

An Introduction to Probation and Youth Offending work

This article reproduces, with only minor tweaking, the opening chapter that was co-authored by me and Kasturi Torchia for the book for forensic psychologists *Forensic Practice in the Community*, edited by Zoe Ashmore and Richard Shuker, Routledge, London, 2014. The aim of the original chapter was to provide for psychologists new to the setting an overview of the more mainstream “forensic” services and some key aspects of the nature of such work.

In the literature of Probation and Youth Offending work the actual word ‘forensic’ is a term that rarely appears. Yet in England and Wales, with individuals who have offended, the core forensic role in community settings has been undertaken by Probation or Youth Offending staff, and they have been doing so for many years. In fact, just before the start of the ‘Transforming Rehabilitation’ (TR) reorganisation in 2014, in England and Wales well over 200,000 sentenced offenders aged 18 or over were being managed by one of 35 Probation Trusts at any one time, while around 100,000 sentenced offenders aged under 18 were managed by one of 158 Youth Offending Teams or Services, the precise numbers vary depending on which cases are being counted (www.justice.gov.uk/statistics/youth-justice).

In Scotland the Probation function had in 1968 been taken into the then generic Social Work Departments of each local authority, although in more recent years each local Head of Criminal Justice Social Work has become increasingly subject to central (Scottish) government direction. In Northern Ireland the Probation Board provides Probation services for both young people and adults. In the United States probation is the most common form of sentencing for offenders and two thirds of offenders are serving community sentences supervised by Probation on any one day (Petersilia 1997)

But although the word ‘forensic’ has not been part of the traditional language of either Probation or Youth Offending work it is still very much a legitimate way of describing what its practitioners do with around a third of a million individuals at any one time in England and Wales, including the preparation of over a quarter of a million reports for Courts and related bodies per year (<http://www.justice.gov.uk/publications/corporate-reports>). In essence they assess individuals who have offended, engage with them, provide forensic practice based interventions, and review progress and outcomes achieved.

This article therefore offers an introductory overview of these processes as well as an analysis of recent applications, developments and challenges. It is also written not only with the two main statutory community forensic services (Probation and Youth Offending) in mind, but also it recognises the non-statutory, forensic mental health, specialist forensic and substance misuse services which also carry out forensic practice in the community. Important specialist work is done to divert some cases at the arrest stage (i.e. before ever going to court) as well as at the court stage itself – very important for the cases affected, but these are only a tiny proportion of all the cases appearing in court for sentence.

Assessment and review:

Throughout this article, *Assessment* is defined as both an analysis of ‘what the problem is’ and a statement of what the practitioner proposes to do about it. This formal assessment of each case is made by the practitioner in charge of the case, frequently presented in a formal report prepared for a Court appearance (pre-sentence report, formerly social inquiry report) and also on regular occasions for internal purposes. Such an assessment should consist of a reasoned analysis of why this particular individual committed the current offences, and also a plan of what could be done in future that would make further offending less likely.

Assessment takes place in principle when the case 'starts', but in practice reality is often less clear cut, especially with individuals who may make frequent appearances in court, and in more than one location, resulting in several quick successive 'starts' to a case. The initial assessment might therefore take the form of several reports issued to court(s) as well as documents within the organisation's formal internal record system. Probation and Youth Offending cases should also be formally reviewed by the practitioner in charge of the case at specified intervals, an integral part of the process of 'assessment' for the purposes of this chapter.

Probation officers had been preparing "probation reports", later known as 'Social Enquiry' or 'Social Inquiry' Reports (SIRs), for courts since soon after the Probation of Offenders Act 1907, their role and purpose ever deepening, and content widening. Although fairly limited in scope initially, they had evolved into the much stronger and more influential role of making "recommendations" of sentences to Courts from the 1960s onwards. However, following the Criminal Justice Act 1991 the reports were rebadged Pre-Sentence Reports (PSRs), their format standardised so that they now concluded with "proposals" rather than "recommendations" (Cavadino, 1997).

To promote the more focused role for such reports after 1991, shorter formats were developed, such as 'Specific Sentence Reports'. To this end the Criminal Justice Act 2003 formally declared the purpose of a pre-sentence report to be "with a view to assisting the Courts in determining the most suitable method of dealing with an offender" (s.158 Pre-Sentencing Reports, CJA Criminal Justice Act 2003). Later, PSRs evolved into three separate formats – 'Standard Delivery', 'Fast Delivery' and 'Oral' – for reasons outlined further below.

Alongside these developments the evolution of the use of structured assessment tools as an integral element in preparing Court reports and initial assessments is also evident. For adults the Offender Group Reconviction Scale, OGRS (Copas & Marshall, 1998), for example was established in the mid-1990s. It consisted of certain static factors – fixed items of information about each case and not subject to change such as previous convictions and age at first conviction – which enabled a score to be calculated that gave a 'likelihood of reconviction'.

Although potentially useful for managers, offering a benchmarked profile of the range of seriousness of all the cases being handled, it was of limited value to each individual practitioner. This is in large part due to it being emphatically a 'Group' reconviction scale and not a prediction about the particular individual – instead it is an actuarial statement of the percentage of cases in a group of individuals with the same static factors that would be reconvicted in the next two years.

Potentially more useful to the practitioner was OASys (for Probation) and Asset (for Youth cases). These were much more complex to apply, with many more items of information or judgement to record about each case, but they included dynamic as well as static factors and therefore offered the possibility of future 'improvement' in the score. Although some practitioners continued to resist the use of these tools, seeing them as a time-consuming bureaucratic burden of limited benefit, the majority now recognise that the benefits both to practitioners and managers outweigh the costs. Most practitioners can complete the structured assessments fairly efficiently, and if they use them wisely, they find that they are aided by OASys's benchmarking function.

The added benefit of a tool such as OASys is that it can provide a 'Likelihood of Reoffending' score at the start of supervision, and then another score later on or at the end of supervision – thereby providing a quantitative measure of progress achieved (or not achieved) during the course of the supervision. This is the advantage for a practitioner of a

dynamic scale such as OASys over a wholly static scale such as OGRS – albeit that both scales have different valuable uses overall. Not all successor tools may have this benefit.

