



Probation in Europe

Northern Ireland

Brendan Fulton
Nicola Carr



The European Organisation
for Probation

Probation in Europe

Northern Ireland

Brendan Fulton

Retired Assistant Chief
Probation Officer
Belfast
Northern Ireland
+ 44 7771501918
brendanfulton@yahoo.co.uk

Nicola Carr

Lecturer
School of Sociology, Social
Policy and Social Work
Queen's University Belfast
Northern Ireland
+ 44 2890975965
n.carr@qub.ac.uk

December 2013

Edited by:

Anton van Kalmthout
Ioan Durnescu

ISBN/EAN: 978-90-820804-0-7

This publication was funded by the Ministry of Justice and Safety of the Netherlands
and the Dutch foundation *Stichting Nationale Reclasseringsactie*

Published by:

CEP, Confederation of European Probation
P.O. Box 8215
3503 RE Utrecht
The Netherlands
www.cep-probation.org

Table of contents

1. Introduction	4
2. Historical Development of the Probation System	5
3. Legislative Basis of the Probation System	9
4. The Organization of Probation Services	14
5. Different Stages of the Criminal Justice Process	20
6. Probation Methodology	34
7. Finances, Accounting, Registration Systems and Evaluation Procedures	36
8. Societal Support and Clients' Views	39
9. Probation Clients Rights	41
10. Developments to be expected	42
11. Important Publications	44
12. Main Addresses, Phone & Fax Numbers, E-mail Addresses, Home Pages	46
Annex 1	47

1. Introduction

1.1 Probation Organisation

Northern Ireland (NI) lies in the north eastern corner of the island of Ireland, occupying about 17% of the land area. It is part of the United Kingdom of Great Britain and NI with a population of 1.81 million. Since 8 May 2007 it has a regional assembly and an executive government. A North-South Ministerial panel oversees relationships between NI and Republic of Ireland.

Probation in Northern Ireland is delivered by one agency, the Probation Board for Northern Ireland (PBNI). The Probation Board comes under the government responsibility of the Department of Justice, which was established in April 2010, following the devolution of policing and justice powers to the Northern Ireland Assembly. The Criminal Justice System in Northern Ireland is made up of six other agencies which are under the authority of the reconstituted Assembly. The agencies are: The Department of Justice (DoJ), Northern Ireland Courts and Tribunal Service (NICTS), Northern Ireland Prison Service (NIPS), Police Service of Northern Ireland (PSNI), Public Prosecution Service (PPS) and Youth Justice Agency (YJA). All apart from the PPS are accountable to the Minister for Justice within the NI Executive. The Director of the PPS is appointed by The Attorney General for Northern Ireland and is accountable to the NI Assembly. The directors of these seven agencies, meeting under the chair of the Director of Access to Justice Directorate of DoJ, constitute the Criminal Justice Board. Like PBNI the other criminal justice services have one structure covering the whole geographic area of NI. Their work is strategically guided by the Criminal Justice Delivery Group which is chaired by the Minister of Justice.

PBNI services in relation to Youth offending (10 – 17 years) are complemented by the work of the YJA which is authorised to run youth conferences between children and young persons, their families and their victims.¹ It also offers community orders involving reparation and restorative justice as sanctions of the court. PBNI retains the role of pre-sentence report writing, supervision of probation and community service orders and post-custodial orders. Both agencies provide these services through their own staff and through partnership with and grant-aid to voluntary and community groups.

1.2 Probation activities in a nutshell

Probation is involved with accused persons from assessment and reporting to prosecution at the pre-court stage but primarily at the sentencing stage in court through provision of pre-sentence reports to sentencers, management of a range of community sentences and provision of post-custodial supervision: custody probation orders, post-custody supervised licence and life licence supervision. It performs these services in partnership with other statutory and non-statutory organisations and community groups.

1.3 General remarks about the implementation of Probation Rules

As an integral part of the Good Friday Agreement 1998, which established the basis for devolved Government, the European Convention of Human Rights (ECHR) was incorporated into Northern Irish law. A Human Rights Commission was established and all parties committed to ‘the mutual respect, civil rights and religious liberty of everyone in the community’.

1 Justice (NI) Act, 2002

Thus new laws and statutory rules governing probation work are tested for rights compliance. Probation standards have just been updated on the basis of a review of international best practice including European Probation Rules (EPR).

2. Historical Development of the Probation System

2.1 History from the origins to 2008

The formative signs of Probation emerged in the last quarter of the 19th century. Each of the main churches, Presbyterian, Church of Ireland, Methodist and Roman Catholic reached out to individuals and families in trouble and appointed dedicated workers and volunteers to provide services. This connection and knowledge brought them into the police courts in the larger towns, particularly Belfast. There they developed credibility with the Magistrates as sources of information about the offenders and their circumstances but also as providers of services such as accommodation, temperance pledges and conduits to employers and family supports. Two separate pieces of legislation in 1879² and 1889² empowered lower courts in Great Britain and Ireland to discharge an offender subject to him/her giving security and permitting a first offender to be put 'on probation' instead of being convicted and sentenced. In 1892 the Chief Secretary³ informed all Magistrates of the low usage of their new power and encouraged them to consider its appropriateness for first offenders where age and/or character of the offence warranted. The influence of the Judiciary on the use of probation was to remain an issue for the next 100 years. In 1907 the courts⁴ were given a new alternative to a sentence - a probation order and power to appoint a probation officer 'to advise, assist and befriend' the probationer. In Belfast, the largest city, some of the police court missionaries, already having a role in the court, were recruited on a part-time basis by the magistrates to carry out the new probation officer duties⁵ in the adult courts and in the newly created children's courts (Children Act 1908).

In 1921 Ireland was partitioned. A separate devolved government was established in Northern Ireland (NI) which remained within the United Kingdom and subservient to the government in London. In the early years the regional authorities were pre-occupied with internal and external security. The probation presence, predominantly in Belfast, was part-time and poorly funded. In 1928 Probation Rules setting out the degree of contact with the probationer were issued. Eight years later the appointment of probation officers was taken over by the Ministry of Home Affairs. There was no compulsion for each court to have a probation officer and funding continued on a per capita basis from a court-based account - the Dog Licence Fund.

In 1950 the Ministry of Home Affairs became responsible for the organisation, appointment and funding of probation in the whole region (Probation Act (NI) 1950). Probation usage outside Belfast rose by over 100% in the first four years of implementation. In the same legislation the probation order was modernised to be used (with consent) only after conviction while still replacing a sentence.

2 Summary Jurisdiction Act and Probation of First Offenders Act

3 Beresford, J 1976 NI Probation Service, University of Ulster (Coleraine), Thesis

4 Probation of Offenders Act 1907

5 Fulton, B & Parkhill, T. (2009) *Making the Difference. An Oral History of Probation in N I*. Belfast: PBNI

Conditions in regard to mental health and residence in a voluntary society home were made available. The role of the probation officer in providing reports to assist sentencing was reinforced.

As new officers attended the English probation training programme the main ideas were derived from there. The moral reform of the individual had been overtaken by the casework approach - still based on reform of the individual but with a psychological rather than a religious foundation. To improve their standing at home the probation service needed a larger professional base and they found it in the new alliances between the Social Work agencies and the University. In 1967 the first probation officer was seconded to a social work course there. The 1960s also brought a probation presence in prisons despite the scepticism of probation staff about such institutions. In 1967 the first probation staff member was seconded into the male prison. Adults committed to long term sentences and some recidivists were made subject to supervised licence arrangements on release. (Treatment of Offenders (NI) Act 1968) Courts were also expected to consider probation reports before making such sentences.

The possibilities offered to probation by these changes were shattered by the eruption of civil conflict in the summer of 1969. The conflicts between communities and between those communities and the government resulted in the criminal justice agencies being adapted to deal with the conflict and paramilitary violence. Probation staff resisted such an orientation. They decided that they would distinguish between those defendants who were dealt with under the emergency legislation and the rest - politically motivated vis-a-vis delinquent.⁶ Preparation of pre-sentence reports and statutory supervision were to be restricted to the non-political categories. Service was offered to the politically motivated on a voluntary basis only. A modus operandi along these lines received a consensus within the courts and created space for probation staff to operate within all neighbourhoods.

Performing social work with offenders through this period when power in society was regularly turned upside down had a profound impact on the professional approach. The casework method with its concentration on individual pathology was no longer viewed as fit for purpose. There was too much evidence around of the influence of family and community. A paradoxical consequence of the conflict was that staff went out more into communities. This was increased when the community service order was introduced in 1979. Again NI was following the English lead but the actual form of introduction was influenced by knowledge of practice on a more global scale. Victim-centred and restorative ideas had resonance in NI from Brehon Law⁷ culture that was part of the tradition.

Health and Social Services were integrated in 1973. It was inevitable that the next question would be whether services for courts and offenders should be joined to this integrated structure. In 1979 the 'Black Report'⁸ delivered a tailored NI response. It recognised the impact of conflict on the emerging generation. Offending behaviour was to be managed within the criminal justice system.

6 In 1975 National Association of Probation Officers Annual Conference adopted a policy against involvement in statutory work with politically motivated offenders.

7 Brehon Laws. An indigenous system of law which existed until 17th century in Ireland and was replaced by English common law

8 Northern Ireland Office (1979), Legislation and Services for Children and Young Persons in NI, HMSO, Belfast

To enable probation to maintain legitimacy it should cease to be under civil service management and be administered by a community based board. The report marked a watershed. Three years later the Probation Board was established with grant making powers.

The community involvement in the management of PBNI fostered new funding partnerships with voluntary organisations that could offer good quality services with offenders in an innovative manner and through a different culture. PBNI set up partnerships with community groups which came into being in response to local offending. Projects focused at the most critical times and locations were successfully used by PBNI and partner organisations in reducing the crime and the impact on the community.

