



# **Probation in Europe**

# **England and Wales**

**Sue Hall**  
**Rob Canton**



The European Organisation  
for Probation

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## England and Wales

### **Sue Hall**

Chief Executive  
West Yorkshire Probation Trust  
sue.hall@west-yorkshire.  
probation.gsi.gov.uk

### **Rob Canton**

Professor in Community and  
Criminal Justice  
De Montfort University  
RCanton@dmu.ac.uk

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Edited by:

**Anton van Kalmthout**  
**Ioan Durnescu**

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# 1. Introduction

## 1.1 Probation organisations

The Probation Service in England and Wales works with adult offenders aged 18 years and over. Services are provided by 35 Probation Trusts, public sector bodies which are funded through contracts with National Offender Management Service (NOMS). Their primary aims are to reduce reoffending and to protect the public.

The overall responsibility to ensure the provision of probation services rests with the Secretary of State (Minister of Justice). NOMS was established in 2004 to integrate the strategic management of probation services and the prison service at a national level. A key aim of this merger was to support 'end to end' offender management, ensuring that services provided in custody were properly joined up with services in the community.

NOMS provides a national framework for commissioning services and agreeing contracts with Trusts. Although Trusts are accountable to NOMS for their work, they are local bodies which work closely with partners in their local communities.

The picture is complex and rapidly changing, both at a national level and locally.

A series of reviews of probation have taken place which culminated in government proposals<sup>1</sup> to put a significant amount of probation work out to competition in 2014. Future developments are described in more detail in section 10.

## 1.2 Probation activities in a nutshell

The principal tasks of the probation service in England and Wales are:

- Writing reports for the Court to assist magistrates and judges to decide upon sentence
- Giving effect to the order of the Court by supervising offenders who have been made subject to a community order
- Working with serving prisoners
- Supervising adult prisoners subject to licence after they have left prison

The service supervises a range of sanctions designed to punish, rehabilitate, manage and resettle offenders into the community. A distinction is made between offender management and interventions.

- The offender manager is responsible for assessment, drawing up the sentence plan, motivating the offender to engage with interventions and evaluating progress. It is also the responsibility of the offender manager to manage the risk of harm which offenders pose and to ensure that the mandatory requirements of supervision are carried out and to take enforcement action as necessary.
- Rehabilitative interventions are provided by a range of organisations, including the probation service, other statutory agencies, voluntary organisations and the private or commercial sector.

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<sup>1</sup> Ministry of Justice (2013), Transforming Rehabilitation, A Strategy for Reform, CP(R)16/2013, HMSO. Available online at <https://consult.justice.gov.uk/digital-communications/transforming-rehabilitation>

A major change in the role of the probation service over the past fifteen years has been the increasing priority given to public protection and the management of dangerous offenders. Each area has a system (Multi-Agency Public Protection Arrangements, or MAPPA) to ensure that criminal justice and other agencies co-operate, share information and agree strategies to reduce the likelihood of offenders committing serious offences.

While these arrangements have been established to respond to the risks posed by those most likely to cause serious harm, approaches to risk and public protection influence all probation work. Public protection has become an overriding priority for probation, as for other criminal justice agencies in England and Wales, and the level of assessed risk of harm more than any other consideration determines the nature and level of subsequent intervention.

Alongside public protection, the service is assessed against its ability to reduce reoffending, with quarterly reoffending figures produced by the Ministry of Justice. The original purpose of probation to 'advise, assist and befriend' offenders has given way to a commitment to enforcement, rehabilitation and public protection. Working with offenders after their release from prison is a good example of this shift in tone and emphasis. This used to be known as 'after-care', was mostly voluntary and the priority was to support people in readjusting to life in the community. The preferred term now is 'resettlement', supervision is statutory (with the possibility of recall to prison) and control is emphasized.

At the same time, probation continues to work with people in difficult circumstances and with varying motivation. Staff therefore continue to need the inter-personal skills that they used in the past.

## **2. Historical Development of the Probation System**

### **2.1 History from the origins to 2008**

The most important original legislative basis for the probation system in England and Wales was the Probation of Offenders Act 1907 which consolidated practice that had been developing in courts in the previous 30 years. Following concerns about the number of offences linked to drunkenness, the Church of England Temperance Society received a small sum of money from Frederic Rainer to start a fund to appoint police court missionaries who would give courts an option of placing offenders under supervision, rather than punishing them. They would be offered support and advice and given both help and encouragement to find employment. The first missionary was appointed in 1876 and by 1906 there were 124 missionaries, including 19 women.

The 1907 Probation of Offenders Act turned voluntary pioneering into a statutory responsibility. It enabled courts to release offenders on probation, introduced the probation order and encouraged courts to appoint probation officers who had the stated duty to "advise, assist and befriend" those under their supervision. Within one year of the Act there were 763 probation officers and 570 probation orders had been made.

The first probation officers were part-time, but following a further Act in 1925 full-time officers were appointed throughout England and Wales. Formal training was

developed and by 1957 there were approximately 30,000 people under probation supervision, with a statutory probation committee in existence in each area and a local service led by a Principal Probation Officer.

The Prevention of Crime Act 1908 had established the borstal system, a semi-indeterminate custodial sentence for young offenders followed by supervision in the community: probation officers eventually became responsible for delivering this supervision. Other offenders released from prison were offered assistance on a voluntary basis. In 1967 the Criminal Justice Act established the Parole Board to advise the Home Secretary on the release of offenders on licence under the supervision of the probation service. These developments reflect the importance for the probation service of work with offenders sent to prison. Indeed for many years the probation service was formally known as the 'Probation and After-Care Service'.

Probation staff worked with young offenders extensively until the Crime and Disorder Act 1998. This created a national Youth Justice Board to oversee strategy and established local Youth Offending Teams (YOTs) to work in an inter-disciplinary way with young offenders. Although probation staff are seconded to these teams, this change meant that the probation service became more focused on adult offenders aged 18 years and over.

Until 2001 the probation service also provided specialist help in family courts dealing with issues relating to custody, residence and contact with children whose parents were estranged and in dispute. This work had gradually become specialised within the probation service and in 2001 a new separate and independent agency, CAFCASS (The Children and Family Court Advisory and Support Service), was created to take on these responsibilities.

During the 20th century the probation service became the lead agency in working with offenders in the community. It worked closely with a wide range of voluntary organisations and by the 1990s probation areas were required to spend 7% of their budgets on work with voluntary organisations. Most probation areas achieved this target and a range of schemes was developed to help offenders with accommodation, employment, substance misuse and education.

From the 1980s, central government took an increasingly directive role in the work of the probation which hitherto had been a locally based service. In 1984 the Statement of National Objectives and Priorities required services to respond with their Statements of Local Objectives and Priorities which the local probation services were required to implement. The first comprehensive set of National Standards for the Supervision of Offenders in the Community was issued in 1992 following the Criminal Justice Act 1991. These standards set out what is required of areas and practitioners so that courts, the public and indeed offenders themselves know what to expect of probation. The Criminal Justice and Court Services Act 2000 provided a legal basis for these standards and Her Majesty's Inspectorate of Probation (HMIP) used the standards to help assess performance.

In 1998, the (then new) Labour government seemed to emphasise community responses to crime and to see probation's primary contribution in those terms. But since 2001 – and especially since the creation of the National Offender Management Service (NOMS) in 2004 – the relationship with the prison service has become more

prominent highlighting the need for close working relationships and organisational links between prison and probation. At a local level, however, probation trusts are energetically involved in partnership work with a range of agencies for the benefit of the local communities they serve.

## **2.2 Recent history from 2008 to 2012**

Between 1993-2008 the number of offenders supervised by the probation service increased by 87% from 126,000 at the end of 1993 to 243,000 in 2008. However since this peak in 2008, the number of offenders under probation supervision has fallen by 7% to 227,300 at the end of September 2012.

There have also been changes in the caseload mix with a fall in the number of offenders on community orders, while the number on post-custody licence has continued to rise. The caseload in September 2012 comprised:

Court orders in the community	116,900
Prisoners – pre-release supervision	70,500
Prisoners – post-release licence	41,600

Although there has been an overall reduction in levels of crime in the UK and less cases going through the courts, more punitive sentencing has led to offenders spending longer in prison. Between 1999 and 2011 the average time served in prison increased for those released from determinate sentences from 8.1 to 9.5 months<sup>2</sup>. This together with an increase in the recall population led to the prison population in England and Wales reaching 86,000 in June 2012 (a rate of 150 prisoners for every 100,00 population in England and Wales)<sup>3</sup>.

The past few years have seen further radical organisational changes for probation in England and Wales. In 2003 the Carter report 'Managing Offenders, Reducing Crime'<sup>4</sup> recommended the development of end to end offender management within a framework of commissioning and contestability. The National Offender Management Service (NOMS) was created in 2004 to implement this model. The government believed that public sector prisons had delivered better value for money and more effective services since they had been exposed to competition in 1991. They argued that the probation service would benefit from similar treatment.

The Offender Management Act 2007 enacted many of Carter's proposals. Up to this point the responsibility for providing probation services to courts and offenders had rested with probation boards in local areas. The 2007 Act replaced the 42 areas of the National Probation Service for England and Wales with 35 probation trusts from April 2010.

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2 2013 Ministry of Justice Story of the Prison Population – available online at <https://www.gov.uk/government/publications/story-of-the-prison-population-1993-2012>

3 National Offender Management Service (2013) National Offender Management Service Business Plan 2013 – 2014, p.5- available online at <http://www.justice.gov.uk/downloads/publications/corporate-reports/noms/2012/noms-business-plan-2013-2014.pdf>

4 Carter, P (2003) Managing Offenders, Reducing Crime, Strategy Unit – available online at <http://www.crimlinks.com/Links/Probation.html>

Working as before within a framework of law and statutory instruments and subject to inspection by HM Inspectorate of Probation and audit (both internal and external), the new trusts were to have more scope to develop policy at a local level, but would also face competition from voluntary and private sector organisations in providing services for offenders.

The election of a coalition government in 2010 has accelerated change. The first competition has been run - to provide unpaid work in London. In June 2012 the contract for unpaid work was awarded to a private sector company (Serco) in partnership with London Probation Trust.

A comprehensive programme for competing probation services ('Transforming Rehabilitation') is planned for 2013/14 which will see the abolition of trusts after only 4 years. The proposal is to separate responsibility for probation services between a smaller public sector National Probation Service focusing on high risk offenders and 21 community rehabilitation companies (CRCs) responsible for the supervision of medium and low risk offenders. It is intended that contracts to run the CRCs will be let following a competition in 2014 (see section 10).

Generally, policy now is that outcomes and results are to be emphasised and monitored, rather than process inputs and outputs. Payment by results – the idea that service providers should be paid on the basis of the outcomes of their work (mostly reduced rates of reconviction) - is a key plank of government thinking with devices like social impact bonds being used to try to attract private investment into service provision.

There has been a drive to reduce bureaucracy and excessive data collection. Highly prescriptive National Standards for the Supervision of Offenders in the Community were rescinded in 2010. The emphasis is now on the use of professional judgment by practitioners.