Highlighted now are two particular issues concerning the *assessment* aspect of Probation and Youth Offending work:

1) Planning as well as analysing

An assessment needs to include both an analysis and a plan, i.e. both ‘what I think the problem is’ and ‘what I propose to do about it’. However, historically practitioners have generally been much better at doing the analysis than the plan (Bridges, 2011). Practice always varies of course, but a high proportion of reports for Courts in the past have concluded with a brief and vague statement that a period of supervision will “enable the causes of the offending behaviour to be addressed” or words to that effect. This syndrome is clearly evidenced in the findings of inspections of cases by HM Inspectorate of Probation over the last decade (Adult, Youth, and others) where assessments were seen as fairly strong on analysing the problem and weak on setting out the proposed solution.

However, in very recent years there has been some improvement, with more attention being given to devising much more explicit coherent specific supervision plans, a development that needs to continue.

2) The Assessment conundrum

The ‘Assessment conundrum’ takes a little more explaining. Practitioners face managing the reality that at a time when efficient use of resources is becoming increasingly topical, some cases require considerably more ‘assessment work’ than others.

Historically, when there was less pressure on resource efficiency, every case was in effect weighted equally, and by implication the time devoted to each case was at each practitioner’s disposal. Standards initially stressed the quantity and quality of work that ought to be undertaken in every case without taking into account at all that the time and resources available to do the work might be finite. Practitioner time was treated as a demand-led ‘free good’.

Once managers formally started giving attention to the amount of work that each case required this highlighted the variety of cases that came the way of Probation staff in particular. Complex cases, for example defendants with long records of violent or sexual harm to others, could require third party inquiries and analysis of numerous records in addition to the interviews themselves (while in custody or not) and such cases might take over 15 hours work each.

These are, however, a small proportion of the total number of court reports prepared in a year, as nearly a fifth of all reports (adult and youth) are on cases where there are no previous convictions, and in these cases the Court may have a particular sentence or disposal in mind. An assessment that is ‘fit for purpose’ requires considerably less work in such cases. Therefore different case types require varying quantities of ‘assessment work’ in order to prepare assessments that are ‘sufficient for each case’, focusing specifically on what the Court needs to know (and no more) in order to make a sentencing decision.

As such, one option is that managers could instruct their practitioners to ‘sufficiently assess’, ‘sufficiently analyse’ and ‘sufficiently plan’ to ensure that enough work is done to allow the Court to formulate a record and a sentence (Bridges, 2011). In this way time and resources would be sufficient and proportionate to the type of case being managed. For various reasons however, this approach is rarely adopted. It is unattractive to many managers because it puts power in the hands of the practitioner and gives very little control to the manager, and it is especially problematic if there are staff with different formal qualifications and skill levels within a local team.

One of the other approaches to tackling this hurdle is a 'triage approach' (Holt, 2000, Bonta & Ruge, 2004). It attempts to place control directly with managers and policymakers. Although the term 'triage' is borrowed from the world of medicine, where resources are distributed on a need specific basis to maximise the number of survivors, it is sometimes used in the Probation context to allow managers to put cases into set classifications or categories at an early stage in the assessment process.

One major symptom of this approach was the evolution of the various new forms of Court report we outlined earlier: Specific Sentence Reports, oral reports, 'Standard Delivery Reports' and 'Fast Delivery Reports'.

In addition to these report formats there have been other innovations that seek to put cases into different categories of 'work demand'. In 2007 a 'Tiering' system was introduced to Probation in 2007. This was a credible attempt to allocate each case into a resource tier - of which a comparable system, called the 'Scaled Approach', was introduced for Youth Offending Teams (by the Youth Justice Board, from 2009).

However, sometimes it's not possible to know how complicated or demanding a case is going to be until you have completed the assessment. In theory one needs to know the outcome of the assessment before knowing which level of assessment to undertake – this is the 'Assessment conundrum'. It is for this reason that many practitioners have sought to resist the shorter report formats, arguing that every case put back by a court for a report should have a 'full' PSR prepared to avoid missing important information. This is a resource-hungry way of managing the potential problem of exceptional cases – instead a much smarter approach is needed. The effectiveness of an organisation is tested by how well it manages such exceptional cases – it also illustrates how the members of that organisation think about their work.

To illustrate, a young male adult with no previous convictions who has committed an offence of driving with excess alcohol might be put back for a report because the Court is minded to impose an unpaid work requirement (formerly community service, now branded as Community Payback) in addition to any financial penalty or costs. On the face of it the case 'only' requires an FDR ("Fast Delivery Report") and accordingly the same day the defendant might well be duly sentenced to Community Payback.

It could transpire, however, that the man regularly abuses his female partner, and the local Police Domestic Violence Unit has been called to the home on several occasions. Though this information would probably not change the original sentence by the court, his current conviction being solely for driving with excess alcohol, it should undoubtedly be taken into account in the way that the case is subsequently supervised after sentence.

It could be argued that this additional information should become available before sentence but in practice the timing of the additional information is not the important issue. The importance lies instead on the information being discovered at an early enough stage of supervision to be taken into account in the subsequent management of the case.

Reports for courts need to be done in a timely fashion – to minimise delays to justice - but caseworkers need to be alert to new information and be prepared to undertake a fuller assessment accordingly, to ensure they are managing the case effectively.

This isn't easy in those instances where what had initially looked a 'straightforward' case like this example has at the start been allocated to a relatively junior, new or less qualified member of staff. It is essential that the practitioner does 'know enough to know' that there is more to the case than was at first apparent, so that a fuller assessment can be done – after court if necessary. A competent Probation or Youth Offending team will be able and willing to adapt to this development; a less competent one will be locked into a 'process

mentality' which says that 'This was a Tier One case when we first allocated it, so it will continue to be worked as a Tier One case', with potentially adverse consequences.

Probation and Youth Offending teams will need to try to adopt an approach similar to the one outlined further above. Managers will need to ask their practitioners to exercise careful skill and judgement with each individual case so that they do just enough work (and no more) to undertake an assessment that is 'sufficient' for the purpose of the case.