The group work experiences integrated easily with the current of cognitive thinking, emanating from North America. Evidence-based practice facilitated new thinking about the role of probation in a society emerging from conflict.⁹ The experience of working in communities meant that while adopting cognitive theories PBNI was conscious of not neglecting the social dimensions.¹⁰ Fresh legislation¹¹ affirmed probation-led sentencing options and moved these to the more serious end of the continuum. The pre-sentence report became a front loaded requirement.

This legislation was implemented in the same year as the Belfast (Good Friday) Agreement 1998 which set out the basis for future government and relationships with the rest of UK and the Republic of Ireland. It called for a Review of the Criminal Justice System to ensure that it had the confidence of all parts of the community.¹²

A fundamental change of status was recommended for PBNI. It should become a government agency like the prison service instead of retaining its board with community representation. However, as a result of the dissent generated by the Board and supported by others the government agreed to leave this decision until after the devolution of criminal justice matters to the new NI executive. Prisons and Probation were to remain as separate organisations but with greater interaction at management level. The review also recommended the introduction of a restorative justice strand to the processing of children and young people through the justice system and this has subsequently been implemented by the YJA.

On 8 May 2007 a devolved regional government was re-established. Nevertheless, criminal justice remained a deferred power to the Secretary of State for NI through the UK government. Transfer of justice matters including probation was postponed until the new devolved arrangements had achieved a measure of stability.

2.2 Recent history from 2008 to 2011.

The new century has, so far, been dominated by issues of risk and dangerousness and public protection. In 2008 the NIO introduced fresh legislation to extend the powers of courts and agencies to limit the freedom of sentenced offenders, to bring risk assessment to more stages of the sentencing process and to enhance recall powers in relation to the post-custodial stage of sentences. In doing so it planned to change the nature of sentences of custody of both the long and short-term varieties.

9 Payne M.(1991) *Modern Social Work Theory: a critical introduction* Macmillan, London

10 Chapman, T and Hough, M (1998) *Evidence-Based Practice: A Guide to Effective Practice*, HM Inspectorate of Probation

11 Criminal Justice (NI) Order 1996

12 Northern Ireland Office (2000), *Report of the Criminal Justice Review Group*, HMSO, Belfast

The majority of the new provisions came into force on 1 April 2009¹³. Two new sentences for the more serious violent and sex offences involve PBNI at three stages, (a) court sentencing, (b) at decision-making re. release and (c) in the supervision of the post-prison community period. These changes were of huge significance to the PBNI. They placed it more solidly at the centre of provision of reports and assessments to the Courts and adjudicating authorities but also in the management of most serious offenders in the community in both community and custodial sentences. In addition to the creation of a new parole body (*Parole Commissioners for Northern Ireland*), and an executive recall unit the authority of the multi-agency management of sex offenders' framework was extended to encompass violent offenders and placed on a statutory footing.¹⁴ The probation service was specified along with the police, prison and youth justice services. PBNI invested in increasing organisational capacity in preparation for a staged implementation of the new legislation.¹⁵ Structural changes were made to facilitate a specialist service delivery model across the region and new accredited intervention programmes.

There was a delay of almost three years before sufficient degree of consensus was reached among the political parties to facilitate a transfer of policing and justice matters to the executive and assembly. The outcome was a Department of Justice (DoJ) with a Minister appointed from one of the local political parties. For the first time in 35 years local political considerations will have greater influence on policy formation. The new arrangements will offer more potential for difference from England and Wales.

In an extension of the joint resettlement strategy with the Prison Service (NIPS), PBNI staff in prisons now work alongside prison staff in Offender Management Units, focussing on a shared plan towards the prisoner's release. The effectiveness of these arrangements is being curtailed by the industrial relations issues within the NIPS which has been viewed for some time as a failing organisation and has been the subject of a major review ordered by the new Minister in 2010. The review's final report¹⁶ has made 40 recommendations. Rec. 31 calls for NIPS and PBNI to undertake joint work to plan and deliver integrated services, explore staff exchanges and consider shared services.

2011 has also seen the publication of the Review of the Youth Justice system. The youth conference system (which adopts a restorative approach) has been deemed to be such a success that it is attracting considerable international attention. The usage in courts has diminished the volume of reports and supervision orders requiring to be undertaken by PBNI in the youth courts. This category now constitutes only 4% of the overall workload of probation. The review does not contain any proposals for changes to PBNI responsibilities in regard to this age group.

An innovative partnership project led by PBNI commenced in January 2010 to pilot different ways of responding to female offenders. Statutory Agencies alongside voluntary and community agencies provide supervision through group work and practical help.

13 Criminal Justice (NI) Order 2008

14 Public Protection Arrangements Northern Ireland (PPANI)

15 42 additional members of staff have been recruited of whom 29 were to professional social work qualification posts.

16 Owers, A., Leighton, P., McGrory, C., McNeill, F. & Wheatley, P. (2011) Review of the Northern Ireland Prison Service. Belfast: Prison Review Team

It raises the possibility that NI, with a relatively low incidence of offending by females, could find responses which avoid the need for the establishment of new and larger institutions.¹⁷

3. Legislative Basis of the Probation Service System

3.1 Legislative Basis

Probation Services are administered by the Probation Board for Northern Ireland (PBNI), a non-departmental public body. The board consists of a Chairman, Deputy Chairman, and not more than 18 members appointed by the Minister for Justice to represent a wide spectrum of community life. Under the most recent constitutional arrangement the Minister for Justice is a member of the NI Executive appointed by the Assembly in Belfast. This Minister has initially been selected on the basis of cross-party support unlike other ministerial posts that are allocated on the comparative strength of the political parties (D'Hondt Method).

PBNI receives its funding from the NI budget and is accountable to the Minister of Justice for the manner in which it carries out its remit that is authorised by laws, judicial rulings and statutory instruments. PBNI operates within parameters and budgets set for the Criminal Justice System in Northern Ireland by the Departments of Finance and Justice.

PBNI must provide and maintain an adequate and efficient Probation Service; enable persons to perform work under community service orders and provide staff to perform social welfare duties in prisons and young offenders' centres. Additionally it has discretion to provide and maintain probation hostels, bail hostels, and other establishments for use in connection with the supervision and assistance of offenders and to make and give effect to schemes for the supervision and assistance of offenders and the prevention of crime. In exercising this discretion it can enter into arrangements with voluntary, or other, organisations.¹⁸

The work carried out by the service is governed by a set of Standards which set out the levels of service and practice required of PBNI in relation to its assessment, management and supervision of persons who have been made subject to Community Sentences, Custody Probation Orders or Statutory Licenses as well as for the provision of reports to courts and the Sentence Review Commissioners¹⁹. The Standards also define the related Service Requirements and monitoring practices together with required quality indicators and measures. In carrying out the supervision task it is a duty of a probation officer 'to advise, assist and befriend'

(Probation Board (Northern Ireland) Order, 1996, Article 14A).

The organisation produces an annual report. The Chief Probation Officer is accountable to the Board for ensuring that the Standards are consistently applied in practice. In turn PBNI is accountable for providing information required by the Minister of Justice from time to time in relation to adherence to the Northern Ireland Standards.

17 O'Neill, J. (2011) 'The Inspire Women's Project – Managing Women Offenders in the Community.' *Irish Probation Journal*, 8: 93-109

18 Probation Board (NI) Order 1982

19 PBNI (2011) *PBNI Best Practice Framework Incorporating Northern Ireland Standards*. Belfast: PBNI

They are subject to periodic external inspection by the Criminal Justice Inspection Northern Ireland (CJINI). The current Standards, which have been in operation since 2006, have been reviewed. Having been agreed by the Department of Justice, they have now been integrated within a new Best Practice Framework that is in line with EPR 1 & 8.²⁰with its emphasis on carrying out tasks and responsibilities within the boundaries of national law and ‘reducing re-offending by establishing positive relationships with offenders in order to supervise, guide and assist them and to promote their successful social inclusion’.

Probation authority begins in the Youth Courts and extends through all the levels of the Criminal Courts. This authority emanates from a series of laws which empower courts to consider probation reports and to make statutory orders including supervision by probation officers. Ten years, is the age of criminal responsibility and the Youth Court hears criminal cases until a young person reaches his 18th birthday. In adult courts PBNI may be involved with any offender guilty of imprisonable offences.

3.2 Mission and Mission Statement

PBNI produces a three-year Corporate Plan that is supplemented by an annual Business Plan. When drawing up its plans PBNI needs to take account of the Justice Addendum to the Programme for Government adopted by the NI Executive and Assembly, the reviews, consultations and initiatives planned by the Minister for Justice and a Budget allocation for the three year period which requires significant cost savings. The Corporate Plan 2011-14 represents its commitment to deliver services that contribute to the overarching Government purpose: - ‘to build confidence in policing and justice, to help reduce re-offending and to maximise in the role of justice in achieving a shared future.’

Within the above context the Corporate Plan outlines the Statement of Purpose, Guiding Principles and Values and Strategic Themes over the three years: ‘Making local communities safer by challenging and changing offenders’ behaviour.’ The proposed work for the next three years is organised into five strategic themes: criminal justice strategy and policy; effective probation practice; helping to make local communities safer; communications and engagement and continuous organisational improvement. PBNI plans to assist the DOJ in the production of an Offender Management Strategic Framework and an Inter-Departmental Reducing Offending Strategy. In its efforts to improve effectiveness PBNI is committing to implement the Best Practice Framework incorporating the revised NI Standards. PBNI has a tradition of working with and in local communities. This fresh plan focuses on consolidating partnerships within the new devolved structures regarding Community Safety and in developing an initiative around mentoring and volunteering. Northern Ireland with its own regional government and locally accountable criminal justice institutions requires fresh efforts at broadening the understanding of the work of the Probation Service. The economic recession and a reduction in the allocation of annual funding bring the need for a search for efficiency savings and demonstrations of increased effectiveness when benchmarked against internal and external indicators.

