The Probation Reset:
an academic analysis

https://doi.org/10.54006/CTMY6007

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Introduction

Workloads have long been an issue in probation. The introduction of the Extended Custody Supervised Licence (ESCL) whereby some prisoners become eligible for release up to 70 days before the automatic release date has put probation under increased pressure. On 1 May, the Government responded to this added pressure by implementing the 'probation reset'. Formal policy documentation in relation to the 'reset' is not in the public domain. However, we know that - in an attempt to reduce workloads – supervision for most people under probation supervision will cease at the two-thirds point of their period on licence or community sanction. MAPPA cases, people supervised by the National Security Division, people assessed as posing a very high risk of serious harm and those with current active child protection procedures in place are exempt and supervision will continue to the end of the sentence.

When announcing the 'reset' Secretary of State for Justice, Alex Chalk MP said that the policy follows 'evidence, not emotion'. In this special section of PQ, members of the Probation Institute's Academic Advisory Network assess the evidence underpinning this change in policy and consider the impact that it may have on practice, practitioners, people under supervision and the Service.

Probation ethics

Rob Canton, De Montfort University

A reset sounds like something radical, a fundamental rethink and reorganisation. Yet any such project ought to begin with an attempt to specify the purpose(s) that should be set for probation - its point and its value. Thinking at that level is not easy to detect in recent government announcements. Purposes tend to be assumed: reduced reoffending, protection of the public, reduction of the prison population. But some of these are only achievable to an extent, while others – perhaps especially reducing numbers in prison – are aspirations with a long history of disappointment.

Politicians insist they are led by evidence and not emotion, but this has never been true. Some evidence counts, it seems, while other evidence (notably the testimony of practitioners and service users) counts for much less. And ultimately what a criminal justice system should do and stand for rests on *what we feel to be right* - judgements from which emotion cannot and should not be removed.

Justice and human rights should be the starting point for any 'reset'. Probation is at least as effective as imprisonment in reducing reoffending and in protecting the public: detention often amounts to postponement, delaying desistance. Yet probation matters not only for its contribution to these objectives, but should represent how a decent society should react to offending. Probation stands for the belief that everyone is more than the worst thing they have ever done, that desistance will be achieved by enabling people to have fair access to the resources that everyone needs to live a law-abiding life, and that the rights of victims are not best respected simply by the imposition of severe punishment. If our penal system could be rebuilt on those foundations, we might begin with a strong presumption against imprisonment and do our best to ensure that when custodial sentences are imposed they do not amount to a persistent exclusion from the communities where desistance must be accomplished.

RARs and Supervision

Jane Dominey, University of Cambridge

The impact of the probation reset for community supervision is that activities and interventions will be scheduled in the first two-thirds of the supervision period with little contact between supervisees and supervisors beyond that. The public is reassured that this reduction in service will not apply to those assessed as falling into various 'high risk' categories, although not reminded of the empirical and moral challenges of seeking to discriminate between people on this basis.

The justification for resetting in this way is to 'ensure that intervention and engagement is prioritised towards the first two thirds of the sentence, as experience shows that that most effectively rehabilitates offenders' (Chalk 2024). My sense is that experience – and the evidence – shows something rather different from this. The quality of probation supervision depends on the relationship between the individual and the supervisor (Robinson et al 2014) and probation outcomes are contingent on opportunities and resources over which the probation service has limited control (Reed and Dominey 2022). Supervisory relationships are not all the same, because legitimacy and trust develop at different speeds.

A further complication, highlighted by the reset, is the conceptual gap at the heart of community supervision caused by the 2015 abolition of the 'supervision requirement' and the creation of the 'Rehabilitation Activity Requirement (RAR)' (Robinson and Dominey 2019). The reset expects RAR days to be completed in the first two-thirds of the order. It is much less clear whether the subsequent management of the order allows any space for purposeful interactions between supervisors and supervisees. Contributors to the On Probation Blog (2024), drawing on current experience of policy and practice, take strikingly different views about whether *supervision* exists independently of RAR days.

It is hard to understand this probation reset as anything other than a policy attempt to grapple with the well-documented problems of probation workload and prison overcrowding. A probation reset that was primarily informed by evidence and experience would take seriously the relational foundations of practice and allow space for supervision.

Desistance-focused Practice

Sam Ainslie, Sheffield Hallam University

It seems doubtful that the evidence and experience referred to by the Justice Secretary has been drawn from the vast body of assisted-desistance research in recent years. Probationers have previously indicated that probation intervention can support their efforts to desist (see Villeneuve et al, 2021 for a systematic review), although this ability to affect change is highly dependent on a positive working relationship with their practitioner, characterised by hope, motivation and the ability to respond to individual needs.

