



STANDARDS IN PROBATION:  
DEVELOPING, IMPLEMENTING AND  
EVALUATING

REPORT

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## *1. Opening the seminar*

**Mrs Leonor Futado, President of the Instituto de Reinserção Social** formally opened the seminar and welcomed delegates to Lisbon and to Portugal. She very much hoped that everybody would have an interesting and instructive time and would learn things about the theme of standards both in the timetabled sessions and through informal discussion. She was very pleased indeed that it had been possible for the Institute to host the event and now wished it much success.

**Leo Tigges, the General Secretary of the CEP** welcomed participants to Portugal and said he was delighted that the seminar had attracted so many people, reflecting in particular that more countries in Central and Eastern Europe had now become CEP members. He was pleased that the audience was composed of policy makers, operational managers and practitioners and expected everybody to be able to make their contribution through key note speeches, the various workshops and informal discussion. He believed that the subject of Standards in Probation was well chosen, given the public's expectations on probation services, the need for them to be cost effective and deliver value for money, and the importance of consistency in meeting the expectations of both courts and offenders.

The CEP now had 29 countries as members. Its vision for Europe was about community justice, based on the belief that crime happened in communities and needed to be resolved within communities; human rights; and finally the delivery of effective sentences that protected the public and prevented re-offending. These needed to be tough, consistent, fair, accountable and based on good principles and good evidence.

It was the CEP's intention to assist this process by organising conferences, workshops and seminars, by exchanging ideas through the bulletin, reports and its website, and by providing experts to the European Union and the Council of Europe.

Leo concluded by wishing everybody an enjoyable and useful seminar. He thanked the Portuguese Ministry for hosting the event and the Portuguese Probation Service for investing so much energy in the seminar's planning and preparation.

The seminar proceeded with a series of plenary presentations and discussion workshops, the latter focusing in turn on the three sub-themes of developing standards, implementing standards and evaluating standards. Participants came from Belgium, The Czech Republic, Denmark, Finland, France, Hungary, Latvia, The Netherlands, Norway, Portugal, Romania, Scotland, Spain, Sweden, Turkey and England & Wales.

This report contains a summary of each of the main presentations and a digest of the points made in the groups. There was of course also a good deal of informal exchange of ideas and information.

## *2. Why Standards?*

**The keynote speech on the theme of 'Why standards?' was given by Fausto Amaro, Professor at the High School of Social and Political Sciences, Technical University of Lisbon.**

### **The need for good practice in the reintegration of offenders into society**

Good practice was in the interest of both the community itself and the individual offenders concerned. The process needed to be properly resourced both in relation to the number of people doing the work and the allocated budget. The objectives were to promote offender compliance, prevent re-offending, reduce the prison population, and get the community to accept that reintegration was possible. Organisations had done this by employing appropriately qualified staff, establishing objective procedures that could be verified and evaluated and setting rules that could be easily understood and followed by the offenders themselves.

### **Obstacles to improvement**

However, there were also obstacles to the improvement of services. These might be the nature of public opinion, the personality and motivation of the offender, the lack of suitable accommodation or employment for offenders and the attitude that staff brought to the work. It was important to recognise that developing, implementing and evaluating good practice was a complex process that was influenced by several systems and sub-systems.

### **The individual characteristics of the offender**

The important factors in an offender's social reintegration were their gender; age; education; personal and social history; employment experience; cognitive and relational skills; their attitude both to themselves and to society in general; their level of self-control; the nature of the offence; and their overall motivation. From this data it would be possible to draw up a profile of the individual, although several variables would have to be put together to do this. For example age would need to be linked with the type of offence, the amount of support given by the offender's family, and their immediate and long-term motivation. This type of profiling would enable suitable projects to be set up to assist the offenders concerned. The issue of employment was particularly important because having a job was a key part of the individual's being able to develop a social and personal identity. It was also essential to take the offender's personal and social history into account if social reintegration work was to lead to the prevention of further offences and the individual's realisation of their full potential.

### **Social systems**

Our society and its systems were based on individuals inter-acting with each other in the areas of life-style, employment, family, social support and access to services. If these were positive factors in an individual's life, the latter would benefit from them, but the opposite was also true and deviant behaviour could result. Family circumstances were probably the most important factor in preventing crime and recidivism. Families could be of enormous assistance in promoting the offender's social reintegration, although they could also have a negative influence. In this situation effective staff supervision would be more important than inspections in improving the quality of services, reducing levels of stress, and addressing lack of motivation.

