

Presentation to CEP Conference,  
Dublin, 23<sup>rd</sup> to 25<sup>th</sup> February 2011

*Maximising probation resources in  
a changing European environment.*

**Introduction:**

A dhaoine uaisle, aíonna oirirce, comhaltanna - arís, fáilte ó chroí roimh Éirinn, go Baile Átha Cliath agus go háirithe chun Chaisleán Bhaile Átha Cliath le haghaidh an gComhdháil seo CEP.

Ladies and gentlemen, distinguished guests, colleagues – once again a warm welcome to Ireland, to Dublin and specifically to Dublin Castle for this CEP Conference.

We are in a very changed, as well as one of the most challenging environments that Europe and its constituent jurisdictions have ever faced. I want to talk to you this morning about some of the challenges facing probation organisations across Europe, particularly from the perspective of our own service here in Ireland, what we have been doing in response, and to highlight some of the ways forward.

If I were to summarise what I have to say into one word – just one word – it would be ‘prioritise.’ Why prioritise? Because the probation and ‘what works’ research points us that way. When prioritise? Now. How prioritise? Well, the journey I describe is one we in Probation in Ireland have been on for the past few years, and I think our experience is worth considering and may be useful to you too. So – one word – ‘prioritise.’ And when you see the title of this paper referring to ‘maximising’ resources, I mean it in the sense of making the most effective and efficient use of what resources we have *already*, even if those resources *have* reduced, *are* reducing or *will* reduce in future. I speak in the context of doing more - or better - with *less* or fewer resources.

But first, before I tell you what we have been doing in Probation here, let me give you some contextual background:-

The Irish economy is in serious difficulty. The so-called ‘Celtic Tiger’ of prosperity and economic growth is a thing of the past. Levels of unemployment and emigration have been increasing. Public services are under strain. Those workers still in employment, in the public and private sectors, are under pressure to be more productive, more efficient

and more accountable. Tomorrow, we ballot to elect a new government, a government that will face a massive task in terms of delivering a national recovery programme before we see our national fortunes turned around for the better.

Ireland has a population of approximately four and a half million people, almost a quarter of whom are under eighteen years of age. Nevertheless, we have relatively low crime levels and up to now, low rates of imprisonment, by population. In contrast to some decades ago, there are relatively small numbers of young people in detention. In the public sector, budgets have been severely cut, with public servants' salaries now at the level they were at somewhere between 2000 and 2004. Within the Probation Service, our staffing levels overall have reduced by about twenty percent in the past couple of years.

The Probation Service is a public sector, civil service agency of the Department of Justice and Law Reform. We are separate to the Prison Service although both Prisons and Probation are under the direction of the Prisons-Probation Policy Division of the Department of Justice and Law Reform. I am conscious of even recent organizational changes in various jurisdictions in Europe, which have resulted in, for example, the amalgamation of prisons and probation services. In some countries, that joining has already been in place for some time. However, in Ireland, while we have strong working links, and consideration has been given a number of times to amalgamating the two services, we remain separate agencies.

We have 424 staff in the Probation Service, including 228 Probation Officers, who are, by and large, social workers. We also have 42 Community Service Supervisors and 87 administration staff. The Probation Service is a single national agency, with offices in about fifty locations, including community-based offices, as well as in all fourteen prisons. Our community-based staff are organized into five geographical regions and all our frontline staff work in locally based teams, generally comprising between five and fifteen members.

We provide offender assessment and supervision services to the courts and to the prisons, Parole Board and the Department of Justice. We work to reduce reoffending through the rehabilitation and social inclusion of offenders – both adult and juvenile. On any day, we are supervising about 6,000 offenders in the community and working directly with up to 2,000 in prison. We carry out pre-sanction assessments for the

courts when a finding of guilt (or conviction) has been made. All of our supervision of offenders is undertaken post-sanction, or post-sentence.

We in Ireland have a strong sense of identity with Europe. Over ninety years ago – while the fledgling Irish State struggled to establish independence - James Joyce wrote that, if Ireland was to become a New Ireland she must *first* become European. One could argue that the current EU/IMF rescue package to which Ireland is signed up, deepens and strengthens our bonds to Europe, although perhaps in ways that we might not have wished!