The ability of practitioners to work in accordance with desistance supportive principles was damaged by Transforming Rehabilitation (Ainslie, 2021), and the prescriptive directions of the 'reset' would appear to push them further still from the evidence base that underpins their training. One can only imagine the frustration in knowing what it takes to do the job of probation well, but not be able to enact this in your daily practice. Practitioners are aware that desistance is a lengthy process characterised by setbacks as individuals come up against structural barriers including stigma and a lack of opportunities within their communities. Arguably, the compulsorily reduced levels of contact compromise practitioner ability to support desistance efforts in several ways. How can they support the development of human capital if they are no longer able to intervene when circumstances change, or to consolidate learning through the completion of post-intervention work? How can they bear witness to positive change (Anderson, 2016) or hold hope (McNeill, 2009) when individuals experience goal failure or isolation (Nugent and Schinkel, 2016)? The evidence tells us that this is what practitioners need to be able to do if they are to assist individuals in achieving lasting transformation, as opposed to a short-lived lull in offending behaviour.

The benefits of a reduction in the excessive workload of practitioners, coupled with the potential to mitigate the pains of statutory supervision for some probationers should not be overlooked. However, the persistent reductionist framing of probation work as surveillance of those who present a high risk of harm risks further alienation of the individuals who are seeking support with desistance (not necessarily in the early stages of their sentence), and the practitioners who consistently assert that this is the work they find meaningful. Given the current issues with staff retention, the narrative of 'reset' could quickly become redundant unless policy makers start to listen to the evidence.

Post-sentence Supervision

Matt Cracknell, Brunel University

Historically, people serving a short sentence (a prison sentence of less than twelve months) have been relatively invisible in penal policy, with resources and political attention geared towards cases assessed as higher risk. This is despite extensive research highlighting the multi-systemic needs and high reoffending rates of this cohort. Transforming Rehabilitation sought to remedy this gap through the introduction of the Offender Rehabilitation Act (ORA) 2014. Previously, people serving a short sentence were released unconditionally at the halfway point of their sentence with no statutory probation involvement post-release. However, ORA (2014) introduced a supervised licence period, and once this has elapsed, a 'top-up' period of Post Sentence Supervision (PSS), to take the total post-release period in the community to twelve months. Policymakers gave PSS the specific aim of 'rehabilitation', with the hope that this extended time period could help address the multi-systemic issues that often need addressing with this cohort.

However, the recent probation 'reset' indicates that active supervision appointments under PSS will no longer be delivered unless cases fall under specific exemption criteria. Justice Minister Alex Chalk promoted the probation reset as an opportunity to "allow front-line staff to maximise supervision of the most serious offenders". This approach seeks to further entrench probation as an institution that is primarily concerned with public protection, and does so through a bifurcation strategy; a twin-track approach that prioritises supervision and engagement for high-risk of harm cases, who will continue to be supervised for the full term of their licence, while once again confining people serving short sentence to their previous invisible status.

The rehabilitative aims of PSS will effectively become redundant, as people serving a short sentence will have all their supervision squeezed into a brief period on licence. This leaves this cohort in an invidious position: they are denied the potential benefits of the supervisory relationship whilst living under the threat of sanctions for breaking licence conditions. This further undermines the ideals of the 'rehabilitation revolution' that promised support to tackle the multi-systemic issues of this cohort and ending the cycle of revolving door short sentences that many get trapped in.

Interventions

Nicole Renehan, University of Durham

Interventions comprise accredited and structured group work programmes, and one to one practitioner tool kits. According to the Sentencing Council (2020), the main aim of interventions is to 'reform and rehabilitate offenders' to 'prevent future crime'. Accredited programmes can be mandated as part of a court order or licensing conditions post-prison release. In this section, I will focus specifically on accredited interventions for domestic abuse offenders, a population who in 2023 (index offence or not) made up a third of probation caseloads (HMIP, 2023a).

While accessing the right intervention at the right time is crucial to achieving better outcomes in reducing reoffending, the current extensive waiting lists for accredited programmes have put timely referrals in jeopardy (HMIP, 2023d). This situation has been exacerbated by acute staffing problems following the pandemic and the renationalisation of the probation service, the latter of which has failed to resolve tensions between interventions teams and probation practitioners (HMIP, 2023a). Needless to say, these tensions will likely escalate under probation reset which will create more rather than less separation between the two.

This matters of course when taking together the early release scheme and probation reset within the broader context of domestic abuse offending. The Domestic Abuse Commissioner for England and Wales recently cautioned that domestic abuse offenders 'frequently receive short prison sentences and are likely to be among those released early'. As Matt alludes to, above, the probation re-set suggests that active supervision appointments will no longer be delivered under PSS. For those that do not fall under the exemption criteria, intervention delays mean there is likely to be a significant gap between being released from prison and receiving an intervention, posing a risk to victim-survivors. Even for those that do, a front-end supervision period risks depriving domestic abuse offenders from the supportive and rehabilitative function of supervision alongside an intervention.