## **Cultural systems**

Cultural systems were based on values; symbols; social attitudes; standards of behaviour; ideas about the nature of crime and ways of dealing with offenders; and patterns of social consumption. Cultural patterns were something learned in childhood through the processes that anthropologists called enculturation, and they had a big influence on individual motivation and behaviour. However, societies did not have just the one cultural system as there were also other sub-cultures which needed to be borne in mind in the implementation and evaluation of programmes. These sub-cultures might also be different between professional workers and other individuals helping with offender reintegration.

To sum up: individuals, society and cultures needed to be seen as interdependent systems that were in permanent communication and feedback with each other. The successful social reintegration of the offender required knowledge of the relevant individual together with knowledge of the social structure and cultural systems of the country concerned. The main obstacles to the implementation of programmes and policies would lie in the social and cultural systems.

## **Evaluation**

All the systems needed to be borne in mind in implementing good practice, which made the latter a complex process. However, some essential principles had to be followed, these being:

1. The use of objective indicators that could be measured first at the start and then at regular intervals thereafter.
2. Using feedback and evaluative data to improve the system.
3. Evaluating the results from the perspective of the individual concerned.
4. Taking public opinion into account, both in relation to media reaction and also the views of the population generally.
5. Assessing whether offenders were still experiencing discrimination.

Finally the connection between scientific knowledge and public policies about crime and offending needed mentioning. It had been customary to base such policies on existing scientific knowledge. However, although there were several theories about the causes of criminality, these had still not solved most of the problems. The evaluation of policies and programmes could be the starting point for developing scientific knowledge through allowing better understanding of the relevant phenomena. This would permit the development of new theories based on empirical evidence that could be used to develop policies to prevent criminal behaviour and create safer societies where individuals could realise their full potential.

### *3. State of affairs in the participating countries*

**Andrew Bridges, Chief Inspector of the National Probation Service for England and Wales** said that the Inspectorate had been set up by the Home Office in 1936 to provide regulation at a time when every court area had its own probation service. As well as inspecting individual probation services, its tasks had originally included training all probation officers and confirming them in post, but the training function was ended in the 1980s.

The Inspectorate had inspected without setting standards for many years, with such standards as existed being defined by the individual visiting inspector. During the 1980s it was also more interested in probation management rather than probation practice. However, the situation started to change again in the 1990s with the gradual development of National Standards. These were developed chiefly to ensure that offenders being supervised in the community should be seen regularly and be taken back to court if they failed to report. They were intended to provide clarity and transparency and address the situation whereby there might be considerable variations in the frequency with which offenders were required to report, because of the professional judgement of their probation officer. These changes were in everybody's interest.

By the end of the 1990s it was established how promptly supervision should start and how frequently offenders should be seen at all stages of the order or licence. The most challenging standard was that breach action should be taken within ten days of a second unacceptable failure to report. However, although this was based on a straightforward principle that there should be enforcement action if an offender failed to report without reasonable excuse, in practice it was much harder to define whether or not the standard had been met. For example what exactly constituted an acceptable or unacceptable failure to report? how long should one wait for an explanation of the failure? what should happen if the offender came in but on the wrong day? and what if the probation officer went sick for five days? It took the probation service some five years to implement successfully just this one standard alone.

There were a number of points to make about National Standards in the 1990s. Firstly pioneering work was done by the independent Inspectorate following the long period without any real standards. This was to change from 2001 when the National Probation Service was created. Secondly, the standards included both quantity and quality standards. Finally, it was one thing to set a standard but another thing altogether to implement it, especially quality standards. However, as the new century opened the probation service was making progress as regards implementation, also doing this at a time of major reorganisation and change. The latter related to the previous 54 separate probation services becoming the single National Probation Service for England and Wales with 42 areas. The Inspectorate continued to exist as a separate entity.

Both quantity standards and quality standards needed to be set, implemented and evaluated in relation to probation practice. Some quantity standards had already been mentioned, the promptness of the first contact, the frequency of subsequent contacts and the speed of getting the offender back to court if he or she fails to report. Quality standards meanwhile were about how well the assessment and planning of the case had been done, both at the start and through regular reviews. They lay at the heart of good probation practice and were especially important in relation to setting standards that you hoped would demonstrate that the offender was now less likely to re-offend.