20 PBNI (2011) *PBNI Best Practice Framework Incorporating Northern Ireland Standards*. Belfast: PBNI

Equity also represents a traditional probation interest. How are different categories of offenders faring within society? PBNI has adopted a philosophy 'Offenders are citizens.' Consequently it has pushed for their access to the normal range of services available to all citizens or the adaption of those services to fit their particular needs. Only where those services are principally about the management of offending behaviour has it felt it appropriate to supply distinctive provision. The creation of a new Inter-Departmental Reducing Offending Strategy as part of an overall Programme for Government offers greater prospects for action by other Government agencies which in the past have tended to take a 'hands off' approach to offenders and their families.

The 2011/12 business plan reflects an increasing expectation and direction for more partnership and integrated approaches. In the past this kind of co-operative activity tended to focus on fresh and innovative projects that could at that point be peripheral rather than core. Even when they were successful the partnership ethic was not easily translated into their incorporation into mainstream services. PBNI, having a better record than others in the sector on collaborative working, will be anxious to ensure that fresh joint targets equate with their experience and expertise. The formation of the Offender Management Strategic Framework is a key part of a new overarching structure which has the potential for significant influence on the outcomes that PBNI are striving for.

3.3 Crime Prevention

PBNI is involved in crime prevention at three levels. The predominant activities are oriented to the tertiary level - prevention of re-offending. It also makes a contribution to local Community Safety Partnerships²¹, based on District Council areas, which commit service delivery organisations, probation, police, youth justice, housing and local councils, to develop and deliver local action plans in conjunction with the voluntary, community and business sectors. These co-operative actions, which focus on responses to local crime and disorder and the perceptions of crime and anti-social behaviour, encompass primary and secondary prevention. However, PBNI finds it difficult to service this from its thinly spread geographic area teams especially outside Belfast. District Policing Partnerships (DPP) have been amalgamated with Community Safety Partnerships (CSP)²². This streamlined body (DCPC) will bring greater coherence to local partnership working and will produce economies of scale for some of the agencies involved. It is likely to reduce but not relieve the overstretch experienced by probation area teams.

Particular attention, also, is given to the needs of children of prisoners. PBNI contributes funding to a service²³ to assist families to reduce the impact of the imprisonment of a member. Such responses to relieving stress and loss implicated in a state judicial sentence are justified as a response to acute needs. There is also a very significant preventive dimension to this service as, without remedial action, such an experience increases the likelihood of that pattern being repeated in the next generation. Since PBNI's authority to allocate resources to this kind of service is discretionary rather than mandatory the nature and extent of its involvement is

21 Community Safety Partnerships were created as a result of the recommendations of the Criminal Justice Review 2000

22 Justice Act (N I) 2011 Section 20

23 Family Links managed by Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO)

being reduced in line with its tightening budget. Until 5 years ago it was a partnership involving allocation of its own staff working alongside those from voluntary organisations. Now it makes a grant to voluntary sector organisations but doesn't use its own personnel. The partnership is still viewed as important and PBNI plays its part in the Families and Children of Prisoners interagency group – nine statutory and voluntary organisations. That group is currently contributing to a Northern Ireland case study being carried out by a team based in University of Ulster and Queen's University as part of a European comparative research project co-ordinated by the Danish Institute for Human Rights. There is now more awareness that the impact of imprisonment on families and local communities is not just a criminal justice concern and requires a cross departmental response. Nevertheless economic stringency and its repercussions for government funding has triggered a rethink as to whether the state should not formally face up to the collateral damage of judicial custodial sanctions and accept that the supply of services to the families of persons who are imprisoned should have a statutory and mandatory basis. Through the above including its contribution to the overall Programme for Government PBNI puts forward its learning in order to increase the effectiveness of crime reduction strategies as called for in EPR 98.

3.4 Victim Protection.

Recognition and attention towards the needs of victims has been an aspiration of probation for some time. When the Probation Board was set up in 1982 it was initially envisaged that community funds could be directed towards victim supports but the organisation was prevented from doing so on legal grounds. However, informal support was possible. In 1986 Victim Support (Northern Ireland) (VSNI) was formed – a non-governmental, voluntary organisation relying on the support of volunteers to provide a generic response to victims of crime. In those 30 years it has become a very significant service organisation with 200 trained volunteers dealing with 30,000 referrals per year.

The Criminal Justice Review 2000 recommended a lead role for probation in providing information to victims in cases where non-custodial sentences were made (with an equivalent role for the prison service in respect of custodial sentences). Under the scheme that emerged in 2005²⁴ information covers length, type, duration and requirements of supervision and an update on the outcome of any court proceedings if a supervisee fails to comply. As it is not the intention to provide a counselling service, information about specialist victims' organisations and services is passed on where it seems appropriate.

Information about victims is supplied to PBNI through a protocol between the Public Prosecution Service, the Police Service of Northern Ireland, the Northern Ireland Prison Service and the VSNI.

An evaluation of PBNI Victim Information Scheme conducted in 2011 indicates that 98% are satisfied or very satisfied with the service they receive. 80% are victims resulting from sexual or other violence including that leading to a death.

24 Criminal Justice NI Order 2005

Although not directly comparable, this is notable in the context of a 2009/10 survey that showed 31% of victims being dissatisfied with their overall contact with the criminal justice system.²⁵ The service is provided through a Victim Information Unit composed of one manager and two probation officers and an administrative officer. It operates separately from the rest of the service. The staff work to a code of practice and a set of guidelines and receive customised in-service training. In addition to meeting the needs of victims the interaction has assisted the public protection role of PBNI as the concerns and observations of victims can be conveyed, with their consent, to risk assessment panels and taken into account in management plans for such offenders.

The latter dimension is recognised by the independent inspection carried out in 2011²⁶ as an area of good practice.

A restorative justice initiative was piloted in 2007 and has since expanded to facilitate restorative interventions in up to 80 situations involving murder, rape, other serious violence and robbery. The initial requests emanate from both victims and offenders. The process frequently involves partnership between the victim liaison officer and the supervising probation officer and has resulted in the introduction of funding service level agreements with two organisations: *Alternatives* and *Community Restorative Justice Ireland*, both of whom are accredited by the CJINI. The victim liaison officers continue to supply support to the victims through these processes. It is time-consuming work and current staffing levels and adherence to codes of practice necessitate that extension of the initiative proceeds at a manageable pace as set out in Corporate Plan 2011-14. In order to ensure protection for victims PBNI has agreed Restorative Interventions Guidelines that are based on its experience, local and international research and UN Principles.²⁷ These guidelines and the practice outlined above are also in line with EPR 95 & 97.

3.5 Volunteers involvement

This is currently an underdeveloped area. PBNI is reliant on some volunteers who are recruited and supplied by voluntary partner organisations in relation to purchased services. There is an objective in the 2011-14 Corporate Plan to introduce a mentoring and volunteering scheme. (EPR 34).

25 N I Statistics & Research Agency. 2009/10 Performance of the Criminal Justice System from a Victim & Witness Perspective: <http://www.dojni.gov.uk/index/statistics-research/stats-research-publications/victims-and-witnesses.htm>

26 Criminal Justice Inspectorate N I 2011 *The Care and Treatment of Victims and Witnesses in the Criminal Justice System in Northern Ireland*. . The inspectorate (CJINI) was sufficiently impressed by the PBNI model to recommend the amalgamation of all the post-conviction information schemes under the supervision of the PBNI.

27 United Nations Economics and Social Council 2002 Basic Principles on the use of Restorative Justice Programmes

4. The Organisation of Probation Services

As outlined in previous sections, the context for probation practice within Northern Ireland is well established. The organisation is resourced through a government budget. Internal and external inspections, audits and reporting mechanisms underline the compliance of the organisation with formal policy instructions and rules (EPR 18, 19, 20).

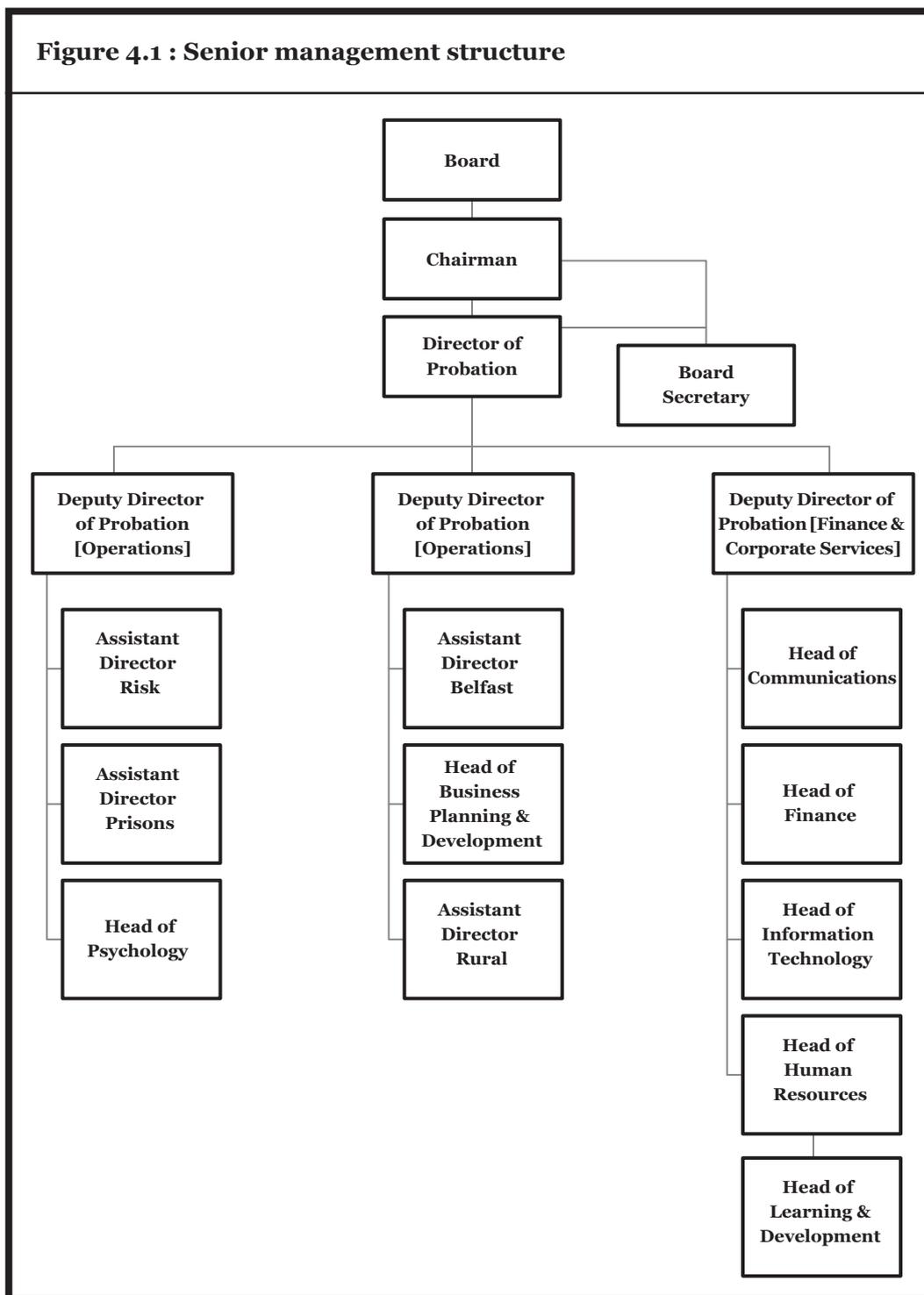
Probation has a tradition of stressing the principles and values of the agency and of recruiting and retaining staff with ‘integrity, humanity, professional capacity and personal suitability’ (EPR 22). The staff who are the deliverers of the core professional services – probation officers and psychologists – are professionally qualified according to relevant accredited occupational standards and throughout their career are now given the facility ‘to maintain and improve their knowledge and professional abilities’ at a level affirmed by independent external validation (EPR 27). Other grades of staff are enabled to acquire relevant skills, knowledge and values assessed in the workplace with qualifications awarded that validate the level of competence attained as outlined in EPR 24.