In Probation, we identify strongly and proudly with our colleagues throughout Europe. This is evidenced among other ways through our involvement in and commitment to CEP, from its foundation right up to the present. In day-to-day operational matters, we have working relationships with a range of countries. We have particularly strong bilateral links with our probation colleagues in Britain and Northern Ireland, with whom we co-operate on virtually a daily basis in relation to the assessment and supervision of offenders who move between our respective jurisdictions. I am delighted that my presentation today will be followed by a response from my colleague, Iuliana Carbutaru – Director of the Probation Service in Romania. I welcome Iuliana and look forward to her presentation on how she and her colleagues have addressed similar issues to those I will describe.

Developments such as the European rules on community sanctions and measures provide a focus for both the development of our practice, standardization of values, and in furthering links with our European colleagues. And of course the imminent implementation of the framework decision on co-operation in probation matters will put all of those connections on an even firmer footing in the months and years ahead.

I want to go on now and speak about the central theme of this paper: maximizing probation resources. As I gave away at the outset, my central message is that in order to maximize, we must prioritise. Fundamentally, the challenge for an organisation in this context is how to initiate, drive and maintain *change*. Ironically, the challenges in such a change process exist whether the economic climate is good or bad. In fact, some aspects of leading and developing change are more achievable when the economic environment is not so good. During a crisis, we can be more open to follow our 'gut feeling' to do what is right, and prioritise – as a *response* to the crisis. That's ok. Either way, (and I

want to emphasise this) it is never the wrong time to do the right thing. We actually started our programme of prioritization when the economic climate was relatively good, *because* it was the right thing. Is it any 'less right' in these bad times? You know the answer! So: Prioritise first the work that we do and then prioritise our resources accordingly. That is the central question and the central issue if we are to maximise our resources.

In Ireland, as I am sure is the case in many if not all of your jurisdictions, we in probation deliver a demand-led service. In a situation where our ability to influence the scale of that demand is limited, our only realistic response is to prioritise what we deliver and how we deliver, on a reasonable, rational and evidence-led basis. How we have tried to achieve this in the Probation Service in Ireland is the subject of the remainder of my paper.

What I am describing in this change process involves a number of distinct but identifiable steps. These steps are quite similar to how we approach our work with offenders – but at an organizational level.<sup>1</sup> While acknowledging where we have come from, and the positive foundations for where we are, we do need to assess our current situation as quickly and as honestly as possible. This is the springboard for planning where we aim to go to, our vision for the future. We then need to develop strategies to achieve that future, and implement them. At the same time we must monitor and feedback to our internal and external stakeholders on how we are progressing. This in turn enables us to build for the next stage of the change cycle.

Where *we* wanted to get to, and *our* overarching strategic goal, was to prioritise what we do founded on evidence-led principles. This would involve supervising offenders relative to their risk and need level, and prioritizing allocation of our resources accordingly. The three foundational pillars for what we set out to do within the Probation Service are therefore: *evidence based principles* for all that we do, *organisational development* and *collaboration*.

At its simplest, this change process was, and is, based on the risk, need and responsivity principles from the 'what works' literature. Those principles, along with more recent evidence from desistance<sup>2</sup> research and literature (about what helps people stop offending), form the basis for what we have set out to do over the last few years. How

we have developed, structured and organised our resources, and the extent to which we have worked to build collaboration both within the Service and externally have also been critical features in this.

I should mention that as well as basing our programme of prioritisation on evidence based principles from research, at a practical level it has also been extremely important to acknowledge and build in other imperatives, for example our responsibilities under our legislation. In addition, there is also a need to *deprioritise* or abandon areas of work that do not fit with these principles. I want to talk now about what I will describe as the three “ships” that are a part of this journey, of our journey to transformation.

The three ships to which I refer are (1) hardship, (2) partnership and (3) leadership.