A Pre-requisite to effective practice – 'Engagement'

'Engagement' is vital when working with individuals who have offended. It is a pre-requisite to effective assessment and intervention whereby practitioners establish a constructive working relationship with the offender (Beech & Mann, 2002). Engagement is also thought by some to be the gateway for establishing the level of motivation that an adult or young person has, which has shown to be useful in predicting the success of interventions (Prochaska & Di Clemente, 1983; 1986). Some call this "treatment readiness" - see for example Howells & Day, 2003 - though personally I don't favour the use of quasi-medical language such as 'treatment'.

This readiness can be enhanced through work to increase their motivation, self- efficacy and performance levels rendering them more receptive to it (Miller & Rollnick, 2002), commonly referred to as 'motivational interviewing'. Good engagement and developing high levels of motivation enables the practitioner to intervene more effectively with the individual under supervision. (Polaschel & Ross, 2010).

'Engagement' is therefore a theme currently inherent in most forensic settings. It is encouraged by Probation, Youth Offending Service, Mental Health Services and Social Services to help improve case management from assessment, through interventions, to outcomes achieved and case closure. National Offender Management Service's (NOMS's) recent 'Offender Engagement Project' is an example of such developments and a strong indicator of how engagement fits into today's practice. However, it is not a direct indicator of success in its own right; 'Engagement' is a skill that is 'necessary but not sufficient', a key 'Enabler', but not in itself a 'Result, in the language of the widely used European Excellence Model (EEM) advocated by the European Foundation for Quality Management (EFQM).

Interventions:

Where *assessment* was about analysing what has happened before and then planning the actions to be taken from now on, *interventions* are about carrying out those actions. If one were to use medical language assessment would be 'diagnosis', and interventions would be 'treatment', but for good reasons the worlds of Probation and Youth Offending rightly tend to avoid such medical language. It implies adherence to a medical model, which limits practice to a 'test, diagnose and treat' process that in effect is not holistic enough to take into account the individual 'desistance journey' that the offender may be undergoing. For the purpose of this article 'interventions' captures all the work done by Probation, Youth Offending, Social and Mental Health Services and others that aims to achieve the purposes of statutory or non-statutory supervision of offenders in the community.

Historically, Probation practice was rather idiosyncratic. Highly creative and imaginative examples of projects and approaches to practice were sometimes carried out. However, too often probationers/offenders received a service that was very inconsistent and unaccountable, and it was very rarely evaluated in an evidence-based way.

Then in the mid-1970s the results analysis of the IMPACT Project (Folkard, Smith & Smith, 1976) and of Martinson in America were both published. IMPACT was an experiment in

London in which a sample of cases received much more intensive contact than was normally the case. The research concluded that with the more serious cases the more intensive contact made no difference to reoffending, while with the less serious cases it actually made it worse – a very disappointing finding for Probation staff. This followed closely behind the conclusion mistakenly drawn from Martinson's American analysis (Martinson, 1974), and the 15 or so years immediately after this is now often described as the period of 'Nothing Works'.

The negative conclusion arose that no particular practice was any more effective than any other. Without any other guiding policy, practitioners continued to work according to their own individual/ideological beliefs. Thus during the 1980s Probation became for some the avenue to divert offenders from custody, giving them space to 'grow up and grow out of crime'. It was seen positively as benefiting society as it was cheaper than prison, but others felt negatively about taking on a 'do as little harm as possible' approach (Bottoms and McWilliams's Non-treatment Paradigm, 1979)

A much more optimistic approach to forensic practice developed from 1990 to the turn of the century. With the arrival of The 'What Works?' movement (Maguire, 2001), 'evidence-based practice' began to gain currency; certain interventions did 'work' if and when applied with the right individuals at the right time and in the right way. Reasoning & Rehabilitation (Robinson and Porporino, 2001) programmes along with Enhanced Thinking Skills devised by, for example, HM Prison Service, (HMPS) were introduced to cater for community as well as institutional settings, with the flexibility to be adapted for young offenders.

While maintaining programme integrity through proper training and adherence to the provision of the interventions (Hollin, 1995), further types of programmes were developed in both prison and community settings, many centring on personal effectiveness and combining individual as well as group interventions to focus on pro-social adaptations, moral reasoning (Palmer, 2003) and cognitive thinking (cognitive behavioural therapy - CBT, Lipsey & Landenberger, 2006) and development.

There was increasingly centralised policy by the Home Office, notably the creation of a single National Probation Service in 2001, and then the merging with the Prison Service following the creation of NOMS (National Offender Management Service) in 2004. In relation to Probation interventions specifically, there was a strong national steer towards developing formally accredited groupwork programmes like the ones mentioned above in both the prison and probation services at the turn of the century (see also www.justice.gov.uk/offenders/before-after-release/obp) – followed by a gradual decline during the next decade due to a policy implementation failure.

Partly there were distractions from subsequent policy drives, first on enforcement and then on responding to notorious cases of serious further offences. Partly too, accredited programmes started to seem expensive, and this led to them being unwisely implemented in some instances. For example, when the range of accredited programmes was being developed, it was projected (correctly) that the programmes that would be of most benefit to the majority of individuals under supervision would be those that sought to develop cognitive skills – cognitive behavioural therapy (CBT). Accordingly two of the first programmes to be accredited were, reasonably, CBT programmes. But because they were expensive to devise and start up, there was a strong central drive to put as many offenders as possible through such programmes in order to make the unit costs look less expensive.

In the resulting drive to fill as many programme places as possible unsuitable cases were increasingly referred, which was of course followed by a decline in the reported effectiveness of those programmes. This in turn led to reduced confidence and interest of policymakers in the 'What Works' movement in the first decade of the 21st century.

Nonetheless, groupwork programmes have still continued to run, both in Probation and Youth Offending, though the evidence-based nature of much Youth Offending groupwork has sometimes been less apparent (see YO inspections by HMI Probation). In contrast most Probation groups have been accredited by an independent Accreditation panel. Although much harder to organise in the community than in custodial settings, for logistical reasons, groupwork remains one of the key interventions available for practitioners in the community.