The new Best Practice Framework, by allocating each person a supervision plan with levels of contact based on assessed level of risk, has provided a better tool for measuring or assigning the workload involved. It becomes a potential tool if staff feel there is an imbalance or overload as demanded by EPR. Such a state is not so far reflected in Inspection Reports (EPR 29). However, it is important to note that there has been year on year increases in the number of referrals to probation (for pre-sentence and short pre-sentence reports) and the overall caseload under the supervision of the service has increased. These factors will have a bearing on workload management into the future in the context of budgetary constraints.

Legislation and agreements with the Judiciary and Northern Ireland Courts regulate the circumstances when pre-sentence reports are sought as referred to in EPR 42. Recent discussions have been about ‘the circumstances’ in which different types of report should be prepared.

PBNI has a highly developed concept of partnership and ‘co-operation with other agencies of the justice system, with support agencies and with the wider civil society’ as expected by EPR37.

4.1. Main characteristics



The structure ²⁸shows in linear form the differential between the Board and the Chairman with its policy remit and the Director of Probation and his senior management staff with their operational responsibilities. Clearly visible are the three layers of senior management staffing: Director, Deputy and Assistant Director levels.

²⁸ www.pbni.org.uk

What is doesn't show is that at Assistant Director level four staff – Belfast, Rural, Prisons and Risk- are responsible for the oversight of all the service delivery teams. The remaining seven posts illustrate the increasing complexity and range of the support required and the increasing importance assigned to these roles. 25 years ago only six posts at this level covered all the operational and support functions.

4.2 Internal organisation

The Board meets 11 times per year and does most of its work through committees, which refer issues to the Board for decision. The day to day management is led by a Director of Probation.²⁹ The Director is accountable to the Board on all professional matters and is accountable to the Minister of Justice for the use of finance.

The fundamental structure for delivery is through teams managed by an area manager. 'Area' can be both geographic and functional in its coverage. The core services are delivered by 18 area teams covering all the court areas and prison establishments in NI. This is done through 30 permanent office outlets. These services are supplemented by 10 specialist teams. There are three strata within the organisation – senior management, middle management and main grade. The 'main' layer is made up of probation officers supported by probation service officers or other technical grades.

4.2.1 Probation Workers

The composition of the work force shows parity between staff from a Protestant (46%) and Catholic (48%) backgrounds.³⁰ This is more balanced than all but one of the other criminal justice agencies.

Probation officers (PO) make up over 40% workforce. They are supported in their professional role by probation service officers (PSOs) and community service officers (CSOs). All are managed by 22 area managers plus a programme manager, a project manager and a learning and development manager –a ratio of 1:8. Additional specialist support is supplied to these workers by six forensic psychologists, an art therapist, an arts development officer/ an awards officer. (PBNI is licensed by the Duke of Edinburgh Award Scheme (DofE) to train, assess and accredit participants on their progress through personal programme of activities towards attainment of awards. This post holder assures the necessary validation. Persons who complete the award can opt to receive a Gaisce (President of Republic of Ireland Award instead. This provision is a good example of the desistance dimension within the PBNI approach.³¹Art development especially in creative writing and drama is facilitated through links with the Prison Arts Foundation.³²) All are internally serviced by a range of administrative and technical staff at headquarters and in area teams. The definitive job within the service remains that of probation officer.

29 The experimental period of the Roman Consular model involving the Chief Probation Officer and the Chief Management Officer was ended in 2008 with the appointment of the Chief Probation Officer (social work qualified) to the director role.

30 Annual Equality Monitoring Return 2011 Summary

31 <http://www.dofe.org/en/content/cms/takepart/notice-boards/northern-ireland/>

32 www.prisonartsfoundation.com

Despite the changes to the nature of community sanctions and post-release supervision, a probation officer is still nominated in law as the supervisor and the authority in relation to further court or tribunal proceedings. That authority is exercised within an agency case-management approach in accordance with NI standards and through mediation with other agencies, organisations and institutions. Development, delivery, assessment and evaluation are now being achieved with a contribution from a recently introduced grade of probation service officer. The main purpose of this new post is to provide direct service delivery in a manner which allows the probation officer to concentrate on those aspects of service, which require approved professional discretion and judgement.

Probation Service Officers are accountable to the Area Manager for the performance of duties. The Area Manager monitors and evaluates individual performance of both Probation and Probation Service Officers and carries out an appraisal on an annual basis. On behalf of the organisation it is his/her duty to produce business plans in line with the corporate plan and to allocate work, deploy staff and contract with partners in order to achieve effective delivery of service.

A free, personal confidential counselling service managed by an external agency is available to all staff.

Table 1. The staff structure

Number of staff	412
Management staff	50
Executive staff	243
Supporting staff (e.g. secretary, bookkeeping staff, ICT staff etc.)	119

Education, training requirements and opportunities

Since 2004 the Degree in Social Work (replacing the Diploma in Social Work) is the recognised professional qualification for probation officers in NI. Both qualifications are recognised by the Northern Ireland Social Care Council (NISCC), the social care workforce regulatory body. The social work degree is an integrated programme covering a range of aspects of social work practice including family and childcare, mental health and criminal justice. The new qualification, which is both an academic award and a professional qualification, is based on a partnership between agencies (employers) and universities.

This new qualification has been redesigned in order to continue to produce professional staff that are competent to make judgements at the point of loss of liberty and to assess, case manage and lead groups across the range of service delivery. That is the common level of operation required of social workers in all disciplines in the modern context and is fundamental to the rationale for PBNI remaining with social work training rather than opting for a segregated criminal justice alternative.

New graduates of the Degree in Social Work Programme are subject to a further Assessed Year in Employment (AYE) before achieving a fully recognised qualification. PBNI has established a new structure to satisfy the requirements of the Awarding Body (NISCC) in this respect. A panel comprising an ACO, an Area Manager and a Probation Officer examine a portfolio of work undertaken, evaluated and presented by the debutant probation officer at the three, six, nine and eleven month stages.

The panel forwards its decision to NISCC for formal endorsement.

On recruitment new staff are expected to undertake a corporate induction programme and front line staff a practice induction section for a further nine days. Once established in post a qualified probation officer is registered with NISCC for a period of three years. During that period he/she is expected to take responsibility for his/her professional development. In order to meet its requirements as an employer under social care registration PBNI, through its membership of the NI Post-Qualifying (PQ) Partnership, provides continuing learning opportunities for probation officers to complete part, or full, awards under the PQ Award Scheme. Such probation officers are expected to complete three modules of the PQ Specific Award in Social Work covering professional/inter-professional practice and decision-making. This is accompanied by 60 academic credits amounting to a Certificate in Post-Graduate Studies. More experienced front line staff are also assisted to progress to the Specialist Award in Social Work. Experienced staff can be assisted to analyse and evaluate their own work in a manner which provides them with individual endorsements for their C.V., provides re-assurance for the recipients of service and also influences the agency services. 15% of probation officers possess post-qualifying awards from the previous pre-2008 system.

On promotion or recruitment to middle management posts such as area manager there is an expectation to undertake study on the pathway to the NI Leadership and Strategic Award. In 2011 10 managers have commenced an approved course leading to three requirements of the leadership award, equivalent to a Certificate in Health and Social Services Management (£1300 per candidate). Other more experienced managers have already achieved certificates in management through alternative routes.

Probation Service Officers, who are not expected to have a social work qualification, are contracted to achieve a National Vocational Qualification Level 3 Offending Behaviour within 2 years. As there is no specific academic criterion for the job, postholders come from a wide range of educational backgrounds but all are expected to be able to operate at University entrance equivalency. Service delivery work undertaken is used as the learning opportunity for compiling a portfolio for assessment of competence. External verification of competence in line with National Occupational Standards (NOS) is administered by a mobile team accredited by the awarding body. Since 2006 38 PSOs have achieved the level three standards – a 100% success rate. Thus all PSOs have already or are currently being assessed for competence.