(1) In describing *hardship* what I mean to say is that the journey to changing, so that we maximize our resources and deliver the best services we can, *is* hard work and it *will* involve some hardship. Our staffing and budgetary resources in Probation here in Ireland, have decreased and continue to do so. But some of the most difficult changes to make can be in people’s heads, in changing the culture of the organisation. There will be suspicion about leaders’ motives. These need to be brought to the surface and tackled, but not allowed to control the process. Above all, while it can be difficult to do so, leaders in an organization must remain focused and positive.

(2) *Partnership* is essential in organizational change, especially in the current environment and is something on which we in the Probation Service put significant value and to which we have devoted considerable energy. I refer to partnership within the organization, with external partner agencies and across European jurisdictions. Partnership is easy to refer to in a presentation such as this, but takes constant practice and effort, with individual staff and managers, as well as in communications with larger groupings. We have also engaged openly and honestly, positively and proactively, with trade union and staff representatives and involved them in adding to the energy for change. This was a major departure for many in the Service, who were more familiar and comfortable with a cautious, suspicious, and even conflictual approach.

With partners outside the immediate organization, including the Department of Justice, other justice agencies (including the police, courts, prisons, prosecutors etc), statutory and non-statutory agencies and our funded community based projects, we have also worked hard to harness the help they can and do bring to our work. The importance of

partnership internationally, and specifically across Europe, is highlighted and manifested through the imminent introduction of the Framework Decision on the transfer of supervised community sanctions from the end of this year.

There is a potential danger in all this that we can feel we have to please everyone or get the approval and permission of all internal and external partners before we can implement necessary changes. There frequently come times in any change process where leaders have to steer a clear course and maintain focus on their vision for the better future.

(3) Most important of all in our flotilla of ships, and in our journey, *is* leadership. Those of us managing probation services have to demonstrate leadership to our staff, our partner agencies and our administrative and political masters, if we are to achieve our goals and bring our various stakeholders with us. We have to prove – particularly to those outside our own organisations - the continuing relevance of probation as a system, and as a disposal that is effective in moving offenders away from crime, a sanction that is a cost-effective alternative to custody.

Leadership in probation has received little international research attention so far. A recent survey of probation leaders in the USA, published in the December 2010 edition of *Federal Probation*,<sup>3</sup> found that:

- It is essential for heads of effective probation services to be leaders – not just managers – in order to inspire and motivate staff.
- Leaders are not just born, but can be made; potential leaders can learn leadership traits.
- *Only* leaders can formulate an inspiring vision and mission for an effective probation system.
- Those surveyed who exhibited transformational leadership characteristics, were also linked with leadership success in their organisations.
- One practical benefit included making the pain for staff in changing, worth the effort.

We must develop leadership, and the culture and climate of leadership, at all levels in our organisations. We must also create and nurture a learning organization (not just focus on outputs and efficiencies in a mechanical way). In the Probation Service, one

example of this in practice is the leadership development and coaching programmes we have put in place for managers at all levels.

The current process of change and prioritisation started for us in 2005, with the appointment of our current Director. In 2006 – to assess our current condition - we brought in two people from outside the organisation, and partnered them with two of our own staff, to carry out an ‘as-is’ audit of all operational services that we were delivering. This was to turn a mirror on ourselves, and assess, as openly and honestly as possible, how well we were doing. The two audit teams visited all of our offices and spoke with all of our staff before formulating their report which was a ‘snapshot’ of where operational service delivery, warts and all, was at that time. The audit could seem a somewhat academic exercise. I cannot over-emphasise though, its value as a benchmark for how we progressed from there, as well as enabling us to keep in touch with our shared sense of ‘who we are’ and what we value individually and as an organization.

Our next step, following the audit, was to establish a working group, which I chaired, and which reviewed the structure of the organisation and made recommendations for change. These structural changes were accepted by all stakeholders and quickly implemented. As a result, we dropped ‘welfare’ from the name of the agency. This was to provide greater clarity and understanding of what our core business is. We established five geographical regions and two national regions, the latter to manage our service delivery to prisoners and young people. We restructured our senior management team to reflect geographical and business boundaries, and strengthened our ‘business support,’ administrative, corporate services, and financial resources and governance structures.