Implementing both quantity and quality standards had three components. Firstly probation staff should work with an offender in a way which in practice was

actually above the standard. Secondly their records should provide evidence that this was what they had done. Thirdly the evidence should be capable of being scrutinised by a third party, such as a manager or Inspector, to validate that the standard had been achieved. The Inspectorate had now largely handed over measuring the implementation of quantity standards to the National Probation Service. It was to the latter's credit that good progress has been made.

However, this left the matter of implementing quality standards. Over the last three years the Inspectorate had pioneered the implementation of quality standards after some earlier less successful attempts. Inspection criteria had been set based on the quality of assessment, sentence planning, interventions, and initial outcomes. The questions asked of each case were more detailed and complicated and the answer had to be a judgement, not a calculable figure. For this reason validation of the exercise was essential so that individual judgements were consistent. Measuring quality in this way was more difficult and complex but it did assess whether staff were doing the right thing with each offender. Quantity standards were important and the necessary foundation for good practice but they were not sufficient. It was quality standards that showed that good practice was being achieved.

On evaluation there was both good news and bad news. The good news was that setting standards did what it was supposed to do, that is to say measuring where you were now and the extent to which you were improving over time. For example from about 2000 to 2003 many probation areas could only show they were achieving the required enforcement standard (breach) in about half of their cases. After 2003 this gradually improved so that the standard was now being achieved in around 90% of cases. The bad news was that you got no credit for this in the eyes of the public. Setting and implementing standards was an entirely unforgiving process because it told the world what you were not achieving and when you achieved the required standard you found that you both got no credit for this, and also that the standard was likely to be raised. A failure to meet a standard was news while the achievement of a standard was ranked the same as if the standard had never existed in the first place. But despite this if you cared about the quality of work with offenders, the benefit of standards surely outweighed the costs.

To summarise: National Standards had been first set in the mid-1990s and had taken until about 2003 to be implemented successfully. Quality standards also started to be set about the same time but had taken longer to become implemented. The Inspectorate had done the most to implement them but they were still not fully established. His evaluation of the process was a sobering one. The cost of establishing standards was almost as great as the benefits. Knowing where you were and where you needed to get to was a huge benefit and one that he would advocate strongly but the cost in a media world was that you were never recognised for your successes and always criticised for your failures. Hence the lesson of setting, implementing and evaluating standards from England and Wales was that the road was only for those who were patient, persistent and most of all, strong-hearted.

**Ioan Durnescu, Inspector, in the Probation Department, Ministry of Justice, Romania** said there was a dilemma that needed to be recognised between standards that were procedural standards and standards that were performance indicators. The way the notion of standards was approached determined the way they were designed, enforced, and fitted into the life of the organisation.

If for example standards were seen as being basically about procedures the focus would be on the 'how' and 'when' questions, such as how a court report should be written, when the first interview with the defendant should take place, how the assessment should be completed, when the report should be submitted to court, and so on. These were all procedures and stages to pass through to accomplish a specific task. It was a bit like how to make your washing machine work. That was why some probation staff didn't like their work being prescribed like this because they were working with people whom they expected to treat as individuals. It was also impossible to have standards about other important aspects of probation work such as empathy, the quality of the relationship, trust, and the personal style of the probation officer.

However, others while accepting the limitations of standards still felt that they were very useful in practice. Many probation officers wanted there to be precise procedures for all sorts of activities and when he was working on the new probation law in Romania, he had been shocked in defining pre-sentence report standards, that practitioners wanted no less than four time limits to be defined, 24 hours to allocate the case, two days for contacting the defendant, five days for the first interview to take place, and 15 days for submitting the report to the court. It was clear that some practitioners needed clear boundaries as they then felt less exposed and less vulnerable to criticism from their employers and the media. There was also the significant advantage that procedural standards unified practice and managers could be sure that court reports and the supervision of offenders were done in more or less the same way throughout the country.