There are no prescribed targets for the administrative and support staff within the organisation. Each job has set entrance criteria. However there is support from the employer towards continuing development that is deemed to be job-related e.g. administrative officers typing (AOT) were sponsored to undertake study for European Computer Driving Licence (ECDL).

Managers, learning and development staff and experienced practitioners are provided with structured learning opportunities to become accredited as assessors and practice teachers by the different awarding bodies described above. In this way the agency is able to maintain a learning environment and continue in-house learning opportunities and to meet its obligations to the partnerships it participates in at National Vocational Qualification (NVQ) under-graduate, post-qualifying and management levels. Allowances in workload are made for participants on these programmes but they are not released for full-time sabbatical study. On average each

staff member is expected to undertake five days training per year. In 2010/11 each probation officer was obligated to undertake eight days of prescribed training.

4.2.3 Other organisations involved in probation work

Two key non-statutory organisations receive core funding from the DoJ to provide services in the criminal justice field – Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO) and Extern.

NIACRO, established in 1971, now has an annual turnover of £3 million (3,7 million €) It specialises in families of prisoners, employability of offenders, advocacy with employers, mentoring of young offenders and community safety initiatives. The organisation has played a vital role in the support of persons threatened and punished by paramilitary organisations through an unofficial system of sanctions. These unofficial sanctions have continued at a significant level despite the peace process. NIACRO now receives core funding from DoJ and service funding from the Prison Service, Youth Justice Agency, Housing Executive, Health and Social Services Trusts, European Social Fund as well as PBNI. This is an indication of how services related to offenders are increasingly delivered through their position as citizens as well as through their position in the criminal justice system.

Extern was founded in 1978 and in the early years established experimental projects in accommodation for homeless and probationers, a social firm in furniture recycling and an auto project for car crime. It retains key partnerships in the provision of constructive activities, employability, accommodation support, hostels and circles of support for high risk offenders living in the community.

Community Development: A range of other non-statutory, voluntary and community groups received funding from PBNI during 2010/11 year. This enabled these organisations to directly contribute to the supervision and management of the Probation caseload, to supply services to other offenders and their families and to make responses to crime within localities. This constituted £1.3 million of PBNI expenditure. £384,000 was allocated in portions of less than £25,000.³³

Professional Association: For over 35 years probation and probation service officers have been able to join the NI branch of the National Association of Probation Staff (NAPO) which is both a professional organisation and a trade union recognised by their employer. In addition to negotiating on pay and conditions the organisation is influential in policy and practice matters. In the 1970s NAPO was an invaluable source of support to the emerging service and staff in NI. Subsequently it has provided roles through which NI staff can play a part on a wider stage.

4.3 Probation and offenders abroad

The main traffic flow is between this jurisdiction and that of the other countries and islands within the UK. For the most part that is covered by reciprocal legislation which allows for the provision of reports and the formal transfer of the legal order and action in the event on non-compliance (EPR, 64 and 65).

Second in volume comes the movement of persons across the land border between the two jurisdictions on the island of Ireland. As part of the co-operation between the Irish Probation Service and PBNI a single point of contact system has been dealing with all referrals since May 2007. Business passing to and fro remains at a fairly low level with pre-sentence reports being the main reason for requests.

33 PBNI Annual Report and Accounts 2011-12

Where supervision of community sanctions and post-custodial licence are being undertaken on a mutual basis the absence of enabling legislation in both jurisdictions means that enforceability in the event of non-compliance remains with the transferring country. The situation is similar in respect of the remainder of European countries. Even though there has been greater migration in both directions over the past 10 years requests for assistance remains at a low level.

5. Different Stages of the Criminal Justice Process

5.1 Pre-trial/remand/trial stage

Table 2. Sanctioning system and probation involvement in the pre-trial/trial stage

Sanctions/Measures/Penalties/ Conditions attached to a conditional decision or sentence	Provision in legislation	Probation service involvement	Main characteristics of the Probation activity
Unconditional waiver by the public prosecutor			
Conditional waiver by the public prosecutor	x	x	Assessment supervision
Conditional suspension of the pre-trial/remand detention			
Pre-trial/remand detention	x	x	Help and support
Police custody	x		
Bail	x		
Caution	x		
Surety	x		
House arrest	x		
Electronic monitoring	x	x	Assessment
Community service			
Treatment order			
Training/learning order			
Drug/alcohol treatment program	x	x	Coordination
Compensation to the victim	x		
Mediation			
Semi-detention			
Attending a day centre	x	x	Coordination

Sanctions/Measures/Penalties/ Conditions attached to a conditional decision or sentence	Provision in legislation	Probation service involvement	Main characteristics of the Probation activity
Liberty under judicial control			
Interdiction to leave the country			
Interdiction to enter different cities/places	x		
Interdiction to carry out different activities	x		
Interdiction to contact certain persons	x		
Psychiatric treatment	x		
Deferment of sentence			
Fine			
Other financial sanctions			

Previously the police service was responsible for the investigation of crime and shared decision making about prosecution with the Director of Public Prosecutions. However, following the review of policing (1999) the police are solely responsible for the investigative function. The Public Prosecution Service now makes all decisions regarding prosecution. Previously PBNI had no defined role at this stage. Occasionally it was asked to contribute information prior to decision-making as to whether a suspected person should be diverted from the court stage of the process. However under the provisions of the Justice Act (2011), probation has been given a statutory role to assist the Public Prosecutor in deciding whether to proceed to the court stage or to choose a diversionary option.

When a case does progress to the court stage PBNI is even more firmly placed in the sentencing stage of the process. Provision of assessments to sentencers is a core duty. PBNI and Prison Service are subsequently the main providers at the enforcement stage. The former leads on community orders and post-release while complementing the Prison Service and Youth Justice agency in regard to the institutional stage of custodial orders.

Three main community orders provided by PBNI - probation, community service and combination - constitute a community sentence. The offence(s) need(s) to be serious enough to warrant such a sentence. 'The particular Order or Orders comprising or forming part of the sentence shall be such as in the opinion of the Court is, or taken together are, the most suitable for the offender; and (b) the restrictions on liberty imposed by the Order or Orders shall be such as in the opinion of the Court are commensurate with the seriousness of the offence and one or more offences associated with it'. A combination of punishment and rehabilitation (a compromise position reached out of a legislative attempt to re-orientate probation away from welfare towards punishment in the community and to work with more serious offenders). (Criminal Justice Order (NI) 1996 Article 2(2))

When a judge is considering the imposition of a custodial sentence of 12 months or

more he or she may set out conditions to be attached to a post-release licence under the supervision of a probation officer. For persons whose offences occurred prior to 2009 he/she still has an obligation to give consideration to the substitution of a custody probation order (CJO Article 24(1)). If imposed with the consent of the defendant the period in custody will be immediately followed by a probation order. Where a sentencer imposes a custodial sentence for a sexual offence he/she may also attach a post-release licence without consent. The offender is under the supervision of a probation officer for the remitted period of his sentence (CJO 1996 Article 26). A sentence of life imprisonment may also be followed by a period of licence supervised by a probation officer. (Life Sentences (NI) Order 2001 Article 8(2)).

5.1.1 Pre-trial/pre-sentence report

In a radical shift the Justice (NI) Act 2011 has empowered PBNI to formally give assistance to and to provide services on behalf of the Director of Public Prosecutions at the pre-court stage. The vehicle for this assistance is a 'conditional caution'. Article 78 authorises PBNI to help Public Prosecutors in the determination of whether conditional cautions should be given and which conditions should be attached. Moreover it can make provision for the supervision and rehabilitation of persons subject to such pre-court sanctions. The objects of such a caution are the facilitation of the rehabilitation of the offender and reparation by him/her for the offence. PBNI will not undertake supervision unless the subject admits to committing the offence(s) outlined and consents to the conditional caution in line with EPR 7. The probation supervisor will then explain to the offender the effects of the caution and warn him/her that failure to comply with any of the conditions may result in prosecution for the offence(s). Such an outcome brings an end to the conditional caution. PBNI is currently being consulted about the contents of a new draft Code of Practice on Conditional cautions, which is being drawn up by the DoJ and will be subject to public consultation. The Code can only come into operation after it has received the consent of the Attorney General for Northern Ireland and has been approved by the Assembly.

Until 2011 PBNI had three other discretionary roles at the court pre-trial stage of proceedings (a) assisting the court in its consideration of the possibility of bail for the person arrested and charged, (b) services to persons remanded in custody, (c) the 'social worker in the court role'. They remain in vogue: (a) at a preliminary or pre-trial hearing PBNI may be asked to make enquiries or appropriate referrals to assist a court in the consideration of bail instead of custody. These may range from mental health and substance dependency assessments to seeking a solution to temporary homelessness. Moreover where the accused is charged with an offence against a child there may be a role of liaison in line with the multi-agency arrangements³⁴ (PPANI) to ensure that child protection issues are considered before a return to the community. (b) Where the accused is remanded in custody the probation staff can make a referral to the Family Link service. In addition the remanded person will be interviewed by probation staff in the prison and made aware of the services available.

(c) The historic role of the probation staff in court, in addition to providing reports, has been that of a social worker making contact with defendants and families and receiving referrals from the legal profession of problems not necessarily connected to the charges. However, the increasing technological improvements in systems and flows of information and security have restricted that kind of activity.

34 Public Protection Arrangements N. Ireland

The role is now more in relation to the formal processing of reports. More of this role will be carried out without human involvement. The 'social worker in the court role' is likely to diminish if not disappear.

(d) Bail conditions and curfew. Provisions allowing a condition of electronic monitoring at pre-trial, sentence and post-release stages were introduced into Northern Ireland under the *Criminal Justice (Northern Ireland) Order, 2008*, and have been available since April 2009. Electronic monitoring (minimum two and maximum 12 hours per day) may be imposed on a defendant by a court as a condition of bail. The court may seek guidance from the Probation Board as to whether such a monitoring requirement is appropriate in relation to an individual aged 10 years or above.

