'; or a perception that an inherent part of working in the youth justice system involves the assessment and management of risk. It is possible that emerging practice on the ground supports Goodman et al's (2017) thesis that the development of criminal justice practice should be understood as a complex blend of many competing approaches, rather than a 'pendulum swing' between risk and child first.

#### Contradiction and bifurcated practice

Apparent contradictory messages from Her Majesty's Inspectorate of Probation (HMI Probation) and the YJB about whether youth justice practice should focus on risk or child first approaches was causing some challenges on the ground. An inspection of a youth justice team that had adopted a child first model had been subject to criticism of its risk assessment and management processes, leading to a negative outcome. This had a huge impact on practice in that youth justice team, and in neighbouring areas:

'But just off the back of the inspection, we've gone back down, we've totally changed our risk management processes. They're much more labour intensive for case workers now and that's only off the back of the inspection. So, for me, I see we've gone down the wrong route because we've taken workers away from being with young people.' (YOT Senior Practitioner)

The contradictory messages from HMI Probation and the YJB appeared to be increasing workloads, with staff trying to meet the competing demands of two differing approaches. This resulted in increased levels of bureaucracy, less time spent with the children, a return to deficit-focused offending behaviour work, and bifurcated practice. For example, a number of YOTs sought to amend their practice to focus on risk, and meet the demands of the Inspectorate, whilst also seeking to work with a child in a way that is child first. In response, some YOTs had created their own 'child friendly' plan:

'I just think it's a bit more user friendly. It's a bit more young person friendly. And I think it focuses on the critical elements that you need to focus on....And I think that the intervention plan AssetPlus doesn't really do that' (YOT Worker 4).

It was apparent in interviews that the implementation of a child first/desistance-based initiative had created a tension for both front line staff and managers: they have a tool, AssetPlus, which, although seeking to introduce elements of desistance, still requires them to assess risk and consider historical, deficit-based factors.

'Who wants to talk about something bad that you've done repeatedly? It's thinking about how do we move away from backward facing and negative formulated plans and work that we're going to do with young people to be more future orientated and positive' (YOT Team Manager 1).

#### Confusion

Confusion about how to work according to child first and desistance-based principles with children was also evident. Interestingly, staff wanted more guidance, training, and a toolkit that they could use with children:

'Obviously, I've got the slides, but it would've just been nice to have had a bit of guidance or some work that we could use with our young people' (Youth Offending Team Worker 3).

However, evidence-based practice, intervention guidance and toolkits tend to be quite prescriptive and are considered part of the risk paradigm. Again, this suggests that staff have a degree of reticence about 'how' and 'what' to do with children without a prescriptive guide, suggesting that even where staff are trying to move away from risk and embrace child first approaches, they are still dependent on risk-based methods to mobilise this.

Finally, confusion emerged about how to strike the 'hard balance' between risk assessment and management, and child first/ desistance-based approaches:

'So, it's about relationship building really, isn't it? And it's about having the time and the space to do that and potentially the paperwork and the policies and procedures around managing risk can undermine that...But there's a balance, isn't there? You know, it's a tricky one. It's a hard balance to find' (YOT Worker 2).

A final comment outlined how a YOT Practitioner felt a child's 'risk' could be managed by completely embracing a child first approach, and abandoning the risk paradigm:

'Probably one of our biggest challenges, is risk and how we manage risk. At the moment we've got a young person who carries a knife. We say we put him on the Knife Crime Programme, yes, calling it 'lives matter', and then we complete a safety plan. And that is how we say we're managing his risk....

So, if we can get him involved in something within his community, whether it be education, some positive activity, if he gets involved in that and that's how he sees himself and if that where he sees his future going, I would say, he would stop carrying a knife, so you've managed his risk...But you know what, if I'm going to play football with my mates, I don't need to carry a knife. If I'm going to walk the street and I'm 15, 16, and I'm doing certain illegal activities, then actually, I'll carry a knife to protect myself. And you can write as many safety plans as you want, but that piece of paper isn't going to stop me from getting stabbed' (YOT Senior Practitioner).