How did standards become part of probation work? In Romania they were first contained in government regulations related to the organisation and functioning of probation services which prescribed the steps a probation counsellor should take in carrying out their work. There was the advantage that these procedures had to be followed not just by all staff but also by other organisations working with the service like employment agencies and accommodation centres. The next level of regulation after this was usually the government circular which was used to define a specific aspect of the work such as risk assessment, referral practice, confidentiality or defining the circumstances in which a supervised person could travel and work abroad. Finally there was the softer type of standard procedure, namely good practice guidelines

The enforcement of regulations depended on their legal force. Failure to comply with a law or a government decision might for example lead to some kind of sanction being imposed. But those were about processes whereas performance standards were about results and were related to such issues as effectiveness, efficiency, accountability and cost-effectiveness. It was not surprising that they came from top management and most were expressed in concrete numbers or percentages. Increasingly too they were linked to the probation service's budget. For example in Romania the target for 12,000 pre-sentence reports to be produced in 2007 was linked to an allocated budget of 500.000 Euro.

Some practitioners did not like an organisation being managed in this way and when these performance standards were introduced in Romania some of his colleagues had been very angry and frustrated. The main criticism was that you could not impose result targets on an organisation which did not control all the relevant processes. For example it was the court, not the probation service, that normally asked for a pre-sentence report, so a performance standard to produce a certain number of reports could not be a legitimate one. There had been some truth in that argument but it was agreed that the probation service should still support the standard by producing good quality reports with relevant information to the court's timescale, and by organising meetings with judges to explain the

purpose of reports. These activities were likely to influence the numbers of reports produced each year.

The other important criticism of performance standards was that almost all of them are quantitative. They were about numbers, not about the quality of the work. They had tried to overcome this by introducing some performance standards that reflected the quality of the activity. For example in respect of pre-sentence reports the standard stated that at least 90% of reports should contain a clear statement of the criminological factors that contributed to the offence and the same figure should address relevant issues of social reintegration.

An important benefit of having standards was that it was clear to staff what were the service's priorities and where the main resources should go. In 2005 most standards had been implemented but where this did not happen this was due to the number of staff available. At the moment the number of probation staff in Romania was quite low although it was hoped that the situation would change next year with another 152 people being appointed.

**Francisco Navalho, Head of the Coimbra Community Measures and Sanctions Team, Portugal** said that principles and guidelines for the work of probation services were based on the recommendations of the Council of Europe and United Nations Standard Minimum Rules but there was still a need for national procedural rules to be agreed and put into practice in each country. These enabled staff to work towards common goals with a mutual understanding of working methods. They were also essential in evaluating whether programmes and other interventions with offenders were being implemented efficiently, as recommended by What Works.

Standards established the ways in which probation services should supervise offenders and give advice to the courts. They had also had to connect with the laws of the individual country and with the recommendations of the United Nations and Council of Europe.

Portuguese probation services had been involved in the systematic development, implementation, and evaluation of internal standards and rules since 2001. These were based on:

- Effectiveness – ensuring that the interventions and programmes used had been shown to be effective in reducing offending, rehabilitating offenders, and protecting potential victims
- Efficiency, universality, and equity – supervision and advice to courts had to be delivered to a minimum level of quality in different parts of the country and with different offenders
- Monitoring service delivery – providing criteria for evaluating the quality and outcomes of the work of different probation teams and different probation officers.

Development had begun with their setting up small work groups of professional and support staff representing the service's four regions. Each group was given six months to review current practices and agree relevant national standards. The results were reviewed and integrated by a national group, before being circulated for comment throughout the service. Eventually a final document was produced for approval and implementation.

Implementation took place through the standards being shared with supervisors and team managers in every region, and manuals being distributed to all teams. There were four days of training with a strong emphasis on practice, led by the staff who had drawn up the standards. Supervisors then helped to ensure they

were implemented. The standards were available on the service's Intranet and managers also informed the courts about them, either in writing or through direct contact. Data-collection systems were established to evaluate how they were being implemented and what the results had been in terms of the service's effectiveness. This led in turn to some adjustments in probation officer training.

Currently for various reasons to do with managers, staffing and resources, work in different parts of the service was at different stages of development, as follows:

