

Joint Seminar 29 May 2012

Cambridgeshire and Peterborough Probation Trust (CPPT) and Institute of Criminology (IoC)

Welcome and Introduction – Loraine Gelsthorpe (IoC)

Loraine welcomed everyone to the seminar. She indicated that the intention of the event was to generate discussion about the two Ministry of Justice consultation documents (Punishment and Reform: Effective Probation Services and Punishment and Reform: Effective Community Sentences) in order to inform the responses that people will be writing.

Loraine spoke about the importance of research and highlighted the lack of reference to research findings in the consultation documents. To emphasise this she referred to research on public attitudes to crime and punishment and evidence that the public have far more interest in rehabilitation than is popularly supposed, yet the consultation documents repeatedly refer to the Government's wish to respond to 'the public's wish for more or clearer punishment'. She also referred to research on 'Probation workers and their occupational cultures' by Mawby and Worrall, which reflects a strong skills and values base. In other words, 'probation work' is not something that anyone and everyone can do.

Session One – John Budd (CPPT and Probation Chiefs Association) and Linda Hennigan (Bedfordshire Probation Trust and Probation Chiefs Association)

John Budd introduced the main themes from the Effective Probation Services document (slides attached). He set the policy context and identified key policy developments (including payment by results and police and crime commissioners). He asked whether the review is a threat or an opportunity for probation trusts.

Linda Hennigan introduced the Effective Community Sentences document. Key policy developments here include punishment as an element of all community sentences, an increased use of electronic tagging and tracking technologies, new measures on alcohol and sobriety, financial penalties and asset seizure and restorative justice and victims' rights.

In subsequent discussion, the following points were made:

- There is a difference between those people who view the new world of marketization as inevitable and want to negotiate the best new model for probation and those who feel that competition and privatisation should be opposed in principle.
- Probation can learn from the experience of other public sector organisations (like the NHS and education) that have already been subject to purchaser/provider splits, commissioning, payment by results and other modernisations.
- The changes anticipated in Effective Probation Services will be time consuming and expensive – for provider organisations as well as commissioners.
- Risk is a fluid and dynamic concept. The idea in the consultation that it can be assessed at the start of an order and the case then allocated for the duration of the order without reassessment does not make sense.
- Information sharing and confidentiality are both challenges when service delivery becomes fragmented between organisations.

Session Two – Rob Canton (De Montfort University) and Nicky Padfield (Faculty of Law Uni of Cambridge)

Rob Canton raised a number of questions about the 'point of probation' and identified the dangers for the probation service of settling on a purpose such as providing punishment in the community, reducing reconviction or reducing the prison population (slides attached). In contrast he advanced a moral argument for the existence of the probation service.

Nicky Padfield considered the consultation documents from a lawyer's perspective (notes attached). She stressed the importance of the rule of law and advocated increased judicial oversight of the way that sentences are served, arguing for the importance of accountability and against the abuse of discretionary powers.

In subsequent discussion, the following points were made:

- There are other areas of public life where the moral dimension of the debate is lacking (e.g. banking and finance).
- It is hard for probation to argue from the standpoint of values for fear of being dismissed a bunch of sandal-wearing hippies.
- However, the 'values argument' is strengthened by evidence from research that suggests that staff characteristics and quality of interaction with service users are important in encouraging desistance.
- Would registration or licensing for probation professionals be a means of safeguarding standards and values at this time of change and potential fragmentation of providers?

Session Three – Jake Phillips (IoC) and Jane Dominey (IoC)

Jake drew on his research exploring probation occupational culture. He highlighted the themes of punishment and compliance, and raised issues around the conflation of offender management with supervision when set in the context of payment by results. A number of proposals in the consultation are in tension with aspects of probation culture which stress rehabilitation and encouraging individuals to change and comply. Probation staff are not likely to welcome a world in which only the supervision of high risk offenders remains part of their job.

Jane presented a case study of a 'medium risk' offender supervised by a newly commissioned provider in a possible version of the future (slides attached). She posed a number of questions about the practice implications of the 'public interest decisions' that the commissioning probation trust would have to make in this case.

In subsequent discussion, the following points were made:

- Payment by results raises lots of complex questions about what counts as a result and how to measure it.
- Payment by results may also constrain innovation. Many of the most important practice developments in probation have come from practitioner initiatives.
- There is concern across the probation service about how the proposed model of splitting the offender management of a 'lower risk' offender from the responsibility for making 'public interest decisions' can work.

- Provider failure is a real issue in the proposed model, as is the commercial inevitability that successful providers grow at the expense of smaller organisations. What are the implications of this for long-standing local voluntary sector partners of probation?

Thus the seminar not only served to stimulate thinking about the feasibility of some of the proposals, but prompted some further thinking about the vision inherent within the consultation documents and the need for research informed direction.