Further, what of the post-programme objectives delivered by probation practitioners embedded into the current accredited domestic abuse intervention, specifically to mitigate against evidence that *promising gains are not maintained over time* without post-programme support? Indeed, many men consulted for the most recent probation domestic abuse inspection said they already did not get what they needed from supervision appointments (HMIP, 2023a) and complained about being left 'out in the wild' without post-programme support (User Voice, 2023). While building a therapeutic alliance between practitioner and clients has been hailed as the cornerstone of probation practice for reducing reoffending (Renehan and Gadd, 2024), prioritising interventions over supervision risks exacerbating existing limitations, and ultimately raises the question whether some domestic abuse offenders will receive any kind of intervention at all.

Gender and Women on Probation

Loraine Gelsthorpe, University of Cambridge
Madeline Petrillo, University of Greenwich

The 'Probation Reset' project ostensibly aims to increase Probation's capacity to focus on the most serious offenders at a time when the Service is understaffed and under-resourced. Historically, initiatives to streamline Probation supervision have been underpinned by the axiomatic assumption that resources must follow risk. As researchers concerned with the experiences of women on probation, we have seen this centring of risk result in the neglect of gender-informed service provision. So, what does 'reset' really mean for women? Most women on probation are low-level offenders who have committed non-violent offences, but there is much evidence of vulnerability, and their rehabilitative needs are high. Women on Probation are often in unsafe relationships, require support around parenting/contact with children, are overcoming histories of abuse, and are managing addiction.

Addressing these needs relies on the relational skills of Probation Officers, to both build trust with the women they supervise and to work closely with the other health and social care professionals involved.

Community Centres for women have a record of being successful because of their personal and wrap-around provision for women (Tavistock Institute, 2019). Despite aspirations to deliver gender-informed approaches across the Probation Service the recent thematic inspection report (CJJI, 2024) makes clear that the expectations have not been met.

There are few delivery models where probation staff work closely with local authorities and partner organisations, and the quality of supervision and support available varies considerably. Indeed, recall rates for 'technical breaches' of post-release supervision conditions are very high for women, indicative of the ways generalised practice policy based on managing risk can adversely impact on women. We saw with Transforming Rehabilitation how easily risk-driven initiatives can sideline the needs of women. If 'reset' means focusing on the more serious offenders there is huge concern that provision for women will once again be diminished.

Race and ethnicity

Tony Goodman, Middlesex University

The crisis in criminal justice has focused predominantly on overcrowding in prisons. On 23rd May 2024, the BBC current affairs programme, Panorama, exposed poor practice within a probation approved premises. Men arrived there from prison without safeguards being put in place. The programme included an interview with the widow of a heavily overburdened probation manager who had died by suicide having been overwhelmed with guilt after an SFO. The programme highlighted how the disastrous Transforming Rehabilitation experiment had led to a haemorrhaging of experienced (including many minority) staff and that probation was in crisis. Good practice takes time to bed in and evolve; that has been complicated by unification. This concentration on critical factors in criminal justice risks masking other issues that are pushed below the radar and the 'reset' poses real issues here in relation to race and ethnicity. Little wonder then that minority ethnic staff still experience 'racism, discrimination and poor behaviour' (HMIP 2023c: 10).

Disproportionate use of force incidents was registered on black and Muslim prisoners by the Independent Monitoring Boards (2024). It also stated that there was a shortage of probation staff in prisons, which disadvantages prisoners being released (28% of the prison population are non-white; about 10% more than the population of England and Wales). This will therefore impact disproportionately on minoritised people as they are less likely to receive probation support both during their sentence and after release.

HMIP (2023c) found that there is no national strategy for service delivery to minority ethnic people on probation and there had been 'minimal improvement over the past two years in the extent to which assessments of minority ethnic people on probation take into account issues of ethnicity, culture, faith and experience of discrimination' (HMIP 2023c: 9). Many practitioners appeared to lack cultural awareness, and supervision rarely focused on work with minority ethnic people. It is the responsibility for all staff, whatever their race and ethnicity to treat those being supervised with respect, and to assist them to build up their strengths, skills and knowledge. It is vital to prevent workload pressures causing anti-oppressive practice to be neglected. It is of concern the 'reset' may mean that many minorities ethnic ex-offenders may no longer be entitled to probation support, limiting the service in its scope to deliver effective practice despite the intersectional disadvantages faced by people on probation.