- Pre-sentence reports and community service. Because there had been a lot of work already on these areas, they had been the first where standards could be implemented with the final documents approved in September 2003, training completed by the following May and the first evaluation reports coming in by the end of the year (2004). The initial focus on pre-sentence reports and community service had been justified by the importance of these reports in the service's work, and by the general need to improve community service and increase the numbers of offenders receiving this sentence
- Rehabilitative sentences (by which he meant all sentences directed at the offender's rehabilitation and treatment, both pre- and post-trial). Here standards had still to be implemented, due to prioritising pre-sentence reports and community service. However since 2001 the service had been using the STOP Programme, for offenders convicted of drunk-driving and there were structured guidelines about this, based on the principles of What Works. The programme aimed to reduce offending behaviour through cognitive-behavioural work and case management
- Case needs assessment. Standards for both pre-sentence reports and rehabilitative sentences underlined the importance of there being an assessment tool. Consequently a group had been established with the support of Lisbon University and a proposed tool produced in May 2005. It was based both on the practical experience of probation staff working with offenders in Portugal and also similar tools of Anglo-Saxon origin, particularly OASys. Unlike OASys though, it was not based on empirical and standardised studies but was more of an open instrument, aimed to support the work of probation officers in making their assessments. It also did not include any numerical calculation of the risk of reconviction
- Pre-trial electronic monitoring. This had been available in Portugal since 2002 and had begun as an experiment, first in Lisbon and then in Porto. After being favourably evaluated, it been available nation-wide since the beginning of 2005. Specialist staff were involved in its operation and its success had been due to its clearly defined procedures and their continuous evaluation
- Inter-organisational co-operation and partnerships. Guidelines for co-operation between the service and other public and private facilities had come into force in 2004, these also defining the role of the probation service in local social intervention services. The guidelines had facilitated the standardisation of agreements with other agencies, something that was very important for evaluating work with them and how this contributed to probation service practice. They had also led to better links with probation officer training and with the universities.

The greatest difficulty they had had related to evaluating the effectiveness of practice because of the problems of obtaining information about what happened to offenders after supervision had ended. It had also been difficult to find academics with the right sort of experience to assist with the evaluation.

It had been important to them that standards should focus on the quality of the work undertaken, rather than on purely quantitative measures. Their manuals mainly addressed practical and professional issues about work with offenders,

with procedural rules receiving less attention, especially when compared with the English documents.

The probation service in Portugal was still only 23 years old and they were sometimes jealous of the experience, standards and resources of older established services in Northern Europe. There was the risk of motivation slipping, especially if the agenda was seen as too challenging and ambitious. The message to other countries beginning to develop standards was that each should make its own decisions about what it wanted to do and set realistic achievable goals rather than seek immediate perfection.

#### *4. A personalised view of the seminar themes*

**Wouter Meurs, Chief Inspector, Netherlands Ministry of Justice Inspectorate for the Application of Sanctions** said that its work was both to inspect the prison system, (including special prisons for mentally disturbed offenders and youth institutions) and public and private probation organisations. The decision to create it had come from the government's policy of strengthening supervision of executive organisations; the fact that the probation service had been without external supervision; and the need to create a body that could link with other inspectorates in carrying out joint inspections. It would monitor performance, investigate specific aspects of practice, and report on individual incidents (but it would not investigate complaints, for which there was a special Complaints Commission. Although the Minister could ask them to inspect something, he or she could not give instructions on how the inspection was to be carried out, how judgments were made, or what should be written in the public report.

What would probation organisations see from the Inspectorate? They would be consulted about the annual inspection plan and then experience visits which would include interviews with staff, offenders and relevant external organisations, such as public prosecutors. They would be able to comment on the draft report with the final document placed on the Inspectorate's web-site and submitted to the Minister and parliament, accompanied with a press-release. The Inspectorate wanted to reduce the burden of supervision, so it would only ask for information that was not available from other sources and also offer administrative support for getting hold of information that was not readily available. It would also limit the number of visits wherever possible and undertake joint visits with other Inspectorates.

Each inspection would work to a checklist of standards, linked to questions that would be used to find out if the organisation was meeting the standard and which the latter would see before the inspection took place. Probation standards would be less detailed than prison standards, which covered precise things like a prisoner being entitled to an hour of fresh air each day.

During the past year inspections had been carried out on community service; probation service compliance with conditional sentences, such as those imposed on mentally disordered offenders; the handling of complaints; and co-operation with public prosecutors. They would soon be doing their first inspection of an actual probation unit.

Some examples of what they would expect from the probation service in inspections:

- At the start of supervision offenders would be informed of their rights and obligations and the consequences of non-compliance
- Offices would be safe environments with rules about drug and alcohol misuse and there would be further rules about undertaking home visits
- Evidence of how offenders were selected for specific interventions

So far they had discovered:

- In general the probation service was a professional organisation with dedicated staff who were mainly working well
- The main focus for improvement was in relation to procedures, for example in record-keeping, information exchange and the registering of further serious offences. Many staff were unfamiliar with procedural requirements
- Some procedures were useless, being documents that no-one bothered to read.