This restructuring clarified team and regional boundaries, addressed numerous anomalies in service provision and organisation, and structured local and regional workloads on a more equitable basis than previously. The next step, after restructuring, was to focus on our work policies, procedures and practices. Another working group, again chaired by myself, was established and reviewed all policies, procedures and practices related to frontline service delivery and made recommendations for change. Some of those changes were implemented quite quickly, while others are still ongoing. In many respects, these changes are the most complex to implement and co-ordinate. For example the role, tasks and job description of the Senior Probation Officer, who is

the probation team leader and local manager in all areas, was reviewed and clarified as a result of this by a joint management-trade union working group.

The final phase of this whole process has been the prioritization of the day-to-day work done by individual Probation Officers and other staff. At a 'micro' level, that prioritisation is based fundamentally on a professional assessment of each offender's risk of reoffending and associated need, and a case management plan formulated as a result, based on the risk and need assessed. Organisationally, this prioritisation has been comprised of several strands. Over the past two years, we have prioritised and promoted community service as an alternative to custody and have restructured how we deliver that service to the Courts and in communities across the country. We have set targets for increased throughput of offenders on community service for the current year. We have also for the first time introduced same day assessments, which are now available to Courts in relation to community service. Just in the last few weeks, we have commenced a pilot programme for low risk offenders on supervision in the community. This incorporates low-intensity supervision, thereby diverting probation officer resources from this group, in order to make those resources more available to work with the higher risk and higher need offenders. That prioritisation of higher risk offenders is being advanced further now as well, in the establishment in a number of key locations of *programme support units*. These units, utilising existing Probation Service and community based organisations that we fund, will enable us to provide more intensive supervision and intervention to those offenders whom we supervise and who are in the higher risk of reoffending categories.

We have also implemented a number of other measures that fit with our overall programme of prioritisation. These include the establishment of a high risk offender management team, which works with higher risk and high profile sex offenders and drives out the development of good practice in this respect across the country, including developing co-operation with An Garda Síochána (the police) and other agencies. We have also prioritised work with young offenders (under 18 years of age) and have developed work in this area considerably. Further examples include our involvement in the Drug Treatment Court and the expansion of a number of restorative justice programmes.

The success factors I have identified here, to a large extent, speak for themselves. Leadership, as I emphasised earlier, is critical to the whole change process. This must be driven from the top, but also 'dispersed' throughout the organization, by building

leadership capacity across the agency and at different levels. I believe that prioritization that is based on a rational evidence base – for example, ‘what works’ - is clear, believable and easier for all stakeholders to ‘buy into.’ The availability, collection and use of relevant performance data, in management information systems, are also very important. What gets measured gets done. We have found it well worth the effort needed to build up data capture and management systems to the best extent possible. In doing this, it is yet again important to be realistic and progress development in manageable ‘bites.’ And it doesn’t have to cost the earth.

The change process must be addressed with as much energy, optimism and urgency as possible. In doing that, we have found it very important to involve all stakeholders, both internal and external, and to harness the goodwill that is generally there. It is critical to engage with the various Trade Unions. Doing so enables us to bring other perspectives to the discussion and to surface and deal with concerns before they become problematic. Another very important group of external stakeholders are the Judiciary. We have put a lot of effort into keeping them informed at every stage of changes affecting the Courts. As recently as last November, in this very room, I addressed a conference of all Judges in Ireland, on changes we were implementing in Community Service and how they would benefit the Courts.

Our entire prioritization process hinges on assessing the risk of reoffending and associated needs of each individual offender referred to us. Several years ago, we introduced the use of the Level of Service Inventory – Revised (or ‘LSI-R’) risk assessment instrument for adult offenders, and its derivative for work with young people, the Youth Level of Service – Case Management Inventory (‘YLS-CMI’). Even though we have subsequently introduced more ‘specialised’ risk assessment tools to assess risk of serious harm, or for use in domestic violence cases or with sex offenders, the LSI-R has been invaluable in helping staff and Service managers to undertake rounded risk assessments and prioritise their work and resources in the ways we want them to.