#### **Concluding thoughts**

This paper has highlighted the importance of engaging in a meaningful dialogue with youth justice practitioners about the impact changes in central policy narratives are having at the 'coal face' (Case and Hampson, 2019: 33). Several challenges are evident on the ground to implementing the YJB's vision to become a 'child first youth justice system' (YJB, 2021: 9). The confusion and concern caused by the competing narratives of the YJB and HMI Probation must be urgently addressed and resolved centrally by engaging in a dialogue with practitioners locally. The mobilisation of child first is completely dependent on how youth justice practitioners interpret and understand this approach. However, until academics, policy makers and senior management structures meaningfully engage with practitioners about the challenges on the ground, there is a danger that the risk culture cloud will loom heavily over the emerging child first world.

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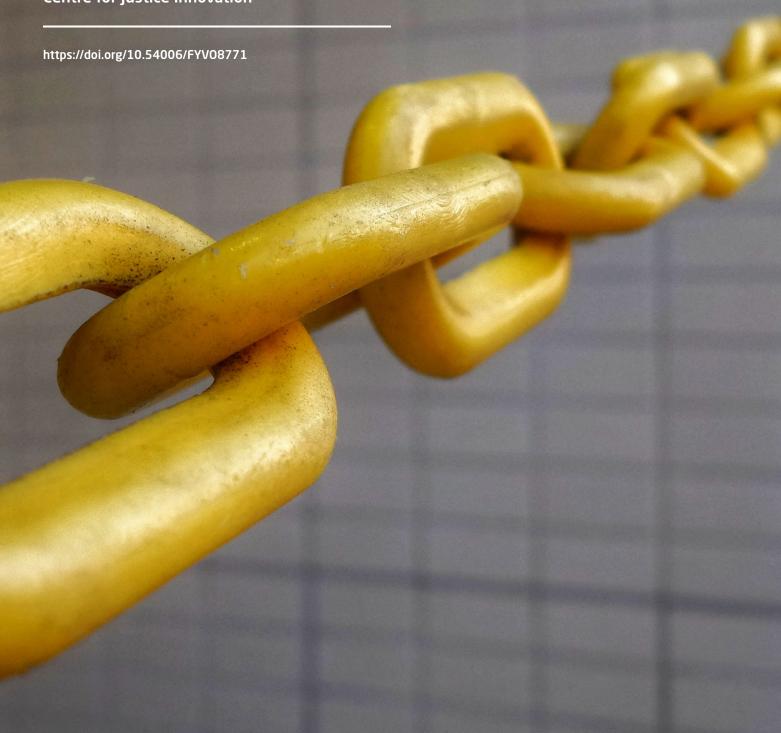
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# Language barriers in the criminal justice system

Suzanne Smith, Innovative Practice Officer Centre for Justice Innovation



Every person who comes into contact with the criminal justice system has the right to fair and equal justice, yet people who have English as a second or additional language face a range of further challenges throughout their contact with the system. To date, there has been a lack of data and research on this issue, and limited practical resources for practitioners who want to better address the needs of people with English as a second or additional language (ESL). A new series of research reports and practical guidance, Language barriers in the criminal justice system, from the Institute for Crime & Justice Policy Research, Victim Support, and the Centre for Justice Innovation, funded by The Bell Foundation, aims to address this gap.

The series was produced following a wide-ranging research project exploring the impact of language barriers on individuals' experiences of the criminal justice system, whether as victims, witnesses, suspects, defendants, or people with convictions. The series aims to strengthen the evidence base around the impact of language barriers as well as provide practical tools to allow practitioners to improve their practice in working with individuals who speak English as a second or additional language. This article summarises some of the main research findings from the project and sets out some of the practical advice for practitioners wanting to work as effectively as possible with these people.

#### **Background**

Individuals have varying rights and entitlements in relation to language support when they come into contact with criminal justice agencies, which should align with legal principles, statutory codes and agreed good practice for enabling



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the delivery of justice, meaning that language support should be provided when needed to enable individuals to report crimes, to access independent legal advice, to understand charges against them, and to participate and understand court proceedings. Defendants are entitled to this support to ensure they are granted their right to a fair trial, but language support is also essential to the process of delivering justice, by ensuring that victims and witnesses are able to provide their 'best evidence'.