In addition to the above restrictions courts may sometimes only consider release on bail into the community if the individual is in a supervised and supported environment. PBNI in conjunction with non-statutory partners provides accommodation in hostels and peripatetic units. A probation officer will assess the defendant's suitability and make recommendations as to the nature of conditions that should be attached. If the court assents then a probation officer will be assigned and a joint plan will be agreed between the resident, accommodation provider and PBNI. At the court stage PBNI formally takes up its role when guilt is established. Preparation of pre-sentence reports is a core function. The pre-sentence report is defined in legislation as:

'A report in writing which:

- (a) With a view to assisting the court in determining the most suitable method of dealing with the offender, is made or submitted by a probation officer or social worker... and
- (b) Contains information as to such matters, presented in such a manner, as may be prescribed by rules made by the Secretary of State (CJO 2008 Art. 4(1)).

A Court is obliged to consider a pre sentence report before making certain orders: (1) a probation order with additional requirements; (2) a community service order; (3) a combination order; (4) a supervision order (child) and (5) a custodial sentence. A pre-sentence report may also be sought where other non-custodial orders or sentences are being considered, such as monetary penalties.

In cases where there may be an assessment of greater risk of harm, the probation officer's view may be supplemented by that of a probation clinical psychologist/psychiatrist to assist the court.

Upon a finding of guilt a referral is made by the clerk of court to the local PBNI area team. Probation standards outline that the PSR should normally be completed within 20 working days of a court request. There is a facility available, particularly to lower courts, to have a Short PSR prepared for the Court on the same day (or within one week). This option has not proved particularly popular with District Judges. However, recently revised probation standards have set in place a screening mechanism whereby offenders considered 'low level' will be automatically routed towards a Short PSR. An increase in the number of requests for PSRs and a rationalisation of resources forms the basis for this move towards shorter reports.³⁵

35 *PBNI Annual Report and Accounts 2010/11*

While issues of ‘avoidable delay’ at pre-adjudication stages have been a central policy concern in the Northern Ireland Criminal justice system the probation service has fared well in terms of its compliance to timescales.³⁶ Punctuality in production of reports is a key performance measure in 2010/11 the service achieved 98% compliance with required timescales.³⁷

Reports are allocated based on residency of the defendant. The report writer is expected to prepare and submit the report on the basis of guidance and standards. The assessment and management of risk as central organising principles of probation practice is evident in the structure, form and content of PSRs and is explicitly set out in the newly revised practice standards. In line with an increased emphasis on public protection, more intensive supervision is matched to offenders assessed as higher risk. Here practice in Northern Ireland is closely aligned with other UK jurisdictions.³⁸

In accordance with Principal 43 of the European Probation Rules, the pre-sentence report must document the sources of information used to compile the report. The report contains an account of the social and personal circumstances of the defendant and an analysis of the offending behaviour. Based on this analysis and in tandem with the use of a structured assessment tool (ACE), the report author is required to provide an assessment of the likelihood of re-offending. The ACE tool also contains a screening filter pertaining to the risk of harm, if the circumstances require the writer is obliged to complete a full assessment of the risk of harm to self and others (RAI). At the initial interview the probation officer needs to ensure that the defendant (if less than 18 years includes his parents) has understood the contents of the leaflet sent out with the letter of appointment. This may involve some assessment of literacy attainment. If the defendant does not consent to the report being prepared, the probation officer does not proceed (EPR 44). Normally the report writer will interview the defendant on two occasions. In 2010 71% PSRs were prepared on basis of two or more interviews and 51% included an interview at the offender’s home.³⁹ The probation standards outline that the sentencing proposal should be linked to the assessment of risk of re-offending and risk of harm and that any proposed community sentence should set out a programme of work to be undertaken in the course of supervision to address these areas. This section of the report should also include any proposed conditions to the order (e.g. a requirement to attend an offending behaviour programme). The conclusion should also address the defendant’s level of motivation and in accordance with EPR 6, indicate the defendant’s view of the proposed plan. Where a custodial sentence appears to be the most likely option, the writer is expected to indicate the areas and risk factors that need to be addressed, the availability of programmes and interventions both in custody and post-release and any appropriate licence conditions.

36 Criminal Justice Inspection Northern Ireland (2006, 2010) *Avoidable Delay*

37 PBNI Annual Report and Accounts, 2010/11

38 See for example: Mair, G. & Burke, L. (2011) *Redemption, Rehabilitation and Risk Management*. London: Routledge and Bullock, K. (2011) ‘The construction and interpretation of risk management technologies in contemporary probation practice. *British Journal of Criminology*, 51(1), 120-135

39 Criminal Justice Inspection Northern Ireland (2011) *Pre-Sentence Reports*. Belfast: CJINI

Once presented the report passes into the authority of the Court. It is empowered to give a copy of the report to the defendant's lawyer and the prosecuting counsel in addition to the sentencer(s). In most cases the prosecutor will not seek to use the information contained to influence the sentence. The Court is under an obligation to maintain confidentiality. In adherence to EPR 44, prior to submission by the probation officer, the defendant will have an opportunity to read, or have read, the proposed contents. The contents may be challenged. However, the probation officer is only obliged by his employer to make changes of a factual nature. It is discretionary whether other changes regarding opinion are made. The probation officer may maintain the opinion but make a note in the report about the contrary view expressed by the defendant. The recent Criminal Justice Inspectorate's inspection of Pre-Sentence Reports reflected positively on the Probation Board's work in this area. The Inspectorate's conclusions were as follows: - 'Overall the Probation Board provides high quality and timely PSRs. The quality control systems are of a high standard, internal management is focussed and relevant, and training is comprehensive and adding value. The widening net of users indicates the increasing value of PSRs in offender management and the positive response in surveys demonstrates their importance within the sentencing system. There is scope to increase the uptake of shorter reports to introduce some efficiencies and the advent of public protection sentences is an opportunity for the Probation Board to further develop working arrangements with other bodies.⁴⁰'

40 Criminal Justice Inspection Northern Ireland (2011) *Pre-Sentence Reports*. Belfast: CJINI

5.2 Enforcement stage

Table 3. Sanctioning system and probation involvement in the enforcement stage

Sanctions/Measures/Penalties/ Conditions attached to a conditional sentence	Provision in legislation	Probation service involvement	Main characteristics of the Probation activity
Imprisonment	x	x	Report writing assessment Sentence planning pre release support
Suspended sentence	x		
Conditional sentence			
Affidimento in prova			
House arrest			
Electronic monitoring	x	x	Assessment re suitability
Community service as sanction	x	x	Promoter Provider Supervision monitoring
Semi-liberty			
Semi-detention			
Treatment order	x		Referral
Training/learning order	x	x	Referral assessment coordinator
Drug/alcohol treatment program	x	x	Referral coordinator
Educational measures			
Compensation to the victim	x		
Mediation	x	x	Referral within supervision plan(Youth)
Attending a day centre	x	x	Referral assessment, supervision Reporting
Interdiction to leave the country			
Interdiction to enter different cities/places	x	x	Referral assessment Reporting

Sanctions/Measures/Penalties/ Conditions attached to a conditional sentence	Provision in legislation	Probation service involvement	Main characteristics of the Probation activity
Interdiction to carry out different activities	x	x	Referral assessment, supervision
Interdiction to contact certain persons	x	x	Referral assessment
Fine	x		
Day fine			
Other financial penalties	x		
In/out patient order (psychiatric treatment)	x	x	Probation supervision
Security measures			
Combined order	x		Assessment coordination, supervision
Community punishment	x	x	Community Order assessment, supervision
Conditional release / Parole	x	x	Help and support reporting
Automatic release	x		
Open prison			
Penitentiary program outside the prison	x	x	Assessment Help and support

Sentences are divided into three tiers—non-custodial, community and custodial. PBNI has responsibility mainly for the management of community orders. They have become sentences rather than alternatives to a sentence. Such management is undertaken in the understanding that if the order is not adhered to or if management is no longer considered viable there can be a return to court for review and/or revocation. A probation order with its different and individualised designs is the vehicle for the consensual community sentence with supervision. In addition to the usual requirements of maintaining contact with the probation officer the order can include one or more extra conditions related to preventing re-offending. A range of cognitive change programmes jointly endorsed by a NIPS/PBNI approval body are available. Programmes focus on specific aspects of offending e.g.: violence, substance abuse, sex offending, persistent offending. Intensive programmes in relation to substance abuse, sexual offending and domestic violence are organised in partnership with inter-agency groupings such as PPANI. Those in regard to functioning and socialisation, such as employability and home maintenance, are led by non-statutory

bodies (such as NIACRO) on referral from the statutory agency. Failure to participate as well as to attend the programme may result in a return to court.

In the case of the most serious offenders conditions in orders will be funded by criminal justice with support for general maintenance and skills accumulation coming from the generic statutory departments responsible for employment and housing via the same voluntary (non-statutory) organisations. Community groups are more involved as providers through schemes dealing with more localised offending issues. They are also essential to PBNI's capacity to provide placements for community service - the community order based on reparation.

Co-operation between PBNI and the Prison Service has become much closer in respect of custodial sentences. This is represented by their Framework agreement and joint Resettlement strategy. The aims of the framework represent an amalgam of the remit of the two organisations - supporting prisoners to cope with imprisonment - opportunities for prisoners to address their offending behaviour and reduce the likelihood of offending - assisting prisoners to maintain and rebuild links in relationships outside the establishment - helping prisoners prepare for release and resettle in community through risk assessment and planning. The strategy is the translation of this last aim into a plan which includes other agencies mentioned above and which enables release packages to be prepared in prison and put in place in the community. At present there is not adequate funding for this to be available for the 47% of released prisoners who are not subject to supervision on release.