### **3. Legislative Basis of the Probation System**

#### **3.1 Legislative Basis**

As required by the European Probation Rules (Rule 8), probation law and practice have always been grounded in law (statute, secondary legislation and rules). As described in section 2.1, the founding legislation was the Probation of Offenders Act 1907. Many subsequent Acts of Parliament have led to changes in probation practice, responsibilities and organisation, as well as changes to the sentencing powers of the courts that probation services are required to put into effect. Sometimes primary legislation has been supplemented with an authority for the Minister of Justice (previously the Home Secretary until 2007) to make rules to specify these duties in more detail.

The Criminal Justice and Court Services Act 2000 created a unified National Probation Service for England and Wales with 42 probation areas with boundaries coterminous with the Police. The service was led by a Director of Probation.

In May 2007 the government created a new Ministry of Justice that took over

responsibility for prisons and probation from the Home Office. This follows the practice in other European countries. Probation tasks are now the formal responsibility of NOMS with the Minister directly accountable to parliament.

As previously described (section 2.2), the Offender Management Act made further radical changes and since April 2010 the service has been organised at a local level into 35 trusts.

There is little clear evidence of European influences on probation policy or practice in England and Wales. It remains important that UK should look towards European standards to ensure that its practices are consistent with the expectations of the international community. Meanwhile, however, it is probably fair to say that the European Probation Rules have had little or no direct impact upon practice in England and Wales. They are neither well known nor widely circulated. On the other hand, since the rules reflect best practice in many countries including England and Wales, their principles and prescriptions are familiar and, in most cases, established in practice or law.

Probation works with adult offenders (18 years and over). Young offenders are the responsibility of Youth Offending Services, multi-agency teams which include staff seconded from probation and other organisations. Whilst young adults (18-20 years) make up only 10% of the general population, they make up one third of probation's caseload, one third of new prison sentences and account for one third of the costs of crime<sup>5</sup>.

There is an increasing recognition that young people may not be well served by the rather artificial dividing line of an age limit. The services needed by young people between 16 and 21 need to take into account levels of maturity to manage the transition from adulthood. The Youth Justice Board and NOMS have agreed a Youth to Adult Transitions Framework to address this.

Courts in England and Wales have traditionally exercised wide discretion in their sentencing powers. While the law prescribes the character and duration of community sentences, it is for the sentencing magistrate (lower court) or judge to determine sentence. Since the Criminal Justice Act 2003, there has been a single community order and courts are able to specify one or more of twelve requirements (described in section 5.2).

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5 Ministry of Justice & Youth Justice Board (2012) Youth to Adult Transition Framework, Youth Justice Board, p 4 – available online <http://www.justice.gov.uk/youth-justice/youth-to-adult-transitions/youth-to-adult-transitions-framework>

### 3.2 Mission and Mission statement

NOMS Statement of Purpose states:

‘The National Offender Management Service is an Executive Agency of the Ministry of Justice. Our job is to commission and provide offender management services in the community and in custody ensuring best value for money from public resources. We work to protect the public and reduce reoffending by delivering the punishment and orders of the courts and supporting rehabilitation by helping offenders to reform their lives’<sup>6</sup>.

The Vision says:

‘We will work collaboratively with providers and partners to achieve a transformed justice system to make communities safer, prevent victims and cut crime’<sup>7</sup>.

NOMS produces an annual business plan which outlines high level strategic priorities. For 2013-14 for probation the priority is to drive down reoffending rates and improve value for money through the Transforming Rehabilitation programme.

The demanding economic situation has led to significant resource cuts for all public services and a sharp focus on how to use public money to best effect. The position going forward is one in which resources will continue to reduce year on year.

The Annual Business Plan is supplemented by a detailed document outlining NOMS Commissioning Intentions<sup>8</sup> and detailing the evidence base behind these. For example it examines nine factors linked to reoffending and desistance and evidence-based ways to address these.

- Drug misuse (particularly linked to acquisitive offending)
- Alcohol misuse (particularly linked to violent offending)
- Impulsivity/low self-control
- Attitudes that support crime
- Social network also engaged in crime
- Family / marital relationships
- Work
- Lack of positive recreation / leisure activities
- Homelessness

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6 National Offender Management Service (2013) National Offender Management Service Annual Report and Accounts 2012-13, HC 265, London: The Stationery Office, p.6 – available online at <http://www.justice.gov.uk/downloads/publications/corporate-reports/noms/2013/noms-annual-report-accounts-2012-13.pdf>

7 Ibid, p.6

8 National Offender Management Service (2012) NOMS Commissioning Intentions for 2013-14, NOMS – available online at <http://www.justice.gov.uk/downloads/about/noms/commissioning-intentions-2013-14.pdf>

These commissioning priorities form the basis of the contracts negotiated with each of the 35 Trusts. Objectives include:

- Use robust quality assurance processes to ensure effective offender management
- Protect the public through accurate assessment of offenders and high quality planning and management of risk of serious harm, ensuring the needs of victims are appropriately addressed
- Deliver evidence-informed, well-targeted, interventions and services to reduce reoffending which focus investment where it will achieve better outcomes

There is a requirement to target effective interventions on specific groups – women offenders, sex offenders, domestic violence offenders, and extremist offenders<sup>9</sup>. NOMS has developed a suite of service specifications which are listed in the NOMS Directory of Services<sup>10</sup>. Trusts and other providers are expected to meet the minimum requirements set out in these service specifications.

Probation trusts have a strong record of meeting targets. A Probation Trust Rating System (PTRS) provides quarterly assessment of the achievement of each trust. The 2012/13 showed that 30 Trusts had received an overall rating of ‘good’, whilst five were assessed as exceptional. None were seen as requiring development or raising serious concerns<sup>11</sup>.

### **3.3 Crime Prevention**

Primary crime prevention is led by community safety partnerships which were set up as statutory bodies under sections 5-7 of the Crime and Disorder Act 1998. Community safety partnerships are made up of representatives from the police, the local council, and the fire, health and probation services (the ‘responsible authorities’). There are 299 community safety partnerships in England and Wales based on local authority areas.

The ‘responsible authorities’ are required to work together to develop and implement strategies to protect their local communities from crime and to help people feel safe. They work out local approaches to dealing with issues including antisocial behaviour, drug or alcohol misuse and re-offending. They also work with others who have a key role, including community groups and registered local landlords.

As a statutory partner, probation trusts contribute to the partnership work. The main contribution is through:

- Integrated Offender Management (IOM) - an integrated framework which brings local agencies together to ensure that offenders whose offences cause most damage and harm locally, are managed in a coordinated way.

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9        *ibid*, p.29

10       <http://www.justice.gov.uk/about/noms/noms-directory-of-services-and-specifications>

11       National Offender Management Service (2013) Probation Trust Annual Performance Ratings 2012-13, NOMS – available online at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/225227/probation-trust-annual-performance-ratings-12-13.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/225227/probation-trust-annual-performance-ratings-12-13.pdf)

- Restorative Justice: Probation works with the police and voluntary organisations to enable opportunities for victim offender mediation.
- Community Payback (also known as unpaid work or community service): projects are identified in the community which contribute to community safety or otherwise benefit the community and allow offenders to make amends. The public are encouraged to make suggestions about potential projects.

In addition probation trusts are involved in a range of other community partnerships designed to prevent or reduce the risk of serious crime occurring:

- Multi-Agency Public Protection Arrangements (MAPPA)
- Safeguarding Children Board – multi-agency arrangements designed to protect children from abuse.
- Safeguarding Adults Board – coordinating arrangements for adults at risk of abuse and neglect.

### **3.4 Victim assistance**

First published in 1990 and updated in 1996, the Victims' Charter sets out the standards of service victims can expect from criminal justice agencies such as the police and the courts, and what they can do in cases where they do not feel they have received the treatment they are entitled to.

The Domestic Violence and Crime Act 2004 instituted a new Code of Practice for victims which was implemented in 2006. This stated that all criminal justice agencies have a shared responsibility for work with victims.

Probation trusts have a statutory duty to contact victims or the families of victims of serious violent or sexual offences where the offender has received a prison sentence of more than 12 months and provide them with information about the offender's prison sentence and arrangements for their release. Specialist victim liaison staff ensure that, where victims are agreeable, the concerns of the victim and their families are taken into account in key decisions during the offender's licence. For example it can be a requirement of an offender's post-custody licence that they must not enter the area where the victim or their family lives or attempt to contact them.

The Probation trust is not responsible for providing counselling or support to victims - this is provided by other specialist services, for example Victim Support, a voluntary organisation.

Use of restorative justice is spreading, with family group conferencing increasingly being used.

### **3.5 Volunteer involvement**

Although historically volunteers were used to provide support to offenders, this went through a period of decline as probation moved away from work with lower risk offenders and became more risk focused and as practice became more skilled and systematic with the introductions of cognitive behavioural interventions and structured offending behaviour programmes

This downward trend is now being reversed. Volunteers are being used to mentor and support offenders, including those who are higher risk. A good example of this is the growth of Circles of Support and Accountability as a way of supporting a sex offender to establish a crime-free life. This involves a group of volunteers from a local community forming a 'circle' around a sex offender, supporting them and providing practical guidance.

In addition there is a growing understanding of the contribution that offenders as 'service users' can make, both as mentors of other service users and in becoming involved in the planning, development and delivery of services to make changes and improvements. Many probation trusts have seen the development of service user councils. Charitable organisations such as User Voice, run by ex-offenders, work to provide advice and support to offenders and link closely with probation trusts and criminal justice agencies to ensure the offender perspective is taken into account in the delivery of services.

## **4. The Organisation of Probation Services**

### **4.1 Main characteristics**

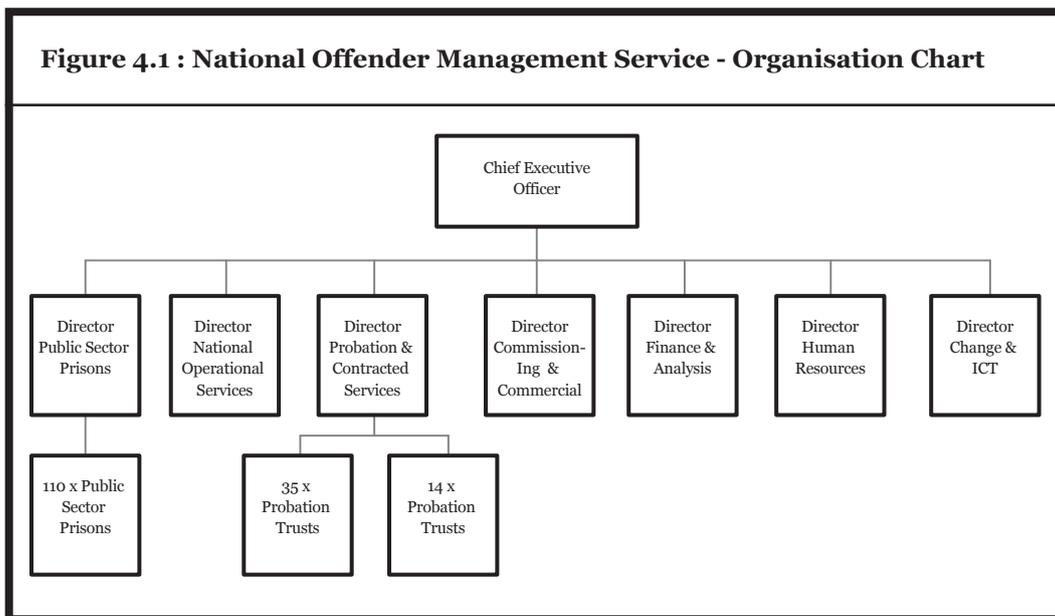
NOMS is an executive agency of the Ministry of Justice, bringing together the headquarters of the Probation Service and HM Prison Service to enable more effective delivery of services. The two bodies remain distinct but have a strong unity of purpose – to protect the public and reduce reoffending. Prison and probation services ensure the sentences of the courts are properly carried out and work with offenders to tackle the causes of their offending behaviour.