In reality however, only a small proportion of the total contact received by individuals under supervision takes place in groups. Most contact consists of 'routine' weekly or other regular individual bilateral interviews, in an interview room, office or reporting centre. Though there are some (often forgotten) accredited 'one-to-one' programmes (Davis, 2005; Burnett, 2004) that are being implemented with a range of cases, this still only constitutes a relatively small proportion of total contact with individuals who have offended. Practitioners have to spend a large proportion of contact time on ensuring compliance with various requirements of the court, and checking and updating the current circumstances of each individual. Accredited programmes themselves, groupwork or one-to-one, still only occupy a finite period within the overall length of each community order and most post-sentence licences.

Nevertheless the evidence from the Inspectorate in the long term is that in recent years most current cases are now experiencing at some point in their supervision coherent individual plans of interventions, many of which originated as evidence-based practice – this represents a marked step forward from the idiosyncratic practice prior to 1990.

Interventions within 'offender management'

The notable continuing issues with interventions for practitioners, however, mainly revolve around the modern distinction drawn by many between 'offender management' and 'interventions'. The idea that case officers are not expected to do everything pertaining to their cases, as no one person is an expert in all aspects of a case, began in the 1990s. 'Offender managers' (in current parlance) were required to 'let go' and to allow other colleagues to undertake certain aspects of 'their' cases. The rather possessive attitude/ethos of some case managers meant that this took some getting used to.

Nevertheless, by the turn of the century most practitioners had become accustomed to case referral, facilitating the provision of groupwork programmes or employment training or other services by other colleagues, both from within and outside their own organisation.

When NOMS was established in 2004, it was proposed that offender management and delivery of interventions should become completely separate. The debate continued as NOMS went on to draft a suite of service specifications to enable each aspect of Probation practice to be put out for competitive tender. These reinforced the separation of intervention delivery and offender management.

The underlying issue was that although there were some sound reasons for separating out certain aspects of Probation practice as above there also continued to be the need for joining the work back up again. As with all personal services there is a need for the practitioner in charge of the case to have the means and ability to manage the case as a whole. In this sense the work has to be both 'broken up' and 'joined back up again' – both are necessary, but the latter has received much less attention from NOMS than the former in recent years.

Outcomes:

Synonyms for outcomes could include 'results', 'measures of effectiveness', 'purposes achieved', 'benefit to the community', or 'measurable improvement'. For the purposes of this article these other terms may usefully appear, but they all come under the group heading of Outcomes.

The main point to grasp for the reader new to the Probation or Youth Offending worlds is that the precise definition of desired outcomes is extremely problematic in a number of ways. Indeed this is a symptom of the ambiguities within the wider Criminal Justice system itself – the sentence passed on each offender may have one or several of the following purposes: retribution, deterrence of the individual, deterrence of others, help or 'rehabilitative treatment' for the individual (Norrie, 1993), or in certain cases act to announce a special mark of society's disapproval, as with some of the sentences handed down following the summer riots of 2011. Given that community supervision formally became a sentence of the Court in the 1990s (and no longer a case of "advise, assist and befriend" *instead of a sentence*) the ambiguity of its purpose should not be that surprising.

Thus on the one hand I am critical of those managing Probation and Youth Offending work for failing to focus effectively on evaluating the outcomes of their practice, but on the other hand I readily acknowledge that attempts to do so are always fraught with difficulties. People new to the subject tend to assume that the aim is simply to reduce reoffending, and that there must be straightforward ways of doing that, but in reality the picture is very complicated.

Today it might seem strange to anyone who has received any basic training in 'Management by Objectives' that a key service was once managed without any defined success criteria, as was broadly the case historically in Probation. Until the 1970s it was believed by many that Probation supervision or 'social casework' reduced reoffending although as discussed earlier, what one actually did during these 'social casework' interviews was largely down to each practitioner.

As previously outlined the IMPACT research in England, and the mistaken interpretation given to Martinson's American analysis, eroded this belief. Hence from the late 1970s came the rather modest aspirations arising from Bottoms and McWilliams's 'Non-treatment Paradigm' (1979), the 'Sentenced to Social Work?' of Bryant, Coker & Estlea et. al, (1978) and the Home Office's 'Statement of National Objectives and Priorities' for Probation, circulated in (1984). By the late 1980s the most frequently cited definition of success for Probation was 'diversion from custody' – practitioners were told that if they obtained a community sentence from Court for an offender who was of 'High Risk of custody' this was a success because community sentences were cheaper and no less ineffective than custodial sentences. However, the 1990s saw the arrival of the 'What Works' movement (Maguire, 2001), that stressed, to distance themselves from the so-called Nothing Works hypothesis, that certain things did 'work' if undertaken with the right individuals.

There was also a particular emphasis on the value of cognitive behaviour therapy (CBT) in groups, which focus on the process of learning in maintaining behaviour (Rachman, 1997). The individual under supervision is encouraged to identify connections between thoughts, feelings and offending behaviours.. Although the research supported CBT use with a high proportion but specific group of offenders for community based interventions (Goldstein, Glick & Irwin et al, 1989), probation (Golden, 2003) and in custody cases (Friendship, Blud & Erikson et al, 2003), it was often subsequently misrepresented and was then advocated as the answer to everything in all cases. One consequence of this was that it lost some political credibility when the effect of CBT on reoffending reduced following the somewhat indiscriminate big rollout of these programmes in the early 2000s, as outlined earlier.

At the same time for political reasons there were other policy distractions such as an increasing emphasis on the importance of 'Enforcement' – requiring offenders under supervision to attend frequent appointments and for them to be taken back to court promptly if they failed to attend. This was part of the wider development of a detailed list of National Standards, which went through a number of editions at the turn of the century. Defining the 'Enforcement' objective clearly enough proved elusive at first, but during this period the centrally driven target in Probation was that in those cases where there had been a "second unacceptable failure to attend" (itself not easy to define clearly) then court action must be initiated within ten days with at least 90 percent of such cases. This, alongside a number of the other key National Standards, became in effect the key measures of success for Probation – and to a lesser extent for Youth Offending (which had a looser formal standard) – at this time.