The Court making a community sentence has a duty to explain to the defendant (a) why it is making the order; (b) the effect of the order; (c) the consequences following breach of the order; and (d) its power to review the order on the application of the supervising officer. Quite often this is done in a (cursory nature) in a hasty or peremptory manner. An induction interview is arranged within five days so that the offender understands both the above contract with the court and the ensuing contract with PBNI. An induction interview will be conducted by the probation staff member allocated to supervision by the area manager, or a substitute.

The offender is asked to sign a record of induction confirming that he or she has received and understands this explanation. A copy of the court order is provided to the offender.

Probation Order: (CJO 1996 Article 10) a plan is expected to be agreed with the probationer within 15 days. The initial assessment should shape this supervision plan. The plan should actively engage the offender in the process, build on individual and social network strengths, opportunities and motivation to engage with change. Fundamentally it should include an outline of the frequency, form and location of planned contact based on a professional judgement as to the level of intervention required (this is centrally informed by the assessment of risk of re-offending and risk of harm).

It is unlikely that the probation officer supervising will be the same as that completing the pre-sentence report. Some degrees of specialisms exist within all the area teams. It is most applied within the Belfast area where there is one specialist team for preparing pre-sentence reports and three separate teams for providing programmes, working with youth and with sexual and violent offenders. The overall strategy is one of separation of tasks. The rationale is quality of work.

An example is work with violent and sexual offenders. In Belfast a specialist team was created to provide the management of persons within this category. One outcome has

been the establishment of a higher degree of expertise within this dedicated group of staff who have been used to share and cascade knowledge and skills to staff in the rest of the organisation and associated agencies. It has also allowed for the setting aside of the time necessary for more intensive supervision as well as networking with agency partners and community groups. Delivery of the menu of programmes available to a generic group of probationers and released prisoners is also carried out by a dedicated team within Belfast. Training of staff to meet programme approval criteria is exclusive and expensive. Once trained it is important to use that expertise. Outside the main urban centre the geographical distribution of clients requires a more flexible and often more generic approach.

Community Service Order (CJO 1996 Article 13) is the other main community order. In 2010 it was a component of 24% of the statutory orders being supervised.⁴¹ In addition to the usual requirements to be considered before a court makes a community service order it should be satisfied that provision can be made by PBNI for the offender to perform unpaid work, that the offender is a suitable person to perform such work and that he or she consents.

Induction and a updating of the risk assessment are referred to specialist staff within the team. Probation officers are required to carry out the initial assessment and any subsequent court interventions. The community service officer is responsible for day-to-day oversight of the Order.

The worker is then issued with work instructions to commence within 10 days of sentence. Community service work is arranged with voluntary organisations that are prepared to meet health and safety regulations, to comply with PBNI service requirements and confirm that work undertaken would not otherwise be completed by paid employees. Such organisations are also subject to an approval process. Work may be supervised by staff from the voluntary organisation (host placement) or by PBNI employees. PBNI supervisor/worker ratio should not normally exceed 1:4. The nature of the placement and the degree of oversight is determined by the risk assessment. An external inspection⁴² in 2010 'confirmed Probation's self-assessment that their strengths lay in delivery mechanisms and supporting structures – matters which were within their control...Practice remained consistent between rural and urban areas, and due attention was given to diversity...There is no doubt that the work undertaken under CS was positive, socially useful and of benefit to the community... Probation Service does need to consider hours worked by participants. 86% of offenders were offered more than five or more hours per week but only 28% actually worked for that duration...

41 PBNI Annual Report and Accounts 2011

42 Criminal Justice Inspection N.I. 2010 An Inspection of the Probation Board for N.Ireland Community Service Scheme

Overall completion rates were high with an additional 21% of offenders subject to enforcement action.’ These elements are in line with EPR 47, 48, 51 & 52.

Combination Order (CJO 1996 Article 15) combines elements of community service and probation orders. Probation supervision can range from 1-3 years and community service hours from 40-100. Persons aged 16 and upwards are eligible. Reparation plus rehabilitation and reduction of likelihood of re-offending are the essential elements and aims. It is used once in every four community service orders but has proven less effective in terms of re-offending.

Fines: Following conviction courts can impose a monetary penalty providing that account is taken of the offender’s financial circumstances and the seriousness of the offence. In 2006 fines constituted 66% of all sentences.⁴³ Usually the court will allow time for payment. Courts have had the power to assist this process through the appointment of a supervising probation officer but it has not been used. Failure to pay may result in a warrant of committal to prison being issued. Court staff and police do exercise discretion in allowing more time but the defaulter may be committed to prison without a further court hearing. Between 1997-2006⁴⁴ fine defaulters have made up 2-3% of the daily average prison population. The volume of the problem is disguised by the brief duration of their residence. An inspection in 2010⁴⁵ called for substantial changes to the process of enforcement. A pilot commenced November 2011 in one area to test the viability of a Supervised Activity Order, managed by PBNI, as an alternative to the custodial sanction. The period of constructive activity shall be between 10 and 100 hours depending on the amount of the fine.

Custodial Sentences⁴⁶

There are five kinds of custodial sentences available to the courts when sentencing adults and young offenders, (i) life (ii) indeterminate (iii) extended (iv) determinate and (v) suspended.

The court is obliged to seek a Pre-Sentence Report before making such sentences unless it is of the view that it is unnecessary and gives its reasons for this. (CJO 1996 Article 21)

Seriousness of offence is the threshold for custody and the length of sentence should be proportionate/commensurate with the degree of seriousness. If, of a sexual or violent nature, the court is encouraged to make a sentence longer if that is necessary to protect the public from serious harm.

i) Life Sentence (Life Sentences Order 2001) – life imprisonment for adults or sentence at Secretary of State’s pleasure for under 18 year olds. Life sentences may be mandatory or discretionary. A mandatory sentence is principally reserved for the offence of murder. Higher courts have discretion to make an indeterminate sentence in respect of other offences such as manslaughter and rape.

43 http://www.dojni.gov.uk/index/statistics-research/stats-research-publications/compendia-publications-stats-and-research/departments_of_justice_digest_of_information_on_the_northern_ireland_criminal_justice_system-autumn_2010.pdf

44 NI Prison Service Annual Report 2006

45 Criminal Justice Inspectorate NI 2010 The Enforcement of Fines

46 Allen, M.J. and McAleenan, F 1998. Sentencing Law and Practice in NI, SLS (NI), Belfast – A comprehensive guide to sentencing

The court when sentencing must state a tariff or minimum period of custody before consideration for release on licence. On release the person is subject to licence which remains in force for life, unless revoked. In most instances the licence will include supervision by a probation officer.

ii) Indeterminate sentence A new sentence, an indeterminate custodial sentence (ICS) (CJO 2008 Article 13), has been introduced for offenders convicted of serious offence(s) of a violent or sexual nature where there is a serious risk of harm from further offences. The Court if sentencing in such a case can state a tariff of two years or more as the minimum period of imprisonment to be served before referral to the parole commissioners.

iii) Extended In addition, higher courts have now been given the authority to pass an extended custodial sentence (ECS) (CJO 2008 Article 14) for the commission of a sexual or violent offence which carries a maximum penalty of less than 10 years. An offender defined as dangerous and subject to this sentence will be eligible for consideration for release by the Parole Commissioners at the half-way point. Courts will set extended supervision periods of up to five years for violent offenders and eight years for sexual offenders.

iv) Determinate sentences replace the former version in which the prisoner could benefit from remission for good conduct for up to 50% of the sentence length. Release took place without supervised licence but if the ex-prisoner was found guilty of a further offence before the previous sentence period had been completed he/she could be sent back to undergo the remitted part of the sentence.

One replacement is a two-part sentence made up of a period spent in custody followed by a licence period in the community- **Determinate Custodial Sentence (DCS) (CJO 2008 Art 8)**. The court will decide upon both parts. Prisoners will not be eligible for remission on the custodial part. The licence period is likely to include supervision by a probation officer. The conditions of the licence are set by the court for a time period deemed appropriate to preventing the public from harm and preventing re-offending. This type of sentence will apply to offences committed after 31 March 2009 and to sentences of 12 months or more. None of these three sentences require the consent of the defendant.

Juvenile Justice Centre Order (JJCO) (CJO 1998 Art 39) A court may order that a child be detained followed by supervision for six months or two years. Supervision in the community by a probation officer makes up half the overall period.

Suspended sentence - Having decided that the offence is serious enough to warrant a custodial sentence the court may feel that 'exceptional circumstances' justify suspension for a period between one and five years. There is no supervision element. The prison sentence will not be activated unless convicted of an imprisonable offence during the operational period. This is operated for 17% of disposals for indictable offences.

Custody probation order (CJO 1996 Article 24) – When introduced this was a radically new type of sentence that provided the benefits of structured support with consent post-release and placed the control with the court rather than with a tribunal or commissioners. It reflected the need for transparency at the time of the ending of the civil conflict. When a court decides that a custodial sentence of 12 months or more is appropriate it can still reduce the sentence and substitute a probation order for the

period of reduction. Because of the one year minimum it has been predominantly a sentence of the Crown (higher) Court. Nevertheless it attained such popularity with Judges that by 2007 it had assumed 38% of the probation order caseload. However as described above it is being phased out and replaced by a new kind of determinate custodial sentence with a period of supervised licence instead of a probation order. It will remain available for offences committed before 1 April 2009.

