

Reasons to be Fearful: Dealing with Risk in The Probation Service

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This article explores current risk management policies within the English and Welsh probation service and investigate what can go wrong in practice. The introduction of new public management philosophies as a process of measuring efficiency and effectiveness in probation has had an impact not least the de-skilling of its practitioners, as they attempt to meet targets of accountability and cost. The article examines the weaknesses and contradictions in this process and investigates new ways of equipping probation staff with the necessary skills base to engage with the challenges posed by high risk offenders.

The focus is on contemporary probation practice in England and Wales in regards to risk. Firstly the article examines why we in England and Wales should be fearful about the current state of the probation service and then it investigates why this state of affairs has arisen.

Infamous cases in England and Wales, such as the Hanson and White murder of a banker John Monkton in 2005, in the Antony Rice case murdering Naomi Bryant in 2006 and finally, the Dano Sonnex and Nigel Farmer case in 2008 where two French students (Laurent Bonomo and Gabriel

Ferez) were killed in a particularly brutal manner, raise concerns regarding contemporary probation practice, particularly in regard to risk assessment and management.

Using the Sonnex case as an example; a man on parole licence for previous violent offending, when the vicious murders were committed, many of the findings of the official inquiry reports highlight wider issues regarding risk and probation. Other agencies were implicated such as the courts, police and prison medical service but this article will particularly focus on the flaws noted in probation practice.

RISK ASSESSMENT

There was confusion over the risk of harm levels regarding Dano Sonnex. He was placed as a medium risk when released on parole licence under probation supervision. This assessment should in hindsight have placed him at a higher level of risk as in some other databases, namely OASys, the Offender Assessment system used by the probation service in England and Wales, his behaviour was assessed as a high risk. This had implications for resource allocation and the progress of the multi

agency public protection referral. The multi agency public protection panel, or MAPPA as it known, is a panel of interested agencies i.e. probation, social services, police, mental health services, who meet to discuss and manage cases referred to the panel judged to be a high risk of harm to others.

The multi agency public protection referral was done by the supervising probation officer, but due to administration errors and the low priority given to the Sonnex case, the referral was not followed up by senior probation officers or dealt with urgently enough.

Changes in the circumstances which affected risk level assessment i.e. the attacks Sonnex made on a pregnant woman and her partner to extort money, were not included in the risk evaluation due to the charges being dropped. This dropping of charges was later found to be due to victim intimidation.

RESOURCE PRESSURES

The London Borough of Lewisham where Sonnex was supervised was found to be in ‘meltdown’ or severely lacking resources. The case of Sonnex was supervised by a probation officer who was inexperienced, and only qualified for nine-months, with over 127 cases to manage.

Allegedly, only one out of the 22 probation officers in Lewisham had more than two years experience. The reports noted that high sickness rates due to stress and anxiety existed. And there were also allegedly missing risk assessments in approximately 650 of the 2,500 cases supervised by the office. The Senior Probation Officer was also under pressure due to the extreme lack of resources and type of cases the office was required to supervise.

THERE WERE SYSTEMIC ISSUES THAT WERE ALSO OF CONCERN

The focus on targets and managing a high caseload does not encourage an in depth and complete picture of offenders to be formed as in the case of Sonnex. Sonnex reported early and was co-operative, therefore he ticked all the boxes for appropriate complying behaviour but it would have been much more useful and raised more legitimate concern had

his behaviour been scrutinized in a more thorough and experienced manner.

Another systemic failure was the fact that information should have been shared e.g. the responsibility and urgency of the MAPPA referral. The importance of the police executing the arrest warrant for the recall to prison once the decision had been made by the supervising probation officer. Other errors of external communication with outside agencies were apparent but are not the focus of this article. However, they were obviously crucial in managing of safety.

So what does the Sonnex case reveal regarding the general state of the probation service? It is important to examine probation in England and Wales generally in the light of the above findings.

The division of labour within the probation service and the limited resources available have led to a concentration of skilled and experienced staff on very high risk cases. While less risky offenders i.e. low or medium risk are supervised by inexperienced or unqualified [probation service officers] staff.

Despite research by Ansbro (2006) and Craissati and Sindall (2009) showing the low/medium risk offenders can and do go on to commit serious further offences and that risk is a dynamic process, resources still follow risk levels i.e. high risk equals highly qualified staff.

A recent Home Office circular [circular PC08/2007] stated that the aim for probation service officers in the future was the supervision of 80% of offenders i.e. all those assessed as low and middle risk. Whilst high risk offenders would continue to be supervised by the most qualified staff i.e. probation officers. Thus supervision by probation service offices and other unqualified grades reflects the management belief that the job of risk assessment can be embedded within codes of conduct and risk tools assessment like OASys.