There is a lack of data available on the prevalence of language support needs, as well as the range of different languages that are spoken by individuals in contact with the criminal justice system. This is not available as it is not routinely collected by practitioners either in questions about demographics or regarding equality and diversity. Neither the Home Office nor the Crown Prosecution Service hold any central record of numbers of interpretation and translation service requests, with the CPS also lacking any data on the first language spoken by those attending the criminal courts in England and Wales. Of the agencies that did record interpretation and translation requests, almost 168,000 requests were made for language support services in the year to March 2020, with the vast majority of these (89%) coming from HM Courts and Tribunals Service with HM Prison and Probation Service accounting for 4% of requests. The actual numbers of those in contact with the justice system with language support needs is likely to be far greater given the number of agencies that fail to record this information, as well as the exclusion of individuals who were not offered language support, and those who were offered it but chose not to use it. Without access to suitable language support, individuals who speak English as a second or additional language face a number of barriers to engagement.

#### **Key research findings**

The Centre for Justice Innovation, along with our project partners, the Institute for Crime and Justice Policy Research (ICPR) and Victim Support, sought to explore the impact of language barriers on individuals' experiences of the criminal justice system, whether as victims, witnesses, suspects, defendants, or people with convictions. The Language barriers in the criminal justice system series aimed to strengthen the evidence base around the impact of language barriers as well as to provide practical tools to allow practitioners to improve their practice in working with individuals

who speak ESL. Overall, the research found that speaking English as a second or additional language has a wide-range of implications for how an individual interacts with the criminal justice system and its agencies.

One of the key findings identified in interviews with practitioners from across the criminal justice system was that practitioners, in both the statutory and voluntary sectors, were lacking guidance for working effectively with individuals who speak ESL, and specifically, good practice when working with a service user through an interpreter. Everyone supervised by the Probation Service has the right to an interpreter should they need one, however probation practitioners highlighted a lack of defined methods for assessing English proficiency, with the decision of whether to use an interpreter often left to the discretion of the practitioner. They noted a number of other challenges with current practice including a lack of training or guidance about working with interpreters, and misunderstandings about the role of interpreters. Many of these challenges were noted by interpreters as well, with broad agreement that there could be a better understanding of the role of the interpreter and how best to accommodate the interpreter in criminal justice system processes.

#### Practical guidance for practitioners

At the Centre for Justice Innovation, we work directly with practitioners to understand the challenges they face, and support them to develop and implement new and improved ways of working. We sought to create a guidance document that would help practitioners to work effectively with service users who require the use of an interpreter to aid communication. The guidance was developed in consultation with both probation practitioners and interpreters, and aims to provide guidance to probation officers for working with interpreters, both in court and community settings.

Our guidance includes a range of advice on identifying needs and what to do if you can't secure an interpreter. We suggest including questions about service users' preferred verbal and written languages in initial conversations. Where staff are unsure, they should check with a service user if they require an interpreter. Whilst some may present as proficient speakers of English, they may find it difficult to understand the complex language and legal jargon that is often used in the criminal justice system and in documents such as court orders and licence conditions. Where there is a language barrier, we advise that all efforts are made to ensure an interpreter is available for most if not all communication with the service. However, we recognise that this is not always possible as not as contact is pre-planned. Therefore, we provide some tips for effective communication when an interpreter is not present, which include using plain English, avoiding slang or complex sentences and using short answer, yes/no or closed questions to regularly check understanding, using pictorial resources such as a picture timetable, and following up any verbal communication with a letter, text or email.

Another area covered by our guidance is effective communication between the probation practitioner, service user and interpreter. The guidance provides pointers to aid effective communication between the probation practitioner, the service user and the interpreter before, during and at the end of a meeting. Before the meeting we recommend, where possible, preparing the interpreter for discussions about sensitive and distressing topics by providing brief details about the type of offence or behaviour to be discussed, and to ask the interpreter for clarification if you are unsure about their role. Providing the service user with some information about how the session will run and what to

expect of the interpreter at the beginning of the meeting can help the session to run smoothly. We have developed a help-sheet as part of this guidance to support this, which can be translated and given to the service user or read by the interpreter at the start of the meeting. During sessions it's important to use clear and concise language, taking time to explain any legal jargon or complex terminology. Finally, asking the interpreter and service user for feedback at the end of a session can help to develop relationships and improve the effectiveness of subsequent appointments. Include these reflections in case notes to help probation practitioners who may provide supervision in the future.