NOMS is responsible for commissioning and delivering adult offender management services both in custody and in the community in England and Wales. It manages a mixed economy of providers.

There are currently 133 prisons in England and Wales. NOMS directly manages 110 of these through HM Prison Service. The management of 14 further prisons is contracted to private sector partners.

Probation services are provided by 35 probation trusts across England and Wales. Trusts are geographically coterminous with police forces, although some trusts have merged to cover more than one police force area. Unlike the public sector prison service, which is centrally managed by NOMS, public sector probation trusts operate 'at arm's length' under contract. They are part of the Ministry of Justice and receive funding from NOMS to which they are accountable for their performance and delivery.

**Figure 4.1 : National Offender Management Service - Organisation Chart**



## 4.2 Internal organisation

Probation trusts range in size from the London Probation Trust (contract with NOMS for £119.7m in 2013/14 and managing a caseload of 40,000 offenders) to Warwickshire (contract value of £6.5m and managing a caseload of 1800 offenders). Trusts are required to coordinate services at a local level through local delivery units (LDUs). The size and number of LDUs within each trust will reflect local circumstances. London has 32 LDUs whereas Warwickshire has one.

Trusts can make their own decisions about how they deploy their resources, whether to provide services in-house, or contract out to other organisations.

### 4.2.1 Probation workers

Trusts are headed by a chief executive who is the accounting officer for the trust's use of resources. The CEO is expected to provide leadership to deliver the strategy and policy of the Government and of the Board. S/he is responsible for operations and meeting the targets agreed in the contract with NOMS

The senior management team will include the CEO and senior managers with responsibility for operations and the range of corporate services (finance, human resources, business development, ICT, legal services etc.).

Middle managers are team leaders who work to senior managers. Area managers and team managers are responsible for ensuring services are delivered effectively – both in operations and in corporate services.

Probation officers are staff with a probation officer qualification. They are predominantly employed as offender managers with assessment and risk management a key competency. They work with higher risk of harm offenders and those who pose the highest risk of reoffending. POs will also work in interventions delivering the more complex accredited programmes (e.g. sex offender programme). Probation services officers (PSOs) do not have a probation officer qualification but

are required to achieve a level 3 Vocational Qualification (see 4.2.2 below). They work both as offender managers for medium / low risk of harm cases and in interventions, delivering accredited programmes, supervising groups of offenders working in the community on Community payback projects, on resettlement and employment projects. They also work in courts, prisons and approved premises.

In operations administrative staff mainly work as case administrators. They also work across all corporate services.

Probation staffing was at its peak in 2008 but has been steadily falling since. The number of staff employed (full-time equivalent) at June 2012 is 17,881.

**Table 1. The staff structure**

Total Probation Service Staff in Post at June 2012

Total staff		17,881
Management	Total	2,122
	Senior Managers (Chief Executive, Director, Assistant Chief Executive)	322
	Middle Managers (Area Managers, Team Managers)	1,800
Operational staff	Total	10,551
	Probation officers	5,073
	Probation Services Officers	4,707
	Other (psychologists etc.)	771
Support Staff	Total	5,206

#### **4.2.2 Education, training requirements and opportunities**

For much of the twentieth century, probation officers received the same training as social workers. This changed in the mid-1990s to reflect the government's view that probation practice should not be seen as 'social work'. A new qualification, the Diploma in Probation Studies (DipPS), was introduced in 1998, combining a university honours degree with a vocational qualification with competence to be acquired and demonstrated in practice. Criminology – perhaps especially the study of offending behaviour - and criminal justice were at the centre of the curriculum. The training was administered through regional training consortia of the probation service in partnership with universities, usually with a strong emphasis on 'distance learning'. The employers were involved in selecting the trainee probation officers who were paid a salary whilst training. A conspicuous strength of the DipPS was the integration of theoretical knowledge (mainly achieved through university studies) and the skills of practice. Time was apportioned equally between study and practice that was supervised and assessed by a specially trained and experienced practitioner.

More recently, the government has undertaken a further review of probation officer training. It was recognised that whilst probation officers were receiving an effective training opportunity, this was not the case for other probation personnel – in particular Probation service officer (PSO) grades. A new training framework was accordingly introduced in 2010 - the Probation Qualifying Framework (PQF).

A qualified probation officer still requires an honours degree, but this can be gained incrementally within a framework that trains staff to a level commensurate with their responsibilities. Many new entrants join as a PSO and first achieve the Probation Vocational Qualification (VQ) at Level 3 (normally achieved within 12 months). PSOs who have achieved this can then apply for a place on the PQF, which normally takes two years and nine months to complete. There is an opportunity for a ‘fast track’ to qualification for those who hold a relevant first degree. This option normally takes at least 15 months. A new qualification for case administration staff has also now been developed – a welcome innovation that recognises the skills needed in a role that, historically, has been neglected in probation training.

The curriculum of the PQF combines theoretical modules and a number of vocational competence units. Theoretical modules include:

Understanding crime and criminal behaviour

- The criminal justice system and the legal framework for probation practice
- Introduction to effective practice and risk management
- Penology and penal policy
- Assessing and managing risk of serious harm, victims and victimology
- Substance misuse and mental health
- Dangerousness and dangerous offenders
- Strategies and interventions to reduce the risk of offending and serious harm
- Work based learning project

Vocational competence units include:

- Understanding professional practice: values, ethics, and reflection
- Diversity: key concepts and issues
- Risk and risk of serious harm
- Effective practice and core correctional skills
- Effective partnership working and multi-agency approaches to risk
- Safeguarding children and vulnerable adults
- Resettlement, re-integration and desistance
- Public protection: understanding and responding to violent behaviour
- Public protection: understanding and responding to sexual offending
- Mental health: working with mentally disordered offenders
- Public protection: understanding and responding to hate crime

Probation officers and PSOs involved in the delivery of accredited programmes receive additional training and supervision in the workplace.

There is a strong ethos of training within the probation service, with significant amounts of mandatory training taking place to ensure staff are able to meet the changing demands of their roles. Training is the responsibility of individual trusts - including management and leadership training. There is no national post-qualifying framework.

No data is available nationally about how much is spent on training.

#### **4.2.3 Other organisations involved in probation work**

Although the probation service is responsible for supervising offenders subject to community orders and post-custody licences, Trusts have always worked closely with other statutory and voluntary organisations to help deliver interventions. These will range from national organisations to very small local organisations delivering specialist services.

The Government's intention is to increase the number of probation providers by opening up probation services to competition. This is likely to see the entrance of large private sector organisations into the market. The first competition for community payback in London was won by Serco in partnership with London Probation Trust in 2012.

Two main trade unions represent probation staff - the National Association of Probation Officers (Napo) and UNISON. GMB Scoop represents chief executives. There are also staff organisations for different groups of employees:

- ABPO – the National Black Staff Association (formerly the Association of Black Probation Officers)
- NAAPS - the National Association of Asian Probation Staff
- LAGIP - the Association of Lesbian, Gay, Bisexual and Transgendered Individuals in Probation
- PCA - the Probation Chiefs Association (a professional association for chief executives and senior managers)
- PA - the Probation Association (representing probation boards as the employers' association)

#### **4.3 Probation and offenders from other countries**

All major conurbations in England and Wales have significant proportions of residents who were born abroad. There are estimates, for example, that over a quarter of London residents were born in another country, although of course in some areas the proportionate numbers will be significantly lower. It is not surprising, then, that working with individuals from foreign national groups is mainstream, everyday work for staff in many probation areas. Many of these individuals will have retained the nationality of their birth and are residing under various immigration statuses. These include people exercising their right to freedom of movement within the EU / EEA. Others include foreign nationals requiring visas (tourists, students, people on work programmes); those with secondary types of immigration status (Indefinite Leave to Remain, Refugee Status, Exceptional Leave to Remain, Humanitarian Protection and Discretionary Leave); and asylum applicants (people waiting a Home Office decision about their application). There are also those who could be described as irregular

migrants: undocumented migrants, illegal entrants and over-stayers. These include people who have come to the UK without a visa, entry clearance or leave to enter or remain and who have not claimed asylum; or those who have overstayed a period of leave or breached conditions of leave and have had this leave curtailed. Those arrested at the ports of entry and asylum applicants whose applications have been refused are also sometimes referred to as irregular migrants.

‘Offenders from other countries’, or ‘foreign national offenders’, are terms that include people with a variety of different immigration statuses. Arrest for an offence increasingly leads to an immigration status check that may disclose that the individual is an irregular migrant or in breach of immigration rules. For foreign nationals whose residence in the UK is lawful, the commission of an offence – especially a serious offence – may still call into question their entitlement to remain and lead to deportation. The interface between the systems of criminal justice and immigration is a complex area. The consequences of deportation can be serious for individual offenders and their families.

Nationality is recorded in prison statistics which show that foreign national prisoners are overrepresented in UK prisons. Towards the end of 2011, there were 11,076 foreign nationals (13% of the total prison population) in the prisons of England and Wales. There were 650 women (15% of the female prison population). These figures include foreign nationals who may never have been resident here and who, for example, have been arrested at ports of entry, usually as drug couriers. Nearly half of all foreign national women in prison are there for drug offences (compared to about one-fifth of women of British nationality). These numbers have been increasing steadily over the past 20 years.

The National Delius case management system enables the nationality and immigration status of offenders with whom probation works to be consistently recorded. Reliable statistics vary between areas. In London (where nationality is recorded in more than 97% of cases) foreign nationals account for more than one-fifth of the total probation caseload, reflecting its population profile.

There are no statutory limitations on eligibility for community sanctions for foreign national offenders. However there are a number of challenges in practice and it is sometimes a struggle to make sure foreign nationals are considered for community options. There is some evidence that courts are less likely to request pre-sentence reports and subsequently to impose a community sentence in such cases. The pathways out of offending commonly involve access to public services or eligibility to work to which foreign nationals might not be legally entitled.

Two new EU Framework Decisions (2008/909/JHA, covering the compulsory prison transfers and 2008/947/JHA covering the voluntary transfer of offenders subject to probation measures and alternative sanctions) may increase the rehabilitation and resettlement options for EU nationals. However the impact will be limited as non-EU foreign nationals are a larger group. In addition the UK government has expressed an intention to withdraw from EU Framework Decisions (see section 10.2).