Robinson and Burnett (2007) found older skilled staff felt marginalized: like ‘dinosaurs’ as they were trained to deal with the offender as a whole person and not in the correctional model in which the new recruits to probation are trained. Experienced,

longest-serving staff felt alienated from their role and distanced from managers and their values.

Could this also be mirrored by the distancing of the offender managers from the offenders and does this lead to an increased anxiety about working with high-risk offenders like Sonnex? This would make the task of risk assessment by practitioners more fraught and less accurate.

This anxiety and stress was compounded by the concentration of work with high risk offenders within the more qualified staff group. This was also shown in a small research study undertaken by Fitzgibbon in 2009 (forthcoming) to have a detrimental effect on a group of highly qualified probation officers when asked the most difficult part of working in a public protection team. They stated the intensity of workload and pressure of scrutiny. The National Probation Audit in 2006 found that a third sickness in the Probation Service was due to stress and anxiety. Oldfield and Grimshaw (2008) found that main grade staff on average worked five hours extra per week to get the work finished. A clear example of this practice was the overworked probation officer supervising Sonnex who had to go into the office out of hours to complete the recall papers in time, ironically despite the police failing to arrest Sonnex when the papers were submitted.

Oldfield and Grimshaw (2008) showed there had been a fall of 9% in qualified staff in probation over a five-year period while there was a 35% rise in workload. They also found that there had been a 77% increase in the recruitment of unqualified staff, and a parallel 70% increase in management grades during this period.

Qualified staff felt their 'professional territory' had been encroached upon by unqualified staff. They were overwhelmed by 'change fatigue' regarding the pace and number of changes to which their role as a probation officer had been subjected (Robinson and Burnett, 2007). This has led to rapid staff turnover.

The lack of morale and professional identity has been heightened by confusion re: the future of probation training and the probation service in general. The drawing up of the proposed new qualification has

been a complex and lengthy process, which many fear will either lead to a shortening of the training or a reduction of the academic content or both. Already Treadwell (2006) feels the 'core curriculum' is too narrow and not academically focused enough.

The then Justice Minister, Claire Ward, in July 2009 said that the rate of serious further offence convictions was low at 0.3% last year, and paid tribute to frontline officers. She said this was due to "hard work and dedication of probation officers, who deal on the frontline with some of the most dangerous and unpredictable people in our society." This was following the publication of official figures showing that criminals on probation committed more than 1,000 serious crimes over the last two years, including nearly one murder a week in England and Wales. "The vast majority of serious further offences are committed by offenders given a community order by the court having been convicted of less serious offences. *In most cases, nothing in their previous offending histories has indicated that they would be capable of such serious offences.*" (my italics)

This final statement would again tend to support the fact that having unqualified or inexperienced officers supervising offenders of medium to low risk is inadequate and fails to recognize research and statistical findings.

Fitzgibbon when conducting interviews with newly qualified officers in 2008 found they were more concerned with managerial processes, targets and tasks than mentoring offenders or their relationships with them. Again this could indicate distancing of practitioners from their offenders, allowing the possibility of not accurately reading or following up worrying risky behaviour or seeing risk in a contextualized way.

POLICY IMPLICATIONS FOR MANAGEMENT

If the work of the probation service is to be as effective as possible with regard to risk assessment and management, the policy of reducing the number of qualified staff and the allocation of medium and low risk offenders to probation service officers must

be reviewed. Highly skilled staff who have a mixed caseload of low, medium and high risk offenders will be able to spot behavioural changes more effectively. The professionals must use their in depth knowledge of the offender to assess risk aided but not be over-dependent upon risk assessment tools such as OASys. This will also protect qualified officers from the experience of 'burnout' and fatigue currently suffered due to the intense and highly scrutinised nature of their work. Their experience and skills will be used and valued by management in relation to the work with all offenders.

Probation service officers should be enabled to progress to fully qualified status and clarity regarding the future of probation officer training needs to be a priority to revive the morale of the organizations frontline workers. Also for those officers who are qualified, there should be more opportunities to enhance their practice by taking advanced courses, (for example Post Graduate level programme in public administration, risk and relate subjects) which would improve morale and the quality of their reflective practice.

The government must not ignore the evidence as cited above that the present design of the English and Welsh Probation service is not working well enough. There is a need to revisit the way the probation service is staffed and recognize the fact that risk is dynamic and ever changing like offenders lives and can not be compartmentalised and fitted into separate convenient boxes. To manage risk effectively requires skilled and qualified staff at all levels of probation supervision and for all offenders.

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