Examples of their findings and conclusions and recommendations to date were:

- There needed to be greater clarity between probation organisations in the allocation of offenders
- Supervision was quickly enforced in most cases
- There were different reactions to non-compliance in community service and there needed to be greater consistency in the issuing of formal warnings. They had noted good practice in one unit which had informal consultations with the public prosecutor in such cases
- There needed to be a single judicial body for informing the probation service about offenders' imprisonment, home-leave and release
- There were no satisfactory arrangements for registering further serious offences.

There had been a positive reaction from probation organisations to the above, with some of them having already reached the same conclusions.

It was intended that inspections would contribute to the quality of probation work, create more confidence in the work of the service by the Minister, offenders and the public, and provide a better way of reacting to serious further offences by offenders, which attracted a lot of media attention. It was important that the Inspectorate should adopt a constructive attitude, concentrating on showing probation organisations how they could improve their work rather than just telling them they had done something wrong.

**Annamari Räisänen, Assistant Director in the probation service district office in Helsinki, Finland,** said that one of the top questions about standards was how to promote effectiveness with limited financial resources. It was part of her job to implement standards in everyday probation work.

The development and implementation standards could never be separated from the way in which the organisation was managed. In Finland they had based this work on the Balanced Score Card management strategy in which the total effectiveness of the organisation was the result of managing processes, structures, and financial and human resources. There were two main underlying principles – that management should be by results and that the quality and abilities of staff were very important in achieving success.

In Finland the standards had reflected humanitarian legislation and the values and principles of society, and had been generated by legislation and other government regulations. The minimum requirements related to appointments between the supervisor and the offender and the drawing up of an action plan for supervision. District offices were responsible for creating processes to ensure that the minimum standards were carried out as expected but there was constant collaboration between districts and the Directorate – something that was easily possible in a small country with only 14 districts. These activities assisted the development of the work and promoted good practice and continuous learning. There was a strong belief that a learning organisation produced expertise and innovation among staff, for example in getting offenders on to programmes, collaboration with the social welfare sector and better planned community service.

It was easy to see both strengths and weaknesses in all of this. As described already, the positive elements had increased the competence of staff and motivated them to work more effectively and efficiently. On the other hand though, as local managers had much influence on the way standards were implemented, the model could not guarantee that this was done either

consistently or efficiently. 14 Directors and their Assistant Directors might be spending their time solving the same problems.

There was a need to harmonise probation work so they had produced a new set of quality standards, developed by a working group made up from local offices and the Directorate. These were intended to facilitate quality assurance in district offices, incorporate effective procedures into work with offenders, and give middle managers new tools with which to evaluate this work. One of the main principles was that they should be flexible enough to be implemented in different contexts, as Finland was a large country and local environments differed markedly between offices. Standards also needed to be linked to other aspects of the work such as the management of staff and they needed to be a natural part of everyday work with offenders.

They were using a collection of criteria called 'Echo Sounder', which enabled you to locate where you were in relation to your objectives. If no 'echo' was received, then there was an urgent need to improve the system. Quality standards were separated into four components, namely the assessment and management of cases, starting work, enforcing the sentence and terminating the case. The aim was not to produce long lists of rigid mechanical standards but rather to address issues about everyday work which would lead to the sufficient enforcement of sentences and consistent practice everywhere in the country. Some examples were:

- Had the offender's level of motivation been identified?
- Were appropriate supportive networks in the community described?
- Had the offender participated in the assessment?
- Were breaches of the order's requirements dealt with quickly and in accordance with instructions?
- Did work address the relevant criminogenic factors?
- Was the offender made sufficiently aware of what was expected of them?

Many of the questions required just a yes/no answer. District offices would define what information was required to judge whether a standard had been met. They did not know yet whether the standards were improving how staff focussed on the most critical points in the enforcement of supervision but they hoped to see evidence of this in the next few years.