## 5. Different Stages of the Criminal Justice Process

The legislative basis for probation activity in England and Wales lies in the following substantial pieces of legislation:

- Criminal Justice Act 2003 – provides the legal framework for community orders, indeterminate public protection sentences and post-release supervision.
- Offender Management Act 2007. This sets out the arrangements for the provision of probation services, transferring the statutory duty from probation boards to the Secretary of State, who can now contract with a range of providers to deliver services. The Act enabled the creation of Probation Trusts.

The Sentencing Council was created by the Coroners and Justice Act 2009 and is an independent body which promotes consistent approaches to sentencing. The Sentencing Council issues Sentencing Guidelines<sup>12</sup>.

### 5.1 Pre-trial/remand/trial stage

The Probation Service has a limited role at the pre-trial and court stage. There are two main activities:

- Bail information – providing information to the courts to enable a defendant to be remanded in the community at an appropriate address rather than in the community.
- Preparation of pre-sentence reports – (see 5.1.1 below).

**Table 2. Sanctioning system and probation involvement in the pre-trial/trial stage**

Sanctions/Measures/ Penalties/Conditions attached to a conditional decision or sentence	Privision in legislation?	Probation service involvement?	Main characteristics of the probation activity
Unconditional waiver by the public prosecutor			
Conditional waiver by the public prosecutor			
Conditional suspension of the pre-trial/remand detention			
Pre-trial/remand detention	Yes	No	
Police custody			

<sup>12</sup> 2012 Sentencing Guidelines Council *Magistrates' Court Sentencing Guidelines* – available online at [http://sentencingcouncil.judiciary.gov.uk/docs/MCSG\\_Update9\\_October\\_2012.pdf](http://sentencingcouncil.judiciary.gov.uk/docs/MCSG_Update9_October_2012.pdf)

Sanctions/Measures/ Penalties/Conditions attached to a conditional decision or sentence	Privision in legislation?	Probation service involvement?	Main characteristics of the probation activity
Bail	Yes	Yes	Bail information. See below.
Caution			
Surety			
House arrest			
Electronic monitoring	Yes	No	
Community service			
Treatment order			
Training/learning order			
Drug/alcohol treatment program			
Compensation to the victim			
Mediation			
Semi-detention			
Attending a day centre			
Liberty under judicial control			
Interdiction to leave the country	Yes	No	
Interdiction to enter different cities/places	Yes	No	
Interdiction to carry out different activities	Yes	No	
Interdiction to contact certain persons	Yes	No	
Psychiatric treatment	Yes	No	Diversion schemes.
Deferment of sentence	Yes	No	
Fine			
Other financial sanctions			

Sanctions/Measures/ Penalties/Conditions attached to a conditional decision or sentence	Privision in legislation?	Probation service involvement?	Main characteristics of the probation activity
Others	Various	No	The Police have a range of options which can be used for less serious offences without involving the Crown Prosecution Service: caution / conditional caution / fixed penalty notice etc. Probation is not involved with these.

### 5.1.1 Pre-trial/pre-sentence report

The purpose of a pre-sentence report ('PSR') is to provide information to help the court decide on the most suitable sentence. In relation to an offender aged 18 or over, unless the court considers a report to be unnecessary, it is required to request a report before deciding:

- that the community or custody threshold is passed;
- what is the shortest term of a custodial sentence that is commensurate with the seriousness of the offence;
- whether the restrictions on liberty within a community order are commensurate with the seriousness of the offence; and
- whether the requirements are suitable for the offender.

A report should not normally be requested where the court considers that it is appropriate to impose a fine.

A report may be oral or written:

- Oral reports - normally provided for less serious offenders when the court is seeking to sentence immediately;
- FDRs (Fast Delivery Reports) – are normally made available to the court within 24 hours. They are completed without a full assessment through OASys (the Offender Assessment System) and are appropriate for low or medium seriousness cases where community orders are being considered. PSOs will normally prepare these reports. They have been popular with sentencers because they enable the case to be resolved quickly.

- SDRs (Standard Delivery Reports) - normally provided within 15 working days, or 10 working days if the defendant is in custody. They are generally appropriate where a custodial sentence is being considered or for high seriousness cases where a community order is being considered. Probation officers will normally prepare these reports because they must fully address the risk of harm to others/self and the risk of re-offending presented by the offender. They will be based on at least one interview with the offender during which a full assessment will be made using OASys. SDRs provide the opportunity to use a wide range of information sources and allow contact to be made with other agencies who might be involved with the offender or who might contribute to future interventions. Contact is possible with other family members and there should be time to verify information concerning the offender's circumstances.

Probation staff are able to determine the most appropriate type of report based on the circumstances of the case and the requirements of the court.

Every report should contain:

- basic facts about the offender and the sources used to prepare the report;
- an offence analysis;
- an assessment of the offender;
- an assessment of the risk of harm to the public and the likelihood of re-offending;
- a sentencing proposal.

SDRs are now produced electronically using the data collected in the OASys assessment. The defendant and his or her legal representative see a copy of the report and can challenge its content in court. The report is forwarded to the prison if the defendant receives a custodial sentence and will be part of the documentation used in other decision-making processes such as home leave and parole.

Any defendant appearing before the court is eligible for a pre-sentence report as described above. This includes foreign national offenders.

## **5.2 Enforcement stage**

Following sentence the probation offender manager is responsible for managing community orders which include a supervision requirement and for pre- and post-release contact with prisoners serving sentences of 12 months or more. This includes putting a sentence plan in place to provide rehabilitative services and at the same time managing the risk posed by the offender. Where the offender breaches the conditions of the court order or licence the offender manager is responsible for initiating breach proceedings (community order) or recall to prison (licence).

- 4 In 90% of the cases, cases are referred by the public prosecutor. In 10% of the cases the order comes from a judge.

Whilst many of the services available to the offender (e.g. drug treatment, accommodation) are provided by local agencies, the probation service currently delivers the majority of accredited programmes and community payback. Probation also runs most of the approved premises. This is likely to change as services as competed under the current government’s Transforming Rehabilitation programme (see section 10).

**Table 3. Sanctioning system and probation involvement in the enforcement stage**

Sanctions/Measures/ Penalties/Conditions attached to a conditional sentence	Provision in legislation?	Probation service involvement?	Main characteristics of the probation activity
Imprisonment	Yes	Yes	Adult offenders (18 yrs and over) who receive a prison sentence of more than 12 months will be subject to supervision on licence after their release. See below.
Suspended sentence	Yes	Yes	A suspended sentence order can have requirements attached
Conditional sentence	(Yes??)	No	Sentence may be deferred for up to 6 months if the court believes the offenders circumstances are likely to change.
Affidimento in prova			
House arrest			
Electronic monitoring	Yes	No	Electronic monitoring can be used to enforce a curfew requirement as a requirement of a community order. See below.
Community service as sanction	Yes		Unpaid work (known as community payback)
Semi-liberty			
Semi-detention			
Treatment order	Yes		
Training/learning order	Yes		

Sanctions/Measures/ Penalties/Conditions attached to a conditional sentence	Provision in legislation?	Probation service involvement?	Main characteristics of the probation activity
Drug/alcohol treatment program	Yes	Yes	Drug treatment and alcohol treatment are both requirements of a community order. See below.
Educational measures	Yes	Yes	The activities requirement of a community order can include education and training.
Compensation to the victim	Yes	No	
Mediation			
Attending a day centre	Yes	Yes	An attendance requirement is available as a requirement of a community order. See below.
Interdiction to leave the country			
Interdiction to enter different cities/places	Yes	No	An exclusion requirement is available as a requirement of a community order. See below.
Interdiction to carry out different activities	Yes	No	A prohibited activities requirement is available as a requirement of a community order. See below.
Interdiction to contact certain persons	Yes	No	A prohibited activities requirement can include a prohibition on contacting specific people. See below.
Fine	Yes	No	
Day fine			
Other financial penalties			

Sanctions/Measures/ Penalties/Conditions attached to a conditional sentence	Provision in legislation?	Probation service involvement?	Main characteristics of the probation activity
In/out patient order (psychiatric treatment)	Yes	No	A mental health treatment requirement can be a requirement of a community order. A Hospital Order can be made if the defendant requires in-patient treatment.
Security measures			
Combined order			
Community punishment			
Conditional release / Parole	Yes	Yes	See below
Automatic release	Yes		
Open prison	Yes		
Penitentiary program outside the prison			

### **Community Order**

The Criminal Justice Act 2003 created one community order under which a combination of requirements can be imposed. A community order must contain at least one of 12 requirements to fulfil the primary purpose of sentencing as specified by the court. The purposes of sentencing are defined in the Criminal Justice Act 2003 (s.142) as follows:

- The reduction of crime (including by deterrence)
- Protection of the public
- Punishment
- Reform and rehabilitation
- Managing reparation by offenders to those affected by their offence

The 12 requirements of a community order are specified in s.177 of the Criminal Justice Act CJA 2003.

- Unpaid work requirement (also known as community payback and formerly as community service): Offenders are required to work between 40-300 hours on suitable projects. The exact hours are specified by the court. The Probation Service currently manages community payback in most of England and Wales. However the Offender Management Act 2007 enables the Secretary of State to outsource this to other providers. In 2011 community payback was outsourced to Serco in London.

- Supervision requirement: The offender can be required to be under the supervision of the Probation Service for up to 3 years for the purpose of promoting their rehabilitation. The offender is required to attend appointments with the supervising officer (offender manager) or with any other person that the supervising officer directs. Typically during supervision sessions offenders may undertake work to promote personal and behaviour change; monitor and review patterns of behaviour and personal activity; undertake work to increase motivation and provide practical support to increase compliance with other requirements; support and re-enforce learning undertaken as part of a programme or an activity requirement; undergo individual counselling; get support from their offender manager on fulfilling other aspects of their community order.
- Programme requirement: The offender is required to attend a group or individual programme designed to address aspects of behaviour linked to their offending. Programmes available include:
  - General offending behaviour programmes
  - Domestic violence programmes
  - Substance misuse programmes
  - Sex offender programmes
  - Violence programmes
- Activity requirement: the court could include a requirement for the offender to participate in a specified activity. This could consist of a wide range of activities, such as day centre activities, education and learning, or basic skills assessment and training. The activity could also include reparation to the victims or the people and community affected by the crime. The activity requirement, which can last for up to 60 days, will normally be combined with a supervision requirement to support and reinforce the offender's rehabilitation and provide additional support.
- Curfew requirement: This can require an offender to be at a fixed address for between 2-12 hours during a 24 hour period for up to six months. The order can be enforced through electronic monitoring. The probation service is not involved in managing curfew requirements. Large national electronic monitoring contracts are managed by the private sector. Electronically monitored curfews are also used for prisoners released under a home detention curfew (HDC).
- Exclusion requirement: This aims to preventing reoffending by preventing an offender from going to a certain place where they are likely to commit offences for up to two years. The probation service will normally liaise with the police to agree where an exclusion requirement is needed and will make a recommendation to the court through a pre-sentence report. Probation is not involved in monitoring this requirement.
- Prohibited activity requirement: This aims to prevent the offender from committing further offences of the same type as he or she has been convicted of. The court may impose a requirement to prevent an offender

from participating in certain activities on a day or days, or for a specific period of time.