Despite the need to communicate and consult, it is essential to maintain the urgency and the sense of purpose needed to progress the change process, while being alert to hidden and sectoral agendas that might undo the process at any stage. As well as urgency and drive, there is a need to be flexible. Where something is clearly not working or would work better if some revision was made, we should be open to the need to do that

without feeling we are 'losing face.' In all this, the importance of communication, and the need to repeat and repeat again the key change messages, cannot be overstated. There is also a need to *persist* with the change process, even when things get difficult and may appear to have stalled. And the going *can* be tough. I do not want to give an impression that all this change just needs a good idea, supported by some research, a reasonably credible leader and a decent plan and it will fall into place. Change is difficult. We all have our own 'comfort zones.' Sometimes people even *want* to see what you mean or what you want to happen, and just can't (or won't). As leaders we have to choose the issues we want to 'go to war' over. Sometimes we need to change the approach, change the focus, change the direction or change the people. We certainly must avoid getting stuck on relatively minor issues, but focus on the bigger picture, the longer-term strategy.

While our change agenda has been focused largely on building up frontline operational services, the essential but relatively modest resources we have put into what might be described broadly as 'business support' or 'corporate services' – including general administration, finance, human resource management, training and development, information technology and so on, continue to impact and pay dividends throughout the organization and beyond. For example, we now know what key Service inputs – such as individual assessments or the management of individual supervision orders - cost. It is so easy to focus on building up frontline services as our 'bread and butter,' that we can overlook the other structures that support those services and for example, enable us to demonstrate our value, even just in financial terms.

Change is the only constant. The challenge for us in Probation in Ireland and more widely throughout Europe is to maintain and develop our relevance. That was never truer than now, when resources are under severe pressure, there is an increased punitiveness in some jurisdictions, and the external and political pressure may be to increase the use of imprisonment as the primary sanction. We need to recognise, clarify and develop what is the probation 'niche' – what we offer within the criminal justice system that is additional and different. I believe passionately that our approach *is* different to that of the other justice players and what we can achieve is different and how we achieve it is different.

We approach the issues associated with offending and the harm that it causes from a systemic, community-based point of view. We work to achieve reduced re-offending by building effective relationships with offenders, their families and their communities, as

well of course as with partner agencies and disciplines. We work to achieve the rehabilitation of those offenders, based on professional assessment and evidence-based practice. Recent research on desistance in Ireland<sup>2</sup> has demonstrated the multi-layered process by which offenders come to cease offending over time and the complementarity of all the inputs to that process in individual cases and to the journey of offenders to long-term desistance.

We must think big, dream big, aim for further and more and better; but acknowledge that in these times we may have less resources to do so. In dreaming big and aiming far, we should not be dispirited or inhibited by the so-called 'hard reality' of what we see, and the limitations that places on us. We have to realize that in order for our dreams to come true, we have to wake up first – wake up to our vision of a different and better reality; and persevere through the hardship, *in* partnership and most of all, guided by our own leadership to achieve our vision.

To end, I want to make a statement and pose a question:

The statement: We have all prioritized being here today, in order to be here – to make this conference happen, to share our separate realities and create a new shared one.

The question: When we all return to our own countries, our own offices – what will we prioritise? How will we prioritise it? And how will we help each other to do that and create better long-term realities? The future of probation in Europe is ours to create.

THANK YOU.

**Vivian Geiran** Is Director of Operations in the Probation Service.  
[vmgeiran@probation.ie](mailto:vmgeiran@probation.ie)

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**Notes:**

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<sup>1</sup> Guevara, M. & Solomon, E./Crime and Justice Institute at Community Resources for Justice, (2009) *Implementing Evidence-Based Policy and Practice in Community Corrections*, (Second Edition), US Department of Justice, Washington DC, National Institute of Corrections.

<sup>2</sup> Healy, D. (2010) *The Dynamics of Desistance: Charting pathways through change*, Willan Publishing, Cullompton.

<sup>3</sup> Lee, W-J et al, (2010) 'A Pilot Survey Linking Personality, Leadership Style, and Leadership Success among Probation Directors in the U.S.', *Federal Probation*, Vol. 74, Number 3.