However, the picture changed again in the middle of the decade because of growing public attention to the fact that a (small) number of current Probation or Youth Offending cases were committing notorious serious crimes during their period of supervision. Greatly increased attention was given to 'managing risk' in the community, although defining the precise measure of success again proved (and stayed) elusive. Policymakers were attracted by the idea of setting target minimum reoffending rates for these 'Serious Further Offences', and only reluctantly accepted that since only about one in 200 'MAPPA' cases – cases managed through Multi-Agency Public Protection Arrangements - committed an SFO (Serious Further Offence) this was not a realistic approach. (Furthermore, over three-quarters of SFOs were committed by current cases who were - usually correctly - not as yet assessed as being High or Very High risk of harm to others.)

Managers tried to deal with this by setting standards for the content of assessments, as well as for the speed of their completion, but this too proved unsatisfactory. Ticking off the items contained in a document is not the same as assessing whether or not it is of satisfactory quality – a quality test requires a qualitative judgement. Meanwhile practitioners could be forgiven for questioning whether their managers were clear about whether they wanted reduced reoffending, or increased 'Enforcement' (actually Compliance and Enforcement), or better quality of assessment and management of risk of harm to others.

The truth, of course, is that all three are required, but this has rarely been stated in any formal documentation for Probation or Youth Offending work (except by HMI Probation - see further below), so they are often portrayed as competing fashions rather than as necessary complements to each other. This sense of rotating flavour of the month was renewed in 2009, as a renewed focus on reconviction rates (or 'proven reoffending') came to the fore again.

Hence my first point here is to be critical of those managing Probation and Youth Offending work for failing to focus effectively on evaluating the outcomes of their practice – one consequence of failing to set your own success criteria clearly enough is that someone else (media, politicians etc) will set some for you instead. However, my second point is that setting them satisfactorily is genuinely difficult.

I have outlined elsewhere that success criteria are needed for all three of the key Purposes of Probation or Youth Offending work, and that all of them require a greater or lesser degree of human judgement to 'measure' whether they are being achieved in practice. Nevertheless it is worth commenting here on why the second purpose – reduced reoffending – is so hard to measure in practice, and to apply as a performance measure.

First is the often-cited problem that reconvictions are often recorded only after a long time delay (and only if the offender is caught), that each conviction can encapsulate between

one and a hundred or more offences that may be more or less serious than the earlier offending, or that they can sometimes refer to offences actually committed prior to previously recorded convictions. Next is the problem of comparing like with like – either a *control group* approach, or a proxy for one, is therefore needed. Next is the obvious dilemma that you need to trade off *accuracy* against *immediateness* – the longer you wait the more accurate the finding (as to whether or not someone is reoffending), but the more you lose the immediateness of any ‘feedback on performance’ (essential for effective management). And that all raises the question of whether you want to measure incidences of further offending, or total quantity of further offences, or seriousness of new crimes.

In recent years the Ministry of Justice has tackled these problems by taking a ‘twin track’ approach. On one track it became increasingly committed to commissioning some prison services (e.g. Peterborough) and potentially most Probation services too using a Payment by Results (PbR) formula based simply on what is now known as the ‘binary measure’ - whether or not there is a reconviction within a 12-month period. But on another track was a version of an ‘Actual v Predicted’ approach. They measured incidences of ‘proven reoffending’ by current cases during a period of a few months within the first year of supervision (<http://www.justice.gov.uk/downloads/statistics/reoffending/proven-reoffending-definition-measurement-260112.pdf>). Since every case could now be located within a cohort in which predicted reoffending could reasonably be predicted, they could in principle compare like with like between different Probation Trust areas using this Actual v Predicted approach.

However, there continued to be problems. On a technical point, the formula for ‘Predicted’ included a calculation for previous reoffending within that geographical area, meaning that areas with a previous ‘good’ record were disadvantaged compared with areas with a previous ‘poor’ record. On a more fundamental point the early quarterly reports showed scores bouncing around between very narrow margins, with only a few even technically statistically significant results (and yet still bouncing from quarter to quarter). This approach was a worthy attempt to solve the dilemma of accuracy v immediateness, but in the end it was neither sufficiently accurate nor sufficiently immediate. This meant that it was not going to work as a measure of local short term performance. Nevertheless I think that it will certainly continue to be necessary to measure reoffending, ideally Actual v Predicted after a two year period, as a measure of *national long term* performance.

For local short term performance purposes it will for now be necessary instead to use a proxy measure, assessing whether or not Likelihood of Reoffending has decreased during the course of, say, the first six or twelve months of supervision. This can be done either by measuring each individual on a dynamic scale (such as OASys) at the start of supervision, then later, and measuring the difference, or by recording whether certain ‘operational outcomes’ have been achieved during the course of supervision, those outcomes being ones that wider research suggest promote the strategic outcome of desistance from offending.

To summarise concerning outcomes, defining success criteria is extremely problematic and there is not yet widespread agreement – indeed for Youth Offending work there is the additional complication of an additional ‘welfare of the child’ purpose to be achieved. But in my view it will be useful step forward if (in addition to the child welfare purpose for Youth Offending) there were a wider acceptance that Probation and Youth Offending work has three separate but overlapping complementary Purposes to fulfil, as illustrated in the Figure on the next page. Furthermore, it is an awkward but inevitable fact of life that the way of measuring each of these Three Purposes will need to include an element of human qualitative judgement.