- **Residence requirement:** This requires the offender to live in a particular place as determined by their supervising officer. This could include a specific house or an approved premise (probation hostel). The offender may only move with the approval of their supervising officer.
- **Mental health treatment requirement;** This requirement will only be made if the court is satisfied that the mental condition is treatable and there is no need to make a hospital order, which would require the patient to stay in hospital for the treatment. The offender's consent is required.
- **Drug rehabilitation requirement:** This is designed to assist drug users appearing before the court for offences resulting from their use of class A drugs. This can be used as a standalone requirement (with no probation involvement) or in conjunction with a supervision requirement and, for more serious cases, with a programme requirement (e.g. to attend the Addressing Substance Related Offending (ASRO) programme). The DRR component of such an order will involve a treatment package that will include the following:
  - Treatment by way of substitute prescription (if required)
  - 2 mandatory drug tests per week
  - An involvement in a structured day care programme of between 8-15 hours per week. It might also include residential rehabilitation.

For a community order with a DRR over 12 months in length, individuals will also be subject to monthly court reviews, which they have to attend. These court reviews will monitor individual's progress. The offender's consent is required.

- **Alcohol treatment requirement:** The alcohol treatment requirement provides access to a tailored treatment programme with the aim of reducing drink dependency. The requirement can last between six months and three years. The offender's consent is required.
- **Attendance centre requirement:** Adult attendance centres are available for offenders aged 16-24 years and are normally run by the probation service. The offender is required to be present for a maximum of 3 hours on specified days, usually weekends. They offer constructive activities in a group environment while imposing a restriction on leisure time at the weekend. The court can make an order of 12 – 36 hours.

A community order is a sentence in its own right. The offender's consent is not required for the majority of requirements. The exceptions are those that include treatment – drug treatment, alcohol treatment and mental health treatment.

### **Prison sentences**

**Determinate prison sentences:** The Criminal Justice Act 2003 introduced automatic release provisions at the half-way point for all prisoners serving determinate prison

sentences. Prisoners serving sentences of 12 months or more are subject to supervision on licence by the Probation Service for the remainder of their sentence.

There are six standard licence conditions for determinate sentenced prisoners:

- i) To keep in touch with your supervising officer in accordance with any instruction you may be given;
- ii) If required, to receive visits from your supervising officer at your home/place of residence (e.g. an Approved Premises);
- iii) To reside at an address approved by your supervising officer and notify him/her in advance of any proposed change to address or any proposed stay (even for one night) away from that approved address;
- iv) Undertake only such work (including voluntary work) approved by your supervising officer and notify him or her in advance of any proposed change;
- v) Not to travel outside the United Kingdom unless otherwise directed by your supervising officer (permission for which will be given in exceptional circumstances only) or for the purpose of complying with immigration/deportation;
- vi) To be well behaved, not to commit any offence and not to do anything which could undermine the purpose of your supervision, which is to protect the public, prevent you from re-offending and help you to re-settle successfully into the community.

Licences may also include additional conditions, for example, requiring electronic monitoring, drug testing, or restricting contact with specific individuals.

Offender managers have an important role in making recommendations about the appropriate conditions to include in a licence, and in drawing up a resettlement plan for the offender. They are also responsible for monitoring that conditions are being adhered to. Where there is a breach of a licence, the offender manager can apply for the prisoner to be recalled to prison.

Prison governors can only approve requests for licence conditions but do not have the authority to insert licence conditions that have not been recommended by offender managers.

Release on home detention curfew: HDC is available for offenders serving sentences of between three months and four years, except violent and sexual offenders, This allows an offender to be released up to 135 days before their automatic release date, subject to electronic monitoring and a curfew. If the offender breaches the curfew they can be recalled to prison. Probation's role is to assess the suitability of the release arrangements.

Extended prison sentences: These were introduced to provide extra protection to the public in cases where an offender is guilty of a serious violent or sexual offence and has been assessed as dangerous. An extended licence period is made to protect the public from risk of harm. The judge decides how long the offender should stay in prison and also fixes the extended licence period up to a maximum of eight years. A probation officer will be involved in release arrangements.

Life sentence: Prisoners serving a life sentence must serve a number of years specified by the court before they can apply for parole. They are likely to spend a considerable period in prison and may never be released; if they are released, they will be closely monitored for the rest of their life and could be sent back to prison if they do not obey the terms of their licence.

All life sentence prisoners will have a probation offender manager allocated at the start of their sentence. The offender manager will be involved in identifying work to be undertaken by the offender in prison (e.g. undertaking a sex offender treatment programme) and will have an important role in providing a risk assessment and potential resettlement plan for the parole board. If the offender is released on licence, the offender manager will supervise the licence, which will last for the rest of the offender's life.

**Table 4. Other probation activities in the enforcement stage**

Providing support to the families of the offenders/detainees	No. Probation will provide information to families. If they require support, the PO or PSO will seek to refer them to an organisation which can provide the help needed.
Coordinating volunteer prison visitors	No. This is undertaken by the Prison Service.
Preparing offenders for (conditional) release	Yes. For adult offenders serving more than 12 months, the offender manager will put a resettlement plan in place. For high risk offender this could include residence at an approved premise (probation hostel).
Preparing prisoners for home leave and/or providing support during home leave	Release on Temporary Licence (ROTL) Home Detention Curfew
Providing support to persons that have been pardoned or amnestied	No
Providing advisory report with respect to amnesty or pardon	No

### **5.3 After-care outside the criminal justice system**

The main role of the Probation Service is to supervise offenders on court orders and on licence following release from prison.

A significant development over the last decade has been the growth of multi-agency strategies to manage the most prolific offenders.

The Prolific and Priority Offender scheme was launched in 2004 to focus on the 20% offender who commit the majority of crime. Integrated Offender Management Schemes have grown out of this since 2008. IOM provides a strategic framework

which brings agencies together to manage the offenders causing most problems to local communities (e.g. prolific burglars) regardless of whether they are subject to statutory supervision.

The fact that there is no statutory supervision for adult offenders who have served short-term prison sentences of under 12 months is widely recognised as a serious gap in managing offenders. This group shows the highest rate of reoffending of any group of offenders: 57.6% offenders sentenced to a short prison sentence reoffend within 1 year of release compared to 34.1 % offenders on court orders<sup>13</sup>.

The Offender Rehabilitation Bill will continue its passage through parliament in 2013-14 and aims to bring in statutory supervision of 12 months for any offender who serves a prison sentence of more than one day.

Probation trusts do not provide voluntary after-care for offenders after their supervision has finished. They will however seek to signpost offenders to local voluntary agencies and other organisations which provide this support.

## 6. Probation Methodology

The historical summary in section 2.1 referred to several influences on probation policy and practice over the years and a range of different methods have been used in working with offenders. Perhaps originally the expectation was that the personal character of the probation officer and their encouragement would be influential, though probation officers have always offered practical advice and guidance. Hence the widely understood purpose of the probation officer at that time to ‘Advise, Assist and Befriend’. As the service became more secular, moving away from its religious origins, it also aspired to be more scientific and general counselling techniques and specifically the techniques of social casework, inspired by Freudian psychology, became common. Officers drew on diverse insights and the practices of psychology and sociology. For much of the twentieth century, then, practice methods could fairly be described as eclectic, with staff choosing their own preferred approaches. Even within a single staff team, there were likely to have been differences of practice method and the service the offender received depended as much on the officer to whom they were assigned as on their own needs or circumstances.

It is well known that in the mid 1970s research studies, both from USA and England and Wales, appeared to suggest that *nothing works* – although it would be more accurate to word this (contested) claim as *nothing can be shown to work* – in reducing reconviction. The extent of the influence of these studies on policy and practice is disputed, but practice continued to be variable, inconsistent and probably unduly dependent on the preferences of individual practitioners.

This began to change in the late 1990s when a number of studies, mainly from Canada and USA, seemed to show that some things did (could be shown to) work in reducing reconviction. The statistical method of meta-analysis demonstrated these

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13 Ministry of Justice (2013) 2013 Compendium of re-Offending Statistics and Analysis, HMSO – available online at <https://www.gov.uk/government/publications/2013-compendium-of-re-offending-statistics-and-analysis>

effects and seemed to show that if programmes were implemented as designed and targeted at the right offenders, a measurable reduction in reconvictions could be achieved.

### **Cognitive Behaviourism and RNR**

Structured interventions based on the principles of cognitive behaviourism were found to demonstrate the strongest evidence of effectiveness. Cognitive behaviourism recognises and seeks to effect change through the interactions between thinking, feeling and acting. Roughly, if changes can be made to the ways in which offenders think, including their cognitive responses to the circumstances they are in, then their offending behaviour is likely to change as well. If in earlier times, probation had been influenced by a tendency to regard offending behaviour in medical terms (crime as a manifestation of some sort of illness), interventions inspired by cognitive behaviourism have an educational emphasis: ways of thinking and behaving have been learnt in the first place so different ways can be learnt instead.

Offending behaviour programmes – structured sequences of interventions designed to change offenders’ thinking - were introduced systematically. Effective programmes were found to have a number of features in common. They were guided by their focus on the risks (especially risks of reoffending), needs (‘criminogenic’ needs linked with the chances of their offending) and responsivity (finding ways of working that were most accessible and relevant for each individual). This was the basis of what has come to be known as the RNR model. Research seemed also to show that programmes were more likely to be effective when they were delivered in the community, rather than in prison; that programmes of intervention must be delivered as designed (programme integrity); and that typically there was a need for interventions of different kinds (multi-modal), probably delivered by a range of agencies drawing on different disciplinary insights. Through Her Majesty’s Inspectorate and other centralising influences, officers were guided more in their practice than ever before: the eclectic and arguably inconsistent approaches of the past were to be set aside and replaced by practice guided by the insights of RNR and perhaps other methods that could demonstrate their effectiveness.

Underpinning this approach is a commitment to the systematic review and evaluation of offender management and interventions to identify “what works” so as to promote good practice. A panel was established (first in 1999) to review programmes and only award accreditation to those based on “what works” principles derived from research. Although the main focus, as we have seen, has been on cognitive behavioural approaches, some programmes have been accredited based on other models such as therapeutic communities and the 12-step approach for drug treatment. In 2002 the panel’s remit was extended to include unpaid work, offender management and other rehabilitative work. The panel has more recently been reconstituted and is now known as the Correctional Services Accreditation Panel.

Accredited programmes vary in length, intensity and the demands they make on the participants. They include general offending programmes, specialist ones for violent offenders and domestic violence perpetrators, drink drivers, sex offenders, substance misuse programmes and programmes specifically designed for women offenders. Most are delivered to offenders in groups, although there is a general offending

programme that is delivered on a one-to-one basis. All are subject to regular evaluation and review.