To summarise: the Finnish Probation Service demanded reflective, independent and critical thinking from both its staff and managers. The Directorate monitored and inspected the enforcement of standards and the achievement of targets, and it also enhanced the way district offices developed standards, procedures and processes. District offices were responsible for creating dialogue in and between working teams in order to promote best practice and prevent re-offending. The Directorate collected information about the performance of district offices to show their weaknesses and strengths and enable them to set improved targets. Standards, the theme of the present seminar, were merely guidelines for better performance. The process of developing and implementing standards was a bit vague to begin with because a quick fix 'top down' programme would not be helpful in the long term. There was a need for a more personal and innovative development programme for work with offenders that was based on dialogue and openness, derived from the service's overall strategy.

Finally a few words about tensions. In public administration and state government different kinds of standards were developed by ministries and departments so that there was consistency in personnel matters, risk management and internal inspection. However, standards did not fit as easily into probation work and there was a danger that they tried to fulfil too many functions at the same time or were in conflict with the service's basic philosophy.

What should be done about this? It was an unpleasant situation but the service needed to be brave and innovative enough to combine basically excellent standards into its own strategy and trust that it would be successful in responding to the challenge.

**José Maria Montero Gómez, Head of the Inspection Department in the Secretaria de Serveis Penitenciaris, Rehabilitació i Justícia Juvenil in Barcelona** said that in Spain there were two legal systems for the application of non-custodial sentences, one for adults and one for minors aged 14-18. The national constitution allowed Catalonia to manage the execution of these penalties by itself. This was done by the Department of Justice through the Secretary of State responsible for Prisons, Rehabilitation and Juvenile Justice.

There were two levels of supervision for the execution of non-custodial sentences. There was first the level of judicial control by the judicial authorities. The second was that exercised by the organisation itself, either through its managers, or through the Inspectorate. The latter worked directly to the Secretary of State and its aim was to provide an independent view on the different units being inspected.

Their conclusions so far were:

- Although the use of non-custodial sentences had grown since 1995, they had not achieved their aim of being a true alternative to a prison sentence. Instead they had been used to increase the number of people under social control
- The predicted increase in non-custodial sentences meant that the allocation of resources would have to be revised. It would be important that the allocation of resources to prisons didn't reduce the resources available to non-custodial sentences
- It would be very positive to involve external specialist partner agencies in the supervision of non-custodial sentences, provided they were professional in their work
- The public didn't exercise any pressure about the way non-custodial sentences were supervised and appeared generally satisfied with them. Similarly there had been no complaints from offenders. Consequently there had been little demand for the Inspectorate to carry out investigations and its work had been limited to just making evaluations of management
- It was important to guarantee the absolute independence of the Inspectorate from the management of the service to avoid the latter interfering in its work and trying to influence findings and conclusions in its own interest
- The Inspectorate also needed to keep its work separate from any restrictions and requirements imposed by the administrative authorities
- Finally the Inspectorate needed to disregard any pressures coming at them from wider society or the media

## 5. Workshop sessions

There were twelve workshops led by Zoltán Bogshutz (Hungary), Imogen Brown (England and Wales), Alda Fonseca (Portugal), Lisbet Heine (Denmark), Anton van Kalmthout (Netherlands), Jaume Martin (Spain), David Perry (Turkey), Gerhard Ploeg (Norway), Inês Taveira (Portugal), John Waterhouse (Scotland), Kate White (England and Wales), and Leine Zeibote (Latvia).

### **Issues emerging from the workshops on 'Developing Standards'**

- Standards should be linked to the basic role of the probation service which was to prevent reoffending and protect society
- They should be clearly defined, including identifying who in the organisation was responsible for meeting them
- Standards need to be achievable
- Standards should be capable of getting probation officers to do their job better
- We should take on board that standards will make our work more visible and therefore understandable to the courts, offenders and society generally – they will know what happens when an offender is placed on probation
- Standards should include defining the frequency of contact, the timing of the first meeting, the deadline for completing supervision plans and reviews, and (if relevant) the frequency with which progress should be reported to the courts
- One group felt that the decision about breach should always be left to the professional decision of the probation officer, although it was still important for there to be guidelines about this
- Resources outside the probation service should contribute to the supervision of offenders
- It is important that standards do not sideline probation officers' professionalism, sensitivity and experience
- There should also be standards for defining the contents of pre-sentence reports
- There needs to be somebody who can advise probation officers on when it is acceptable to 'bend the rules'.