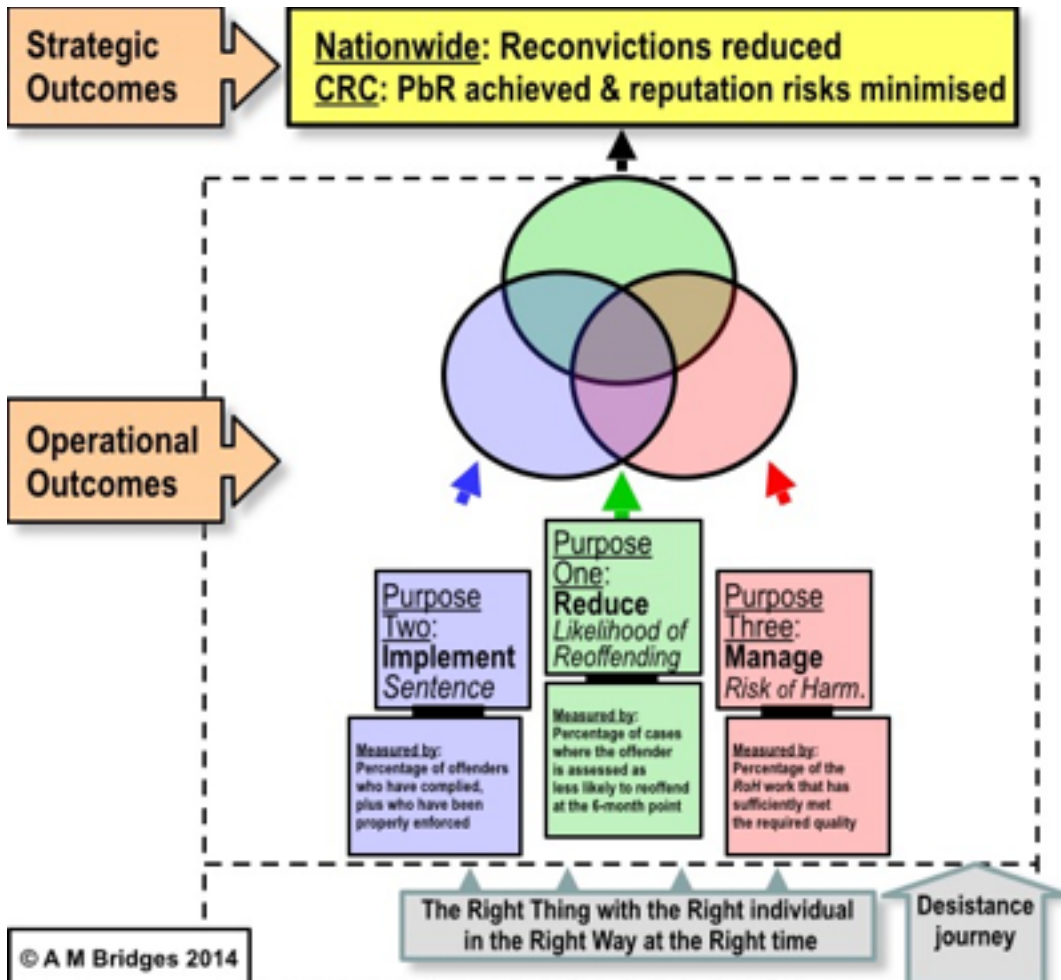


Figure: Andrew Bridges (2014), developed from earlier work when with HM Inspectorate of Probation: The Three Purposes of Probation and Youth Offending work and how to measure them (an additional fourth Purpose, applicable only to Youth Offending work, is not shown here)

Desistance

This introduction cannot be concluded without briefly mentioning the theme of 'Desistance'.

As previously stated I mainly aim to avoid where possible terms such as 'treatment' that may imply a medical model, and instead we need to look at social dimensions, the onset of the offending behaviour and how it comes to an end. In examining how offending behaviour ceases it is much more useful to employ the concept of 'desistance' from offending, as set out by McNeil, Weaver, Maruna and Farrell (2004), which emphasises how desistance is a process rather than a sudden result, and how it is largely a personal journey experienced by each individual.

Structured groupwork and other 'What Works' programmes retain their value and importance under this approach, as they certainly have a part to play in assisting the process of each individual's journey of desistance. Accordingly, practitioners should think about their role in a less instrumental or medically modelled manner. It needs to be less a case of 'This behaviour should be treated with this programme' and more a case of 'this individual is likely to find this programme a timely and effective intervention in helping him/her change his/her behaviour over time'.

As such, most Probation and Youth Offending practitioners use the individual's whole social context in order to explain the onset and persistence accordingly to plan how to help the individual's future desistance – consistent with, if not knowingly sourced from, the ideas of Bronfenbrenner (1979). They carry out their forensic role with whomever the courts or other authorities send their way, with no formal power to reject such referrals.

Conclusions:

Although Probation or Youth Offending practitioners don't tend to use the word "forensic" to describe their work it is still a fair way of describing most of what they do with offenders in the community. The term may be more frequently employed by psychologists but the cases that are seen by psychologists will only be a tiny proportion of the total number that the mainstream services supervise.

Probation and Youth Offending services have to take on every case sent to them by the courts, and with every case that goes beyond the court report stage they need to assess, engage, intervene, review, and aim to achieve outcomes. As we have seen, each of these functions has complications and issues. Assessments have to be 'fit for purpose within available resources' rather than 'comprehensive', and the practitioner must be alert to the need to review each case both at regular intervals and in the light of new information. Engagement must be a means to an end and not an end in itself. Interventions, now often separated from 'offender management', should aid the individual's own personal desistance journey by doing 'the right thing with the right individual in the right way at the right time'. This, however, begs the question of 'the right thing' in order to achieve what precisely?

A common assumption is that the purpose of all this supervision of about a quarter of a million individuals (adults and youths) in the community at any one time is 'simply' to stop or at least reduce reoffending. It is certainly one key purpose, although we have seen that it is much more complicated to 'measure' precisely than most people at first realise. The greater complication is that in practice, whether it is made explicit or not, there are two additional separate but overlapping purposes to be achieved, making Three Purposes altogether. Even if the person under supervision does not reoffend, the Probation or Youth Offending practitioner will not be seen as having done their job properly if they have not required the individual to maintain a reasonable frequency of appointments, or if they have failed to take all reasonable action to manage any potential risk of harm to others.

As we have seen, there have been many uncertainties and several changes over the last forty years in any attempts to define what these practitioners have been required to achieve. The intention of the Coalition Government policy from 2010 was to focus more strongly than ever before on achieving outcomes, with its strong emphasis on 'Payment by Results (PbR)'. Although this principle has much merit in it in theory, it remains very problematic in practice.