From 2000 in particular intensive focus by the government on targets to measure performance contributed to a high attrition rate (numbers of people who fail to start or to complete). This was a concern as there is evidence that offenders who do not complete programmes are more likely to commit further offences. More recently, however, Probation Trusts have become more imaginative and successful in encouraging and enabling attendance. Although RNR has informed the design and development of specific offending behaviour programmes, its principles influence most aspects of probation work, notably:

- Consistent and rigorous assessment using the Offender Assessment System (OASys) that was developed jointly with the prison service and is now used throughout NOMS in England and Wales. Sound assessment is the foundation of all effective work. OASys assessments are transmitted electronically within NOMS.
- Specialist assessment tools for certain groups of offenders, e.g. 'Spousal' risk assessment instruments for domestic violence perpetrators; a range of tools for sex offenders including 'Risk Matrix 2000'; "structured risk assessment", to identify dynamic risk factors known to be associated with re-offending, acute risk checklists and risk prediction monitoring forms.
- A strong commitment to the principle of "end to end offender management". This is regarded as a key principle of service delivery and means that wherever possible one offender manager will take responsibility for overseeing the work with an offender from the first court appearance to the end of supervision, whether or not a custodial sentence is involved. The core process is 'Assessment - Sentence Plan - Implement - Review - Evaluate' (ASPIRE) with a strong emphasis on the importance of building and maintaining a relationship that will motivate the offender.
- A distinction between offender management and the provision of interventions with offenders, i.e. practical assistance, cognitive behavioural work, counselling, etc. The offender manager is the "identified responsible member of staff whose task it is to assess, elaborate and co-ordinate the general work plan and to ensure contact with the offender and compliance" (European Probation Rule 80). This is especially important where offenders are subject to more than one intervention or when more than one agency is involved – and the principle of multi-modal interventions suggests that this is often likely to be necessary.

### **'Pathways' and Social Capital**

RNR tended to focus on the individual's risks, needs and responsivity. There has, however, been an increasing awareness of the importance of social capital in enabling change. People need not only motivation, different ways of thinking and enhanced skills to avoid offending; they also need a fair chance to access the social resources and opportunities that will enable them to develop ways of living in which offending

has no place. It is well known that many offenders have experienced exceptional levels of disadvantage and that this was associated with recidivism. This was acknowledged in the National Reducing Re-offending Action Plan 2004, which set out seven 'pathways out of offending' that needed to be addressed to work effectively with offenders:

- Accommodation
- Employment, training and education (ETE)
- Mental and physical health
- Drugs and alcohol
- Finance, benefits and debt
- Children and families
- Attitudes, thinking and behaviour

Identification of these pathways suggested a framework for regional and local plans involving the probation service, statutory agencies and voluntary / private sector bodies with responsibilities and skills in these different areas of social need. The indications are that this has been a successful way of encouraging partnership work, although progress has been greater on some pathways than on others. There is considerable evidence of improved joint working on ETE, drugs and alcohol, public protection and prolific / priority offenders. There has been rather less progress on mental health issues where there has been reluctance by any agency to take a lead. Finance and debt issues facing offenders is given very low priority virtually everywhere.

### **The Offender Management Model**

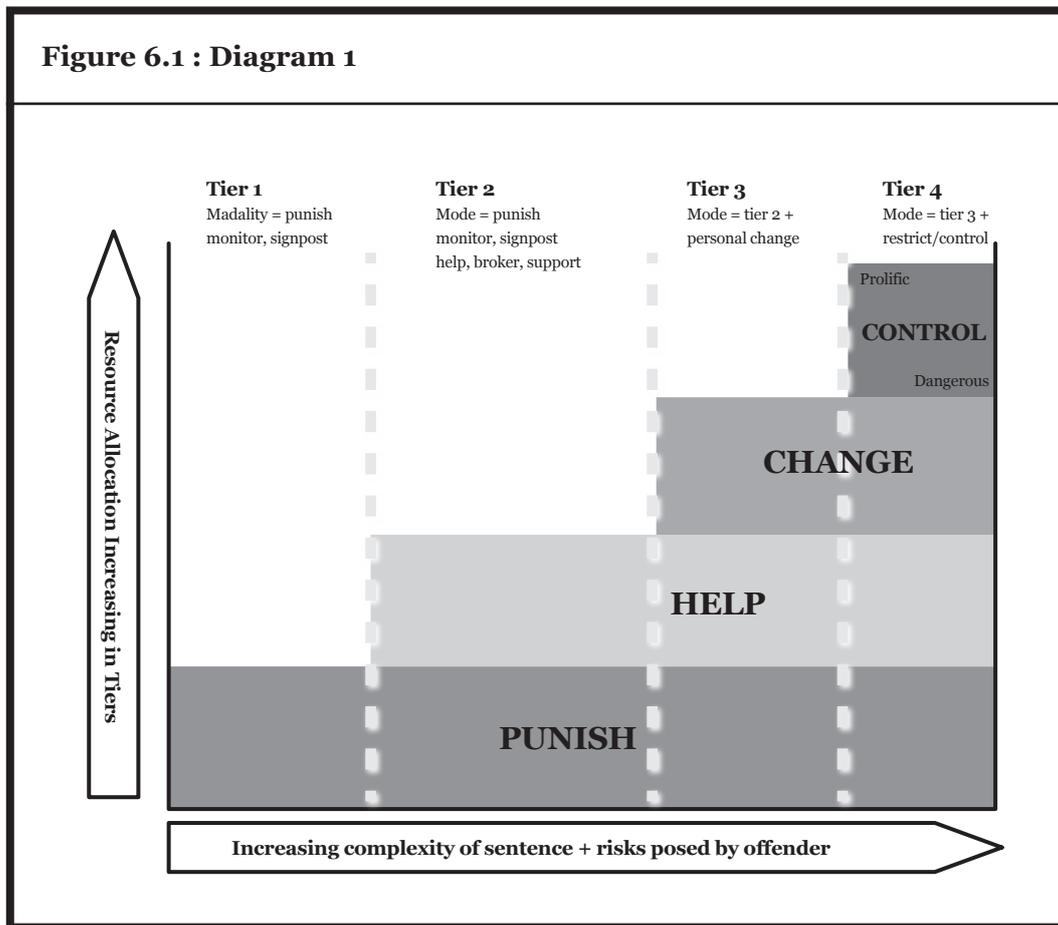
These principles were ordered and brought together in the Offender Management Model (OMM). This incorporates a team-based approach with the offender manager and the offender supervisor supported by administrative staff. 'Tiering' has been introduced to enable a consistent approach to be used throughout England and Wales. Tiering assigns each offender to a category, largely according to the assessed level of risk. Guiding principles are that:

- Resources are allocated according to the level of risk presented by the offender
- The increasing complexity of the sentence will be reflected in the level of resources allocated.

Whilst early probation staff had a duty to "advise, assist and befriend", the tiering model which underpins current practice is to "punish, help, change and control". This is summarised in the diagram below which illustrates that the highest level of control is reserved for those offenders assessed as dangerous or prolific in their offending behaviour.

- Punish: a low risk offender might be simply ordered to abide by a curfew enforced through electronic monitoring or, if the offence was serious, a large unpaid work requirement could be added. (The term punishment here should be understood as giving effect to the order of the Court – there should be no suggestion that there is anything additionally punitive introduced by the model.)

- Punish and Help: an offender could be given a supervision requirement to enable help from some of the pathways, described above, to be provided.
- Punish and Help and Change: an offender might be given one of a range of



requirements to deal with attitudes (attendance at an accredited programme) or substance misuse (drug treatment requirement).

- Punish and Help and Change and Control: an offender might be given a combination of all these requirements and the offender manager might use the local MAPPA to monitor the offender within the community.

The OMM was intended to be the basic operational structure in working with all offenders. NOMS has been committed to improving the link between work in prisons and the community. The use of a common assessment tool (OASys) and the principle that there will be one offender manager based in the community demonstrates this. Whilst this is welcomed in principle it remains to be seen whether there are sufficient resources to deliver OMM in the context of a record prison population. The plan to include all prisoners in the offender management model is still a long way from being achieved.

## **Risk of serious harm**

The Criminal Justice Act 2003 provides for Multi-Agency Public Protection Arrangements - known as MAPPA - to protect the public, including previous victims of crime, from serious harm by sexual and violent offenders. They require local criminal justice agencies and other bodies dealing with offenders to work together in partnership to assess and manage dangerous offenders.

Probation Trusts, the Police and the Prison Service carry the main responsibility for MAPPA as 'responsible authorities'. Other agencies have a 'duty to cooperate', including education, social care, housing and education authorities and the UK Border Agency.

At a police force level a Strategic Management Board oversees that MAPPA arrangements are running smoothly. At a local level agencies have regular MAPP meetings to assess and draw up robust Risk Management Plans for managing those posing the greatest risk of harm to the public.

Once an offender has been identified as a potential MAPPA case, a decision is taken about the level at which they should be managed:

- Level 1: ordinary agency management: where the risks posed by the offender can be managed by the agency responsible for their supervision or case management. This involves the sharing of information but does not require the case to be managed through a multi-agency meeting.
- Level 2: active multi-agency management: where the offender is assessed as posing a high or very high risk of harm and where multi-agency management adds value.
- Level 3: active enhanced multi-agency management: used for cases which meet the requirements for level 2, but where the involvement of senior representatives of the relevant agencies with the ability to commit resources is needed.

If an offender subject to MAPPA commits a serious further offence, the strategic management board must consider commissioning a serious case review to examine whether procedures and practice were appropriate, and whether there are lessons to be learned.

Detailed guidance in relation to MAPPA published by NOMS<sup>14</sup> outlines:

- Identification of MAPPA offenders
- Protocols for the sharing of relevant information between agencies
- Assessment of the nature and likelihood of serious harm
- Management of the risk

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14 Ministry of Justice (2012) MAPPA Guidance 2012 version 4 available online at: <http://www.justice.gov.uk/downloads/offenders/mappa/mappa-guidance-2012-part1.pdf>

Whilst the risk cannot be eliminated, this system of information sharing and joint management through case conferences and subsequent liaison is designed to produce decisions that can be seen as sound and justifiable and to reduce risk so far as possible

### **Compliance**

For all offenders under supervision in the community, a key challenge is ensuring compliance. Community penalties require people to do things – to keep appointments as instructed, to participate in activities, to work, to refrain from things – which, left to themselves, they might choose not to do. This creates the possibility of default. A central component of offender management accordingly has been compliance / enforcement.

Swift enforcement of any failures by offenders to comply with court orders or licences has been a priority for over 10 years. The probation service was successful at improving its enforcement practice to meet demanding targets. However an unforeseen consequence was that this policy, combined with changes in legislation, led to the number of number of people recalled to prison for breach of their licence to rapidly increase between 1993 – 2008, increasing over 55 times. Since then the population has stabilised - in September 2013 there were 5100 recalled prisoners out of a total prison population of 84,500.