These tips are just a few examples of what is featured in the guidance, which is intended to be a first step in supporting effective communication between probation practitioners, interpreters and service users. The guidance in full can be accessed here: <a href="https://justiceinnovation.org/">https://justiceinnovation.org/</a> publications/good-practice-guidance-probationservice-staff-and-interpreters. This guidance is part of the series Language barriers in the criminal justice system from the Institute for Crime & Justice Policy Research, Victim Support, and the Centre for Justice Innovation, funded by The Bell Foundation. For more information and to view the whole series, please go to <a href="https://">https://</a> www.bell-foundation.org.uk/criminal-justiceprogramme/language-change-programme/

If you would like to discuss the guidance in more detail, or if you have suggestions for how we can further improve practice for working with individuals who speak English as a second or additional language, please get in touch with us.

You can contact Suzanne at <a href="mailto:ssmith@justiceinnovation.org">ssmith@justiceinnovation.org</a>

### What next for Probation? Findings from a Lived Experience **Inquiry into Probation<sup>1</sup>**

Dr. Philip Mullen, Research Manager, Revolving Doors



Just a few months ago we published our <u>Lived</u> Experience Inquiry into Probation. The aim of the inquiry, carried out over the last 18 months, was to understand how the re-unified Probation Service could be supported to consistently realise its potential for transforming lives and supporting people to exit the cycle of crisis and crime. The spark for the inquiry came from concerns raised by our lived experience membership, a diverse group of people with recent repeated contact with the criminal justice system for low-level offences driven by multiple disadvantage (i.e., a combination of poverty, mental ill-health, problematic substance use, domestic violence, and housing insecurity/homelessness). Their concern was around inconsistencies in probation practice, as one put it:

"Just as you would expect a Big Mac from London to look and taste similarly to a Big Mac from Newcastle, we should expect similar across probation regions and between probation practitioners within the same region, but this isn't always happening."

Our lived experience membership recognised the vital role the Probation Service could play in addressing the root causes that drive the cycle of crisis and crime and wanted to utilise their diverse lived experience insights to support the service to consistently realise this potential. So, we established a Probation Lived Experience Team (LET) who, alongside our lived experience membership, played a key role in shaping the inquiry: its focus, the questions asked, our methodology, and recommendations.



**Dr. Philip Mullen** Research Manager Revolving Doors

In total, the inquiry drew on evidence from 141 people with current or recent lived experience of probation supervision and 35 serving probation practitioners. We also drew on evidence from joint peer research we conducted alongside Dr. Sirdifield and Dr. Nichols (University of Lincoln) to take stock of the lessons learned from delivering probation during the pandemic, particularly around remote supervision.

Four key areas of probation practice were examined by the inquiry:

- 1. The culture of Probation
- 2. Probation's role at court
- 3. Probation's role in assisting with prison release
- 4. Probation's role in supporting community re-settlement

The <u>full report</u> includes supporting quotes that come directly from people with lived experience of probation supervision and probation practitioners that we recommend you look at as they provide these findings and recommendations with more context. Key findings and recommendations from each of these areas is summarised below.

We also recognise the challenges probation practitioners face in providing the service they would like to, particularly because of caseload pressures, and encourage you to <u>contact us</u> to jointly work towards a better Probation Service.

#### **Culture of Probation**

#### Key findings:

- Fear and distrust is common talking about any setbacks or challenges would lead to an immediate recall to prison, rather than an offer of support.
- Strong feeling that a deficit approach to supervision is often taken - rather than strengths and aspirations based approach.
- A perception that probation practitioners could not offer much help with practical issues (e.g., housing), so this help often isn't requested.

#### Recommendations:

- Sentence plans should be co-produced by supervised individuals and probation practitioners through a jointly owned process, with increased focus on practical support needs and strength-based practice.
- 2. The system through which enforcement decisions are taken should be changed and should ideally be reviewed by a panel.
- 3. Probation offices, procedures and training

- should be reviewed and re-designed through a trauma-informed lens.
- 4. Introduce a neutral broker, ideally someone with lived experience, to assess when relationships have broken down, the reasons why and how these relationships could be repaired.
- 5. Reducing the frequency with which supervised individuals change probation practitioners must be viewed as a critical priority. Where a change is unavoidable, a 3-way handover process should take place.
- 6. The Probation Service must place a higher strategic priority on diversion, starting by utilising resources (such as the Regional Outcomes and Innovation Fund) to invest in the diversion of vulnerable people who are at risk of (re)offending, and particularly young people who are at an acute risk.