Effectiveness/monitoring

Kevin Wong,
Manchester Metropolitan University

There is little to no evidence that indicates that ceasing supervision for people under probation at the two-thirds point of their period on licence or community sanction is effective practice. If effectiveness is measured by public safety, i.e. reducing reoffending then the evidence points firmly away from this peremptory dictat. Analysis by HMI Probation (2023b) determined that the frequency of reoffending (for individuals who reoffend) was significantly lower when sufficient efforts had been made by probation to support sentence completion; an average of 4.3 offences compared to 5.7 offences when probation support was judged to be insufficient (HMIP 2023b).

This aligns with other evidence; that effective probation supervision helps people on probation overcome practical obstacles to desistance, ensuring that immediate needs are addressed first; and once stability is established, then other needs can be attended to. It seems too obvious to state this, but stability does not occur at an arbitrary point, it can't be mandated. Stability may occur at the beginning of a sentence, but equally it may not occur until after the two-thirds point. Effective probation supervision provides continuity and time to consolidate learning and support change. Ceasing supervision arbitrarily at the two-thirds point cannot be regarded as effective supervision.

This is confirmed by the HMIP research which found that the sentence completion rate was 78 per cent in cases where probation supervision was assessed as effective compared to 63 per cent where the delivery was assessed as not effective, while the reoffending rate was lower at 35 per cent compared to 43 per cent (HMIP 2023b).

Of course, effectiveness is not just about public safety but interwoven within this, are the life chances of the circa 230,000 individuals supported by probation staff. The two-thirds point supervision cut-off, arbitrarily and unjustly curtails their hopes and opportunities.

Professional Identity

Lol Burke and Matthew Millings,
Liverpool John Moores University

As researchers we have been involved in capturing probation practitioner experiences as the service has been part-privatised and then, more recently, returned to the public sector. Three years on from unification, it is clear probation is still having to endure significant staffing issues whilst operating under increasing external scrutiny. As the landscape has changed, probation work has remained a complex endeavour that requires time and resources, where case management – holding the balance between 'care' and 'control' – acts as the mechanism to achieve sustained changes in the individual's behaviour and circumstances. However, whilst being acutely aware of their public protection role, newly qualified practitioners we have interviewed describe the relentless and unfulfilling nature of case management practice that distils the scope of probation work to predominantly one of enforcement and monitoring.

The emotional vulnerability created by the constant fear of someone they supervise engaging in a serious further offence - and the heightened level of scrutiny and recrimination that inevitably ensues - led some to view case management as a 'rite of passage' to be endured before taking on a more specialised role within the organisation with, they perceived, less pressure and greater scope to innovate. Whilst 'reset' may indeed be a mechanism that ostensibly starts to reduce the pressures on practitioners, our concern is that it represents a further diminution of the case management function at a time when the practice values of a unified service are still taking hold.

The 'blanket' reduction in the length of supervision based on categories of risk rather than individual need(s) has the potential to undermine practitioner's scope to enact professional discretion in their assessments of individual cases and their capacity to develop the relational aspects of probation work that researchers have consistently identified as being the bedrock to achieving positive desistance-based outcomes.

Professionalism and the workforce

Matt Tidmarsh, University of Leeds

Probation is unequivocally a profession; yet it lacks the social and economic prestige of the likes of medicine, law, architecture, and others. This is, in part, because probation work is predicated on an ethic of care: practitioners enter the service to work with people, to make a difference in the lives of criminal justice-affected individuals. Indeed, what makes the service unique has been devalued by successive governments. This lack of professional recognition has rendered the service an easy target for political intervention. Recent reforms – namely, TR and the subsequent unification of services – have mobilised the 'professionalism' to justify organisational change, but a plethora of HM Inspectorate of Probation reports have documented their negative impact on staff, particularly in relation to high caseloads and staffing shortages. Despite being framed in terms of alleviating workload challenges, the probation 'reset', again, represents another top-down reform which will likely prove to the detriment of staff. Efforts to frontload supervision towards the first two-thirds of a sentence place the emphasis firmly on risk management, enforcement, and public protection. Against this backdrop, in addition to a £0.5bn cut in the Ministry of Justice's budget over the next financial year, it is difficult to see how the professionalism of staff – their ability to exercise knowledge, expertise, and judgement in the service of clients – will be strengthened as a result of the reset.

Conclusion

There seems to be little good in the probation reset beyond – potentially – reducing workloads in the Service. This – albeit brief – analysis points to the risk that it will further reduce probation's role to sentence enforcement and create further ruptures in the Service. Moreover, it would be fair to conclude that the only way of describing the policy as 'evidence-based' is to draw the boundaries of 'effective' in very narrow terms indeed. We already know that people being released under ECSL are being recalled at high rates. This will – in turn – only put more pressure on prisons. As we approach the general election we can but hope that one of the political parties is brave enough to make a case for reducing the prison population through proper resourcing and implementation of policy which actually is evidence-based: that surely is the only way to solve the workload crisis that persists in probation and the wider criminal justice system.

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