This has led to a wider focus on how to support and motivate offenders to comply. More recently still, in the context of a general concern that discretion has become too tightly circumscribed, National Standards have been substantially modified. While there are still standards for the supervision of offenders, offender managers are encouraged to use their professional judgment about how the purposes of supervision will be best achieved.

There has been an increasing appreciation that encouraging compliance calls for skills of engagement and that it has a ‘normative’ dimension. People are more likely to cooperate when they feel respected, when they trust the probation officer and when they recognise the legitimacy of the demands made upon, seeing them as fair and reasonable. Threat is a weak inducement to cooperate – especially for people whose offending shows their disregard for the consequences of punishment.

### **Desistance and offender engagement**

Desistance studies – broadly, the attempt to understand and to support the processes whereby people come to stop offending – have recently started to influence probation practice in England and Wales. One insight has been that the process of desistance – properly but also inevitably – ‘belongs’ to the individual. It is something that interventions can support, but which they can neither lead nor guarantee.

Among the ways in which desistance studies have influenced practice includes:

- Emphasis on social capital – cognitive behavioural interventions by themselves are not (could not be) enough: people need opportunities to acquire and sustain lives that will transcend their offending behaviour. This implies social inclusion and fair access to the ordinary services of civil society.

- A reaffirmation of the central place of relationships. When offenders are asked about what they find helpful in their dealings with probation, they often speak of the value of a probation officer's practical help in identifying and resolving obstacles to desistance, but especially emphasise the sense of personal interest and concern, of partnership and cooperation in working together.

It is to be noted that Rule One of the European Probation Rules emphasises positive relationships and social inclusion. An important recent development in England and Wales has been an 'offender engagement' initiative, supported by a major research project, which is attempting to understand the processes of engagement and relationship better and to promote them more consistently.

In summary, RNR continues to influence probation policy but is increasingly supported by desistance approaches with their emphasis on the personal relationship and on the social aspects of pathways out of offending. The involvement of several agencies working in partnership is especially well developed around MAPPA but should characterise a great deal of community supervision more generally. This is all underpinned by an offender management model that insists that there may be a need for different types of intervention, but the coherence of the process must be the responsibility of an offender manager.

## **7. Finances, Accounting, Registration Systems and Evaluation Procedures**

### **7.1 Finances**

The Ministry of Justice is responsible for the funding of NOMS.

Individual probation trusts agree an annual contract with NOMS which includes objectives and targets. The contract also includes a contract price, the origins of which have stemmed from a probation budget allocation using a formula based on population, the number of offences committed, the nature of the area (special allowances are given to very rural areas) and some indices of social deprivation (e.g. housing).

Individual probation trusts are not allowed to raise money privately through bank loans. However they can seek additional funding from other sources such as the European Social Fund and other income generation activities.

Statutory provision of a number of services used by offenders is provided through joint-commissioning arrangements with key local agencies. For instance, accommodation for offenders is provided through 'Supporting People' arrangements. These are composed of representatives of a range of statutory and voluntary organizations. Similar joint commissioning arrangements apply to the provision of drug and alcohol services.

The annual budget for the National Offender Management Service in 2012/3 is £3,401m to provide services which contribute to the twin aims of protecting the

public and reducing reoffending. (NOMS Business Plan 2012/3).  
The budget for the 35 probation trusts is £810m in 2012/3. It has been steadily reducing from a high of £914m in 2008/9.

**Table 5. Prison / Probation expenditure**

	Probation Services	Prison System
Total current yearly expenditure	£0.8bn	£3.0bn
Average number of employed staff	17,880 <sup>1</sup>	(nk)
Daily average number of offenders/clients dealt with	234,510 <sup>2</sup>	86,048 <sup>3</sup>

## 7.2 Accounting

Probation Trusts agree annual contracts with NOMS. These are reviewed on a quarterly basis.

The budget for NOMS is set by the Ministry of Justice (MoJ) following the Spending Review undertaken on a biannual basis across government. The Chief Executive is the officer accountable for managing income and expenditure incurred by the Trust. The Chief Executive of NOMS is the officer accountable for the aggregation of all expenditure on the Prison and Probation Service.

Probation expenditure is subject to three levels of audit

- Internal Audit arrangements within NOMS: a central MoJ team examines the robustness of financial systems and the probity of expenditure. It provides reports to the local probation trust board. On occasions it also conducts thematic audits across the whole of the probation service to assure the chief executive of NOMS that expenditure is proper.
- External Audit: the National Audit office is responsible for the provision of the external audit of the probation trust annual report and accounts. Individual trust accounts are signed off by the House of Commons. The National Audit Office will subcontract some audits to independent accountancy firms.
- Consolidated accounts: the accounts of the 35 probation trusts, together with the expenditure on central services, are consolidated into a statement of accounts that is the responsibility of the chief executive of NOMS. The National Audit Office, which audits central government on behalf of Parliament, also audits this process.

## 7.3 Registration Systems and Evaluation Procedures

There is no national registration system for workers in the Probation Service.

All probation staff have to be checked by the national Criminal Records Bureau with “enhanced procedures” applying to probation officer and probation services officer grades. The aim of these procedures is to ensure that vulnerable people in the community are adequately protected from people who have criminal convictions. A new national electronic case record system - N-Delius (National Delius) - is being

implemented across probation trusts during 2013 to replace the existing case record system (CRAMS).

The assessment tool (OASys - Offender Assessment System) is available electronically (e-OASys) and shared by both prisons and probation.

Probation trusts must comply with the legislation regarding information and data. Information on offenders is normally held for 6 years after the case closes. Access to the information is regulated.

Offenders have a right to access their case records (Freedom of Information Act 2000) apart from sections which need to be withheld for reasons of security or the safety of others.

Probation trusts are required to produce an annual report which provides information about the extent to which performance and business objectives have been met and which contain the audited accounts. These are public documents which can be found on the individual trusts' websites.

Her Majesty's Inspectorate of Probation inspects trusts at regular intervals to assess their efficiency and effectiveness. These reports are published on the Inspectorate's website.

## **8. Societal Support and Clients' views**

### **8.1 Societal Support and public opinion**

Public opinion is a notoriously difficult concept. The public, after all, is not a single entity and people's opinions are diverse, sometimes inconsistent and changing in response to a large number of contingencies – including social, economic and cultural developments, as well as to particular events. With that caveat, it can fairly be said that probation in England and Wales, as in so many other countries, is not well understood and can struggle to gain the confidence of the public. Surveys commonly show two findings: the public does not have much confidence in probation, but secondly it knows very little about what it actually does. When probation is noticed, it is not often to the service's advantage. Probation claims, for example, to be able to make an influential contribution to community safety, but the large number of well-managed cases of public protection is obscured by the very small number of grave offences perpetrated by people under supervision. Public protection work is only apparent to the public when it fails.

Although crime levels have generally been falling in recent years, crime and punishment continues to be a politically volatile topic. It is arguable that 'public opinion' generally has an exaggerated confidence in the criminal justice system to reduce crime and reoffending. Politicians have put themselves in a position where penal moderation can be taken as 'going soft on crime' – which can be an electorally fatal allegation. In response, a succession of government ministers have pressed the probation service to be 'tough' in the management of community sentences in the beliefs that this will (a) be more effective in reducing reoffending and (b) improve

wider community support for non-custodial sentences. There seems to be little or no evidence to support either of these beliefs.

Probation Trusts work hard to demonstrate the worth of probation to the public, but this is an uphill struggle with public opinion in general seeing anything other than prison as a soft option - views stoked by a sensationalist tabloid press.

Whilst the national press tend to focus on bad news stories, public relations is generally more successful at a local level, with many Trusts having built up good relationships with local media.

## **8.2 Clients' Views**

It would be fair to say that the views of offenders and other service users (victims of crime, families of offenders, other agencies in their dealings with probation) have, historically, received inadequate attention from the probation service in England and Wales. Feedback has not always been sought systematically or collated in a way that might enable the service to learn as much as it should from these responses.

More recently, however, the increased attention to relationships (see section 6) has led to a renewed interest in the perceptions of the offender as 'service user'.

Another push in the same direction has been the wider public sector's interest in responding to the views of the 'customer'. Probation in England and Wales has come late to this, perhaps, but the 'user voice' is being heard more often and there is a current major research initiative, the Offender Management Community Cohort Study, to investigate the experiences of offenders under supervision.

Many Trusts are now establishing mechanisms for service users to give feedback on their experiences of the trust express their concerns and offer ideas about how service may be enhanced. There are signs that probation has started to avail itself of this feedback and enable users to begin to influence the character of the service they receive, plainly enhancing the legitimacy on which compliance often depends.

## **9. Probation Clients' Rights**

There is no formal charter or code setting out the rights of offenders under supervision. Generally offenders have the same rights as other citizens except to the extent that these rights are circumscribed by the sentence of the court or by the powers of the Secretary of State. Requirements that impinge on the rights of offenders should only be imposed as lawful and proportionate punishment or in the interests of public protection or offender rehabilitation.

Information about an offender's obligations and about what they are entitled to expect from probation is given to offenders in a pamphlet (available in several languages). The offender manager has a responsibility to explain this to offenders at the start of the period of contact or supervision. Offenders are likely to be told that: You should expect to be seen regularly and on time.

- You should expect to have things explained in a way you understand.
- You should expect to have a say in some parts of your supervision plan.
- You should expect to be treated fairly and with respect. This includes allowing you to attend religious or other important events when you give us advance notice.

The collection and management of personal information is regulated by the Data Protection Act 1998. This requires each probation trust to register its use of personal data with the Information Commissioner's Office. Personal information should be held securely and responsibly. The legislation allows that in certain circumstances rights of confidentiality may be over-riden for purposes of the prevention or detection of crime or the apprehension or prosecution of offenders. Unjustified or improper disclosure of information could lead to disciplinary action against the member of staff and perhaps to financial compensation for the offender.

Offenders under supervision are entitled to see information on their file, except where there is good reason to deny this - specifically where this information might harm the offender or someone else; obstruct the investigation or detection of crime; or break an agreement with someone outside the probation service to keep information confidential (for example a psychiatric report passed over in confidence or the deposition of a victim).

Increasingly, probation officers are required to deal with people who may have insufficient command of the English language. In such circumstances, a qualified impartial interpreter should be engaged, rather than relatives, children and friends who should not be used. The probation service is a signatory to the National Agreement on Arrangements for the Attendance of Interpreters in Investigations and Proceedings within the Criminal Justice System. This Agreement sets out standards and procedures and to assure the quality of interpretation services. Welsh formally enjoys equal status with English in the courts and other public services. There is a legal entitlement to use Welsh in court proceedings and individual defendants have the right, for example, to have pre-sentence reports provided in Welsh. In 2011 a framework agreement was put in place by the Ministry of Justice to provide language services (interpreting and translation) to the whole justice sector.

There is a national complaints procedure set out in a leaflet which is made available to all offenders. Complaints can be made about an action or a decision made by probation staff or someone working on behalf of the trust within 12 months of the event. Complaints are normally made by offenders subject to supervision, or defendants on whom a pre-sentence report has been written. However victims of offenders supervised by a trust may also make a complaint.