#### Probation's role at court

#### Key findings:

- Pre-sentence reports (PSRs) are critical to ensuring sentencers are acting on the fullest information possible around vulnerabilities, mitigating circumstances and reasons for committing alleged offences.
- Both the quality and quantity of PSRs are lacking, contributing to the persistent use of short prison sentences for vulnerable who would have benefited from Community Sentence Treatment Requirements (CSTRs) to more effectively tackle the root causes behind their offending.

#### Recommendations:

- 7. More resource must be structured into probation services at court to support a far higher proportion of defendants to receive a PSR and HMPPS should advocate alongside Her Majesty's Courts and Tribunal Service (HMCTS) for more time to made available in court schedules for fuller PSRs to be completed.
- Building on the existing peer support provided within probation services, peer support should be extended into courts to increase the engagement of more vulnerable or at-risk defendants with PSRs.
- 9. Design a 'diversion-first' approach for people who have committed non-violent and/or low-level offences which considers all diversion options for these identified vulnerable people and proposes appropriate diversion options to the court.
- 10. HMPPS should work with people with lived experience to support the training of magistrates, particularly around supporting their understanding of the root causes of crime and the impacts of different sentences.

#### Probation's role in prison release

#### Key findings:

- Contact with Probation pre-release described as inadequate, coming too late, and without enough focus on practical issues, including housing.
- First day of release is very challenging, particularly around managing multiple essential competing priorities.
- Not understood why form-signing could not be completed whilst in prison.

#### Recommendations:

- 11. Prison in-reach probation staff should commence joint resettlement planning as soon as is practically possible. For those serving short prison sentences of less than a year, this planning should start immediately upon reception.
- 12. Input from people with lived experience should be sought into the development of the short-sentence prisoner teams and the training provided to staff working in these teams. The potential role supervised individuals could play in supporting delivery through providing peer support and facilitating better and more trusting relationships should also be carefully considered.
- 13. A new assessment and sentence planning approach in prison should be developed that allows for greater joint planning on an iterative basis throughout the person's time in prison custody. The process for developing such an approach should include user-design and testing to assess how much time and resources needs to be allocated to support regular contact (we recommend at least monthly initially, moving to weekly contact in the three months prior to release).
- 14. A mix of communication methods, including remote (phone and written letters) and face-to-face contact should be utilised to help build more trusting relationships between people in prison custody and probation practitioners.

- 15. All necessary paperwork should be completed prior to release, this should include any necessary induction requirements to minimise the amount of bureaucracy that needs to be undertaken in the days immediately post-release.
- 16. The requirements for the date and time of the first formal appointment with probation should be flexible, although still within the first 48-72 hours. This appointment should also be more focussed on supporting the supervised individual to access services and support in the community, as ensuring access to these services is key to reducing the risks of reoffending.

## Probation's role in community re-settlement

#### Key findings:

- Short appointments (described as a hi and bye' system) lead to a lack of engagement, alongside a lack of support with practical and pressing issues (e.g., housing).
- Significant potential for lived experience roles to build the confidence of people under supervision in the Probation Service, particularly around their sense that the service had a full understanding of their needs.

#### Recommendations:

- 17. The initial assessment process should be re-designed, with more time allocated to probation staff to complete it. Assessments should focus more evenly on needs, strengths and aspirations as they do on risks, and should be updated regularly when additional information is provided or when circumstances changed.
- 18. Support plans developed from assessments must prioritise meeting short-term basic human needs, such as housing, healthcare and income, within the first weeks and months of any sentence.
- 19. A dynamic way of assessing the contact options available to supervised individuals should be developed, and as much choice and flexibility as is practically possible should be provided in the method and location of meetings and interventions.
- 20. The layout of probation offices must be reviewed through a trauma-lens and ideally with the close input of people with lived experience of probation supervision.
- 21. HMPPS should build on pre-existing and successful local peer support service models to develop a peer support service that is more thoroughly embedded within the operating model for the Probation Service.

#### **Image Attribution**

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