### **Issues emerging from the workshops on 'Implementing Standards'**

- If standards are to be really effective, they need to relate to improving the quality of the work and not just be about quantitative targets.
- Standards need to be related to good practice, common sense and professional judgment
- Staff need to 'buy in' to the standards if they are to be implemented effectively, and not be seen just as measuring tools that are imposed from above. Staff need to believe that there are benefits to offenders and that offenders' behaviour will improve.
- First line managers will be key players in getting this message across and in supervising staff, although there is need for high quality leadership at all levels of the organisation
- There need to be efficient methods for communicating standards to staff and training them in their implementation, identifying the knowledge and skills that are needed, linked to an overall staff training strategy
- Standards need to be linked to the resources available to deliver them. However, some standards can be implemented very easily without great use of resources. Standards may also promote the more efficient allocation of resources
- An advantage of standards is that the offender now knows what will be expected of them

- There needs to be a clear message from the organisation that poor practice will not be tolerated. The organisation needs to be able to demonstrate that it will do what it says it is going to do
- There is a danger that some standards will have a perverse effect. Supervisors may be too lenient in implementing them to avoid having to take offenders back to court. Standards may just get ignored if they are seen as unhelpful, inappropriate, or wasteful of scarce resources. People may just become cynical about them
- It is important to identify the 'critical few' when devising standards. They will just become a burden if there are too many of them
- It is also important to avoid everything becoming too standardised. There may be lots of differences between offenders living in different areas of the country.

### **Issues emerging from the workshops on 'Evaluating Standards'**

- There is no point in having standards unless you are monitoring whether or not they are achieved. This underlines the importance of having good statistical systems
- Evaluation needs to address not just whether the standards have been achieved but also have they improved the effectiveness of the service in preventing re-offending and protecting the public?
- Evaluation should also consider the management systems that in operation for ensuring standards are achieved
- Value for money considerations need to be addressed
- Standards should have a key role in improving levels of contact and enforcement
- Evaluation should lead to feedback being given to all levels of the organisation and also to the courts, offenders and the community. This should create greater confidence in the service's work
- Evaluation should highlight good practice and what works, and it should identify the strengths and other positive factors of the organisation
- Effective evaluation should be simple and not involve an oppressive amount of work. It is important for staff to know why monitoring is taking place
- Evaluation should take into account the views both of offenders and of external agencies such as the courts, partner agencies and prosecutors
- There should be follow up contact with offenders once supervision has ended to see if it has been successful
- Consideration needs to be given to how monitoring information is broken down, for example by area and team, as well as for the whole service
- External bodies such as inspectors should be involved in assessing whether or not standards have been achieved.

## *6. Summing up and conclusions*

**Rui do Carmo, District Prosecutor at the Coimbra Family and Minors Court** summed up the seminar's conclusions. These were:

1. The key theme had been devising, implementing and evaluating standards for supervising community penalties, and the procedures related to this.
2. There had been concern that standards and interventions should be based on uniform principles and that definite guidelines for probation work should be established.
3. It was the government's task to devise these procedures and make them part of public policy, the particular responsibility falling to the Ministry of Justice.
4. The reasons for standards were to conform to five objectives:
  - There should be equality of treatment. This applied to both young offenders and adult offenders;
  - Individuals' civil rights should not be affected
  - There should be transparency, with both offenders and the general public having information about the nature of the intervention and how it fitted into the criminal justice system
  - Supervision should be carried out in an efficient manner so as to achieve the social reintegration of the offender and the prevention of further offending
  - Services generally should operate efficiently, bearing in mind that they were there to serve the community.
5. How was this to be achieved? Work on this had been done by the CEP during the past two days, and there had also been activity by the Portuguese Reintegration Services and the Ministry of Justice. However, it was going to be necessary to develop and implement uniform parameters for interventions based on three key principles, namely:
  - Whether they were legal, depending on the law of the country
  - Their scientific basis
  - They needed to reflect good practice.
6. Implementation and evaluation were delicate and difficult tasks but the probation service needed to develop standards to meet the expectations of the criminal justice system, offenders and the wider community.
7. It was also important that when standards were being developed, there should be good management of communication with the media. This needed to be a government priority. Indeed, because social reintegration was such an important factor in improving the lives of both the individual and the community, it was essential that the media should be involved, not just with giving information about the nature of probation work, but also describing the positive benefits that resulted from offenders' reintegration to society.
8. Finally it was important to remember that evaluating standards and procedures in the execution of community penalties needed to be a permanent responsibility of probation organisations, in order to improve the quality and quantity of the services provided and know what results were being achieved.