Complainants are encouraged to try to sort out their concern informally by talking to a member of staff, but if this does not bring satisfaction they may make a formal complaint which will be investigated by a senior manager. Where the complainant is still dissatisfied, he or she can appeal to the board of the trust and ultimately to the Prisons and Probation Ombudsman, whose office will undertake an independent external investigation.

The majority of the nearly 4900 complaints which went to the Ombudsman in 2012/13 were from serving prisoners with only 7% (369) from those under supervision in the community. Of the investigations undertaken, 24% were complaints about the offender manager and 21% about assessments in reports written about the offender<sup>15</sup>.

The European Probation Rules have yet to have a clear or direct impact on the service's approach to the rights of people under supervision. As a mature democracy, England and Wales would claim that normal procedures ensure that the standards required by the rules are upheld already. It might, on the other hand, be a valuable exercise for NOMS and Trusts to benchmark their policies and practices explicitly against the requirements of the Rules to demonstrate the commitment to human rights that they affirm.

## **10. Developments to be expected**

### **10.1 Developments in coming years**

In line with developments in other parts of the public sector in England and Wales, the intention of the government is to develop a market for probation services and expand the number of providers delivering probation services.

Proposals for consultation were outlined in 'Transforming Rehabilitation: a revolution in the way we manage offenders' published in January 2013<sup>16</sup> with final proposals being announced in May 2013 in 'Transforming Rehabilitation: A Strategy for Reform'<sup>17</sup>. The intention is to terminate current Probation Trusts from April 2014 and implement a new organisational structure:

- A national probation service will focus on public protection and the management of offenders who pose a risk of serious harm. This new national body will be the interface with the courts providing the initial assessment of all cases and managing breach of orders and licences.
  
- 21 community rehabilitation companies will manage offenders who pose a medium or low risk of harm. The companies will be competed with a view to contracts being signed and services being transferred to the new providers in autumn 2014.

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15 Prison and Probation Ombudsman Annual Report 2012-13 – available online at <http://www.ppo.gov.uk/docs/ppo-annual-report-2012-13.pdf>

16 Ministry of Justice (2013) Transforming Rehabilitation: a revolution in the way we manage offenders, Consultation Paper CP1/2103, HMSO - - available online at <https://consult.justice.gov.uk/digital-communications/transforming-rehabilitation>

17 Ministry of Justice (2013) Transforming Rehabilitation: A Strategy for reform, HMSO - available online at <https://consult.justice.gov.uk/digital-communications/transforming-rehabilitation>

In addition legislation (Offender Rehabilitation Bill) is before parliament which would extend statutory supervision on release will be extended to all adult prisoners serving more than 1 day in prison. This new provision will be the responsibility of the community rehabilitation companies (CRCs) who would be required to develop 'through the gate' services with designated resettlement prisons.

The CRC contracts would be let on a payment by results basis. The details of how this would work and which services it would apply to will be clarified in the process of the competition which was launched in September 2013.

Whilst the functions undertaken by Probation are likely to continue, the number and structure of probation trusts are likely to change, with greater involvement of the private and voluntary in delivering core services.

### **10.2 Implementation of EU Framework Decision 947**

FD 2008/947/JHA is available to facilitate the social rehabilitation of convicted foreign national offenders by transferring a probation measure or alternative sanction from the EU Member State in which they are sentenced to their home country within the EU, in order for them to undertake their community sentence. The United Kingdom has not transposed the framework decision into domestic law. Indeed in October 2012 the UK Government announced that it intended to exercise an opt-out of all framework decisions and then selectively opt back into some. Unless this decision is reversed all framework decisions will cease to apply from 1 December 2014, apart from those cases where an 'opt back' has been requested from and agreed with Europe.

Unlike the prison transfer framework decision (FD 909), FD 947 is voluntary in the sense that the offender must ask a court to invoke it. It is not clear how many people would want to do so – estimates are that it would not be a significant number. Many EU citizens who have come England and Wales for economic reasons (for example) are likely to want to remain and serve their community sentence.

## 11. Important Publications

### **Relevant academic publications include:**

Canton, R. & Hancock, D. (eds.) (2007) *Dictionary of Probation and Offender Management* Cullompton: Willan Publishing.

Canton, R. (2011) *Probation: Working with Offenders*. Abingdon: Routledge.

Gelsthorpe, L. & Morgan, R. (eds.) (2007) *Handbook of Probation*. Cullompton: Willan Publishing.

McNeill, F., Raynor, P. and Trotter, C. (2010) *Offender Supervision: New directions in theory, research and practice*, Cullompton: Willan Publishing.

Raynor, P. and Robinson, G. (2009) *Rehabilitation, Crime and Justice*, Basingstoke: Palgrave Macmillan

Robinson, A. (2011) *Foundations for Offender Management*. Bristol: The Policy Press.

### **Other important publications:**

The Ministry of Justice provides a comprehensive suite of statistical reports available online at <https://www.gov.uk/government/organisations/ministry-of-justice/about/statistics> covering reoffending and relevant data for probation, prisons and courts.

## **12. Main Addresses, Phone & Fax Numbers, E-mail Addresses, Home Pages.**

### **Ministry of Justice**

102 Petty France  
London  
SW1H 9AJ  
[www.justice.gov.uk](http://www.justice.gov.uk)

### **National Offender Management Service (NOMS)**

Clive House  
Petty France  
London  
SW1H 9DH  
Tel: +44 (0)300 047 6325  
[www.justice.gov.uk/contacts/noms](http://www.justice.gov.uk/contacts/noms)

### **Probation Trusts**

Contact details for the 35 Probation Trusts are listed at:  
<http://www.justice.gov.uk/about/probation/probation-trusts>

### **Probation Chiefs Association**

First Floor  
151 Buckingham Palace Road  
London  
SW1W 9SZ  
Tel: +44 (0)300 048 0228  
[www.probationchiefs.org](http://www.probationchiefs.org)

### **Probation Association**

29 Great Peter's Street  
London  
SW1P 3LW  
Tel: +44 (0)20 7340 0970  
[www.probationassociation.co.uk](http://www.probationassociation.co.uk)

### **Her Majesty's Inspectorate of Probation**

[www.justice.gov.uk/inspectorates/hmi-probation](http://www.justice.gov.uk/inspectorates/hmi-probation)

### **National Approved Premises Association (NAPA)**

NAPA  
PO Box 502  
Newton Abbot  
TQ12 9GW  
[www.napa-uk.org](http://www.napa-uk.org)

### **Trade Unions**

#### **NAPO - National Association of Probation Officers**

4 Chivalry Road,  
London  
SW11 1HT  
Tel: +44 (0)207 223 4887  
[www.napo.org.uk](http://www.napo.org.uk)

#### **UNISON**

UNISON Centre  
130 Euston Road  
London  
NW1 2AY  
Tel: +44 (0)845 355 0845  
[www.unison.org.uk](http://www.unison.org.uk)

### **Staff Associations**

#### **ABPO - The Ministry of Justice Black Staff Association (formerly Association of Black Probation Officers)**

1<sup>st</sup> Floor  
Mitre House,  
223-237 Borough High Street  
London  
SE1 1JD  
Tel: +44 (0)207 740 8537  
[www.abponoms.com](http://www.abponoms.com)

**NAAPS - National Association of Asian Probation Staff**

Contact through website: [www.naaps-noms.co.uk](http://www.naaps-noms.co.uk)

**LAGIP - Lesbians, Gay Men, Bisexuals and Transgendered Individuals in Probation**

Contact through website: [www.lagip.com](http://www.lagip.com)

**Other Organisations**

**Howard League for Penal Reform**

1 Ardleigh Road  
London  
N1 4HS  
Tel: +44 (0)20 7249 7373  
[www.howardleague.org](http://www.howardleague.org)

**Penal Reform International**

60-62 Commercial Street  
London  
E1 6LT  
+44 (0)20 7247 6516  
[www.penalreform.org](http://www.penalreform.org)

**Prison Reform Trust**

15 Northburgh Street  
London  
EC1V 0JR  
Tel: +44 (0)20 7251 5070  
[www.prisonreformtrust.org.uk](http://www.prisonreformtrust.org.uk)

**Prisoners Abroad**

89-93 Fonthill Road,  
Finsbury Park  
London  
N4 3JH  
Tel: +44 (0)20 7561 6820  
[www.prisonersabroad.org.uk](http://www.prisonersabroad.org.uk)

## ANNEX 1



# SUMMARY INFORMATION ON PROBATION IN ENGLAND AND WALES



### General Information

- Number of inhabitants (mid 2012):  
England 53.5 million  
Wales 3.1 million  
Total England and Wales: 56.1 million<sup>18</sup>
- Prison population rate per 100,000 inhabitants: 150:100,000 (June 2012)
- Link to probation trusts: [www.justice.gov.uk](http://www.justice.gov.uk) >organisations>probation>probation trusts
- Link to websites:  
[www.justice.gov.uk](http://www.justice.gov.uk)  
[www.probationchiefs.org](http://www.probationchiefs.org)  
[www.probationassociation.co.uk](http://www.probationassociation.co.uk)  
[www.napo.org.uk](http://www.napo.org.uk)
- Member of the CEP in: (not known - check with CEP)

### Characteristics of the Probation Service

- The Probation Service in England and Wales works with adult offenders aged 18 years and over.
- Probation services are commissioned by the National Offender Management Service (NOMS)
- The aims of the probation service are to reduce reoffending and protect the public

### Tasks

- Writing reports for the court to assist sentencers to decide upon sentence.
- Managing offenders subject to a community order or a post-release licence - preparing and enforcing a sentence plan to address criminogenic need and a risk management plan to reduce the potential harm to others.
- Delivering or commissioning interventions - e.g. accredited programmes, community payback, approved premises (probation hostels)

### Number of staff: 17,881 (June 2012)

Probation Officers:	5073
Probation Services Officers	4707
Probation Managers, all grades:	2122
Administrative support staff, all grades:	5206

### Daily average number of offenders dealt with: 227,300 (Sept 2012)

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18 Office for National Statistics

## New developments

Through its ‘Transforming Rehabilitation’ programme, the Coalition government plans to reform the probation service by creating a new smaller public probation service to focus on offenders who pose a serious risk of harm, and creating 21 community rehabilitation companies to manage all other offenders, including those released from short term custody who are not currently subject to statutory supervision from April 2014. The 21 CRCs will be competed during winter 2013/ spring 2014 with payments by results contracts for the CRCs let from autumn 2014.

## Probation during the different stages of the criminal procedure

	Pre-Trial Phase	Trial and Enforcement Phase	Post Release Phase
Preparing pre-sanction report	x		
Supervising etc. sanction of probation		x	
Supervising etc. conditional sentence			
Supervising etc. special measures drug addicts		x	x
Supervising etc. community service		x	
Supervising training or learning projects		x	x
Interventions with young offenders			
Supervising etc. suspended sentence			
Assistance/support of offenders in prison/detention		x	
Preparing pre-release reports, prisoners		x	
Supervising conditional release/parole			x
Supervising post custody, sex offenders			x
Preparing victim impact reports			