I have outlined the difficulties involved in measuring reoffending, in the dilemma between 'accuracy' and 'immediateness', while the frequent unwillingness to make explicit the other two purposes belies the fact that it is the perceived failure to protect individual victims that can cause even senior staff to lose their jobs, as in the Baby Peter and the Sonnex cases. Nevertheless we must acknowledge the genuine difficulties in measuring the achievement of the Three (plus one) Purposes, as set out further above, because all require an element of qualitative judgement by the person doing the measuring.

However, there is also a danger in getting lost in the difficulties. Just because it is hard to define a 'precise' way of measuring a result that not does prevent a practitioner from being able to assess for herself or himself whether he or she is doing a good job with each

individual case. The Probation or Youth Offending practitioner can ask herself or himself the following three questions:

First: "Am I holding this individual to the terms of the court sentence or licence?" (Compliance)

Second: "Am I helping this person to become less likely to reoffend in future, and how will I evidence that?" (Likelihood of Reoffending)

Third: "Am I taking all reasonable action to protect others from harm from this individual?" (Risk of Harm to others)

- and with individuals under the age of 18 there is also a fourth ('plus one') purpose:

"Am I taking all reasonable action to protect this young person from coming to harm, either from self or others?" (Risk of harm to self)

Any allied specialist practitioner, whether a forensic psychologist or another specialist provider, needs to understand this. It should be noted from this that, although it is true that there are the numerous complications and difficulties in this work as we previously outlined, it is also true that there is a simplicity to what mainstream staff are being asked to achieve. 'Simple' is not the same thing as 'easy', and with most probation officers having at least 35 cases each (Youth Offending practitioners typically fewer than 20) it is never an 'easy' job for the conscientious worker. I would strongly advise that, when working with a Probation or Youth Offending colleague, the allied practitioner should be able to demonstrate that her or his own work has contributed appropriately, when needed, to the achievement of these Three (plus one) Purposes.

Andrew Bridges 2014

References:

- Andrews, D. A., Bonta, J., & Wormith, S. J. (2006). The recent past and near future of risk and/or need assessment. *Crime and Delinquency*, 52, 7-27.
- Andrews, D.A., Zinger, I., Hoge, R.D., Bonta, J., Gendreau, P. & Cullen, F.T. (1990) Does correctional treatment work? A clinically relevant and psychologically informed meta-analysis. *Criminology*, 28, 369-404.
- Ashmore, Z. and Shuker, R., eds (2014) *Forensic Practice in the Community*, Routledge, London, 2014
- Aye-Maung, N. and Hammond, N. (2000) Risk of Re-offending and Needs-Assessments: The Users Perspective (Home Office Research Study No. 216) London: Home Office.
- Baker, K, Jones, S, Roberts, C and Merrington, S 'Validity and Reliability of Asset' (2003) London: Youth Justice Board.
- Beech, A. and Mann, R. (2002) Beech, A. and Mann, R. (2002) 'Recent developments in the assessment and treatment of sexual offenders'. In: McGuire, J. *Offender Rehabilitation and Treatment*. Chichester, John Wiley.
- Bonta, J. and Rugge, T. (2004) Case Management in Manitoba Probation 2004-01.
- Bottoms, A. E. & McWilliams, W. (1979) A Non-Treatment Paradigm for Probation Practice *Br J Soc Work* 9(2): 159-202.
- Bridges, A. (2011) HM Chief Inspector of Probation 2004-11 Probation & Youth Offending work: A Tribute to those who do it well. (Lecture).
- Bronfenbrenner, U. (1979). *The ecology of human development*. Cambridge, MA: Harvard University Press.
- Bryant, M., Coker, J., Estlea, B., Himmel, S. and Knapp, T. (1978) 'Sentenced to Social Work', *Probation Journal*, 25, 110-14.
- Burnett, R. (2004) 'One-to-one Ways of Promoting Desistance: In Search of an Evidence Base', in R. Burnett and C. Roberts, *What Works in Probation and Youth Justice: Developing Evidence-based Practice*. Collumpton: Willan Publishing.

- Cavadino, M (1997) Pre-Sentence Reports: The Effects of Legislation and National Standards Br J Criminol 37(4): 529-548.
- Chapman, T. and Hough, M. (1998) Evidence Based Practice London : HMIP.
- Clarke, R. V. and M. Felson (Eds.) (1993). Routine Activity and Rational Choice. Advances in Criminological Theory, Vol 5. New Brunswick, NJ: Transaction Books.
- Copas, J. and Marshall, P. (1998), The offender group reconviction scale: a statistical reconviction score for use by probation officers. Applied Statistics, 47, 1, pp.159-171.
- Copsey, M. and Spurden, S. (1998) 'Say what you mean - Mean what you say' Addressing the Effectiveness Agenda Vista 4 (2) p. 143-154.
- Davis, E. (2005) Appendix D: 'The One to One Programme: Guidance for Use with Racially Motivated Offenders, Probation Circular PC 67/2005. London: Home Office.
- Folkard, M.S., Smith, D.E. and Smith, D.D. (1976) IMPACT: Intensive Matched Probation and After-Care Treatment. Volume 2. Home Office Research Study No. 36. London: HMSO.
- Friendship, C., Blud, L., Erikson, M., Travers, R., & Thornton, D. (2003). Cognitive-behavioral treatment for imprisoned offenders: An evaluation of HM prison service's cognitive skills programmes. Legal and Criminological Psychology, 8(1), 103-114.
- Gendreau, P., Goggin, C. and Smith, P. (1999) 'The Forgotten Issue in effective Correctional Treatment: Program Implementation' International Journal of Offender Therapy 43 (2) p. 180-187.
- Goldstein, A. P., Glick, B., & Irwin, M. J., Pask-McCartney, C., & Rubama, I. (1989). Reducing delinquency: Intervention in the community (1st ed.). New York: Pergamon Press.
- Golden, L. S. (2003). Evaluation of the efficacy of a cognitive behavioral program for offenders on probation: Thinking for a Change (Doctoral dissertation, The University of Texas Southwestern Medical Center at Dallas , 2002). Dissertation Abstracts International, 63(10), 4902. (University Microfilms No. (not avail. fr. UMI)).
- Home Office (1984) Probation Service in England and Wales: Statement of National Objectives and Priorities, London: Home Office
- Hollin, C. R. (2006). Offending behaviour programmes and contentions: Evidence based practice, manuals, and programme evaluation: in C.R. Hollin & E.P. Palmer (Eds.), Offending Behaviour Programmes: Development Application and Controversies (pp33-67). Chichester: John Wiley & Sons Ltd.
- Hollin, C. (1995) The Meaning and Implications of 'Programme Integrity' in McGuire, J. (Ed) (1995) What Works: Reducing Reoffending, Chichester: John Wiley.
- Holt, P (2000) Case Management: Context for Supervision. Community and Criminal Justice Monograph 2, Leicester: De Montfort University, pp13-18.
- Howells, K. & Day, A. (2003). Readiness for anger management: clinical and theoretical issues. Clinical Psychology Review, 23. pp. 319-337.
- Lane, D. A. (2006) The modern science-practitioner: A guide to practice in psychology. London: Routledge. Chapter One: What does it mean to be a science-practitioner? Working towards a new vision.
- Lipsey, M. W. (2003). Those confounded moderators in meta-analysis: Good, bad, and ugly. The Annals of the American Academy of Political and Social Science, 587, 69-81.
- Lipsey, M. and Landenberger, N. (2006) 'Cognitive-behavioral interventions' in Welsh, B. and Farrington, D. (eds.) Preventing crime: What works for children, offender, victims, and places. Great Britain: Springer.
- Lipton, D. S., D. Thornton, et al. (2000). Program accreditation and correctional treatment. Substance Use & Misuse 35(12- 14): 1705-1734.
- Martinson, R. (1974a). What works? Questions and answers about prison reform. The Public Interest, 35, 22-54.
- Maruna, S. and S. Farrall (2004) 'Desistance from Crime: A Theoretical Reformulation', Kölner Zeitschrift für Soziologie und Sozialpsychologie 43: 171-94.
- McGuire, J. (2001) What works in correctional intervention? Evidence and practical implications. In: G. Bernfeld, D. P. Farrington and A. Lescheid ed(s). Offender Rehabilitation in Practice: Implementing and Evaluating Effective Programs. Chichester, John Wiley & Sons.
- Melton, G B; Petrila, J; Poythress, N G; Slobogin, C. Book: Psychological Evaluations for the Courts.(2nd edition). 1997. New York: Guilford Press.
- Miller, W.R. and Rollnick, S. Motivational Interviewing: Preparing People to Change, 2nd ed. NY: Guilford Press, 2002.

Norrie, A. (1993) *Crime, Reason and History: A Critical Introduction to Criminal Law*. London: Weidenfeld and Nicholson.

OASys Development team (2001) *The Offender Assessment System: User Manual*. London: Home Office.

Petersila, J (1997) . 'Diverting Nonviolent Prisoners to Intermediate Sanctions: the Impact on California Prison Admissions and Corrections Costs.' *Corrections Management Quarterly*, 1 (1), p. 1-15

Polascheck, D. L.L.; Ross, E. C. (2010) Do early therapeutic alliance, motivation, and stages of change predict therapy change for high-risk, psychopathic violent prisoners? *Criminal Behaviour and Mental Health* Volume 20, Issue 2, Pages 100-111.

Palmer, E. J. (2003). *Offending behaviour: Moral reasoning, criminal conduct and the rehabilitation of offenders*. Cullompton: Willan Publishing.

Prochaska, JO; DiClemente, CC. Toward a comprehensive model of change. In: Miller, WR; Heather, N. (eds.) *Treating addictive behaviors: processes of change*. New York: Plenum Press; 1986. p. 3–27.

Prochaska, JO; DiClemente, CC.(1983) Stages and processes of self-change of smoking: toward an integrative model of change. *J Consult Clin Psychol* ;51(3):390 –5.

Rachman, S (1997). "The evolution of cognitive behaviour therapy". In Clark, D, Fairburn, CG & Gelder, MG. *Science and practice of cognitive behaviour therapy*. Oxford: Oxford University Press. pp. 1–26.

Robinson, G. (2002) 'Exploring Risk Management in the probation service: Contemporary developments in England and Wales'. *Punishment and Society*, 4, 5-25.

Robinson, G. (2003) Risk and Risk Assessment. In W. H. Chui, & M. Nellis (Eds.), *Moving Probation Forward: Evidence, Arguments and Practice* (pp. 108-128). Harlow: Pearson Longman.

Robinson, D., & Porporino, F.J. (2001). Programming in cognitive skills: The Reasoning and Rehabilitation program. In C.R. Hollin (Ed.): *Handbook of offender assessment and treatment* (pp. 179-193). Chichester: Wiley.

Websites:

<http://www.justice.gov.uk/downloads/statistics/youth-justice/yjb-statistics-10-11-exec.pdf>

<http://www.justice.gov.uk/downloads/publications/corporate-reports/hmi-prob/annual-report-2010-11.pdf>

www.legislation.gov.uk/ukpga/1991

https://www.cps.gov.uk/legal/p_to_r/provision_of_pre_sentence_report_information/#The_National_Standard

<https://www.yjb.gov.uk/publications/Resources/Downloads/Asset.pdf>

<http://www.justice.gov.uk/youth-justice/assessment/asset-young-offender-assessment-profile>

<http://www.justice.gov.uk/publications/inspectorate-reports/hmi-probation>

<http://www.justice.gov.uk/downloads/statistics/reoffending/proven-reoffending-definition-measurement-260112.pdf>

<http://webarchive.nationalarchives.gov.uk/20110218140639/http://www.yjb.gov.uk/en-gb/practitioners/youthjusticethescaledapproach/>

http://www.cepprobation.org/uploaded_files/England%20and%20Wales.pdf

<http://www.publications.parliament.uk/pa/cm201012/cmselect/cmjust/519/519we12.htm>

<http://www.justice.gov.uk/downloads/publications/hmiprob/hansonandwhitereview-rps.pdf>

<http://www.efqm.org/en/tabid/108/default.aspx>

Youth Justice Statistics 2009/10 England and Whales Statistics Bulletin (Published January 2011)