Prisoners sentenced to any form of custody will be offered a service from the prison-based PBNI staff team. First contact with probation staff in prison will be at a committal interview within the first 2 days. This is a chance to deal with any immediate issues arising from loss of freedom. All contact with probation in prison is of a voluntary nature. Those prisoners who are liable to a supervised period of licence on release – custody probation, sex offender licence, extended custodial sentence, indeterminate custodial sentence and life sentence – will also be allocated a probation officer from his or her home area at a prescribed time during sentence. Assessments carried out in the community are transferred into the prison setting and updated. Probation officers in prison and prison service psychologists provide assessments. Probation activity is designed to fit into the process of sentence and resettlement planning organised by the prison service. The joint NIPS/PBNI resettlement strategy, launched in 2004, led to the establishment of Offender Management Units composed of inter-disciplinary and inter-agency staff within prisons. Seven pathways have been laid out – accommodation, employability, mental and physical health, substance abuse, finance, families and attitudes/thinking. Co-ordination of the activities of the various disciplines has improved, no mean feat within such complex institutions. Enthusiasm is high among the more specialist members of staff. However, the recent review highlights that resettlement is not grounded among the generic frontline prison staff and there are still too many prisoners who do not receive opportunities.⁴⁷ Indeterminate and extended sentenced prisoners (ICS & ECS), who do not have a specified release date, have high priority for the opportunities that are available. Prisoners sentenced or awaiting sentence to this category have reached 12% (and rising) of the population. The decision on release is taken by an external body, the Parole Commissioners for Northern Ireland. Commissioners combine the duties of the previously appointed Life Sentence Commission (established in 2001). Life Sentence Commissioners had been given statutory authority to release life sentenced prisoners while taking into account the protection of the public from harm and securing the rehabilitation of the prisoner. Parole commissioners are appointed to carry out the same tasks in relation to prisoners serving ECS and ICS.*In order to provide the necessary information to the Commissioners, a multi-disciplinary panel, containing relevant personnel from prison, such as psychologists and educationalists, and the key probation worker and manager, will meet on a regular basis chaired by a specialist Governor. That group oversees the assessment, planning and review for each life sentenced prisoner.

Four years prior to tariff date an external probation officer will be allocated. That probation officer will be given the task of reviewing the assessment and preparing a report for the Commissioners. From that review hearing the timetable is shaped by the Commissioners. A menu of programmes and activities led by trained staff from prison and probation is available within the prison.

⁴⁷ Owers, A., Leighton, P., McGrory, C., McNeill, F. & Wheatley, P. (2011) *Review of the Northern Ireland Prison Service*. Belfast: Prison Review Team

PBNI has set up a separate specialist unit to oversee its work in this field. A life-sentence manager has responsibility for the work carried out by the PBNI staff, both in prison and externally. Staff are given additional training in order to work to the required N I standards which govern this area.

Table 4. Other probation activities in the enforcement stage

Providing support to the families of the offenders/detainees	x
Coordinating volunteer prison visitors	
Preparing offenders for (conditional) release	x
Preparing prisoners for home leave and providing support during home leave	x
Providing support to persons that have been pardoned or amnestied	
Providing advisory report with respect to amnesty or pardon	

Determinate sentenced prisoners are eligible to apply for temporary home leave during the last year of their stay. The number of days varies according to length of sentence and status within the regime. Their application should propose some purposeful activity related to their release. An assessment is prepared involving a prison-based probation officer prior to a decision by the prison authorities. In the case of prisoner who is to be subject to supervision on release an appointment is likely to be made with the home based probation officer during the leave. The prisoner remains under the authority of the prison.

Upon release at the end of sentence the order activates and he/she will be supervised in the community as per the standards. Temporary leave for indeterminate sentence prisoners involves the commissioners as well as the prison and probation authorities. Recommendations in those cases are based on assessments compiled in the interagency group. Towards the latter end of the sentence a prisoner can be moved through a graduated release programme to reach a prisoner assessment unit. At these stages he/she will be assigned a probation officer who will keep contact while in the community. On the release date set by the commissioners a licence is issued and authority for supervision passes to PBNI who manage the case as per standards similar to those for custody probation orders. 53% prisoners leave prison under some form of PBNI supervision... EPR 55 & 85 referring to supervision 'not being seen as a purely controlling task is implemented through PBNI programmes and partnerships in respect of 'training, skills development, employment opportunities and treatment'. In conjunction with its Resettlement Strategy with NIPS it gives life to EPR 59 & 61's focus on 'co-operation with prison authorities, offenders' family and the community' in pursuit of 're-integration' and better social functioning. EPR 86 referring to the awareness of both offender and probation staff responsibilities is continually affirmed by the agreed plan and regular review.

Sentenced Prisoners can be released on special grounds e.g. ill health, by the Minister of Justice. PBNI has no formal role in this process.

5.3 Care and After Care outside the criminal justice system

In a period of budgetary constraint, priorities have been set to determine the services to be made available to offenders who are not or no longer subject to a community order or supervised post-release licence. Those who are deemed to be a risk of serious harm to others or persons who are at risk of being harmed themselves have precedence. Sexual offenders are clearly within this priority group. Services can be offered on condition that they agree a contract of work through which the risk is manageable. Conditions put forward by PBNI and its partner agencies can include supervised and supported accommodation plus participation in a relevant programme. Any agreed plan would be subject to scheduled review within the PPANI system.

In the final review, prior to the ending of a statutory order, future support needs are considered. If required, staff will attempt to arrange support through onwards referral. Similarly, in the sentence planning process prior to release a prisoner not destined to be on supervision will be encouraged to create a post-release package with connections to relevant home based services and to prevent homelessness on release. Voluntary agencies, dealing with substance abuse and employability in prison, offer follow up into the community. PBNI do not allocate the resources for this to be co-ordinated on a NI wide basis. There are significant deficits in services for offenders who have completed their sentence, particularly for those who are not high risk. Many of these have a high likelihood of committing further offences within 12 months. Thus EPR 62 referring to after-care continuing on a voluntary basis is restricted by eligibility according to risk assessment and not 'by national law'.

6. Probation Methodology

*The Best Practice Framework Incorporating the Probation Standards (2011)*⁴⁸ provides a comprehensive overview of PBNI's approach to its work with offenders. These standards and framework for practice incorporate the principles and operational specifications of the European Probation Rules. For example they outline the standard and processes of probation work and the accountability mechanisms that should be adhered to (EPR 66-87). A three dimensional approach is represented. In addition 'to ensuring sentence compliance, challenging offending behaviour and minimising harm' the purpose is 'to develop responsible citizenship' (EPR 76). The wider circle of social functioning is the context for change. Nonetheless, the assessment and appropriate management of risk are set out as key organising principles. So too the aim of public protection forms what Robinson and McNeill (2004) have elsewhere characterised as a 'meta-narrative' for probation.⁴⁹ The importance of risk assessment is fore-grounded from the initial point of contact with a defendant, usually at the pre-sentence report stage where assessments of risk of re-offending and risk of harm are made.

48 www.pbni.org.uk

49 Robinson, G. & McNeill, F. (2004) 'Purposes Matter: Examining the Ends Probation', in G. Mair (ed.) *What Matters in Probation*. Cullompton: Willan

The best practice framework outlines that the assessment of risk should be explicitly linked to the sentencing proposal and ultimately to the level of intervention. Specific structured assessment tools are used in practice to facilitate a standardised approach to risk assessment (EPR, 68, 69, 70, 71).

The ACE (Assessment, Case Management and Evaluation) Tool is the main risk assessment tool used to structure assessments of risk of re-offending. The standardised tool originally devised by Oxford University and Warwickshire Probation Service (England) has been adapted for use in Northern Ireland.⁵⁰ The tool provides a structured method to assess *criminogenic needs* and encompasses three domains: Offending, Personal and Social. It allows the probation officer to assess risk of re-offending within a two year period as: high, medium or low. Further assessment tools are used to assess risk of serious harm and where relevant in the context of the Public Protection Arrangements for Northern Ireland (PPANI) are used across disciplines.

Interventions targeting ‘offending behaviour’ are framed in the context of the ‘effective practice’ findings and the risk-need-responsivity model of offender rehabilitation is explicitly set out.⁵¹ A range of offending behaviour programmes based on these principles and drawing on cognitive behavioural approaches are delivered. A requirement to participate in a specific programme should be based on assessment and made as a condition of an order or a licence.

In something of a shift of emphasis (at least in official guidance terms) attention is also directed towards supporting desistance-based practice (EPR, 76).⁵² This reflects an alternative rehabilitation perspective focussing on the reasons why people may be motivated to stop offending beyond their conceptualisation as ‘risk subjects’. Here the importance of fostering a positive working relationship, ensuring the necessary practical supports, providing the opportunities for change and promoting self-efficacy are articulated in practice guidance (EPR, 77, 78). This sits well with a professed social work ethos.

Alongside individual case-work and risk management approaches, *partnership* and *community-based* work are also espoused. In practical terms this means that probation interventions often involve linking people into a range of other voluntary sector services such as drug and alcohol and employment services. Linking to community-based services reflects an ethos of promoting a view of the offender within the ‘wider social context.’

50 Best, P. (2007) ‘The Assessment, Case Management and Evaluation System (ACE) in Northern Ireland.’ *Irish Probation Journal*, 4,1: 101-107

51 Andrews, D.A. Bonta, J., & Hoge, R.D. (1990) Classification for effective rehabilitation . Rediscovering psychology. *Criminal Justice and Behaviour*, 17, 19-25. Chapman and Hough, Evidence Based Practice. A Guide to Effective Practice. HMIP 1998.

52 McNeill, Fergus Towards Effective Practice in Offender Supervision. SCCJR Report 01/09, and McNeill, Fergus Beyond ‘What Works’: How and why do people stop offending CJSW Briefing. Paper 5: August 2002 and McNeill, F. A desistance paradigm for offender management. *Criminology and Criminal Justice* 2006; 6: 39 Changing Lives? Glasgow School of Social Work & Scottish Centre for Crime and Justice Research March 2010 Fergus McNeill and Beth Weaver - Maruna, C. Porter, L. Carvalho, I. Liverpool Desistance Study and Probation Practice: Opening the Dialogue *Probation Journal* 2004 : 51; 221

This particular approach is highlighted in practice developed with women on probation, where the PBNI has fostered links with existing women's support networks to deliver services to women in the community.⁵³ However, in common with other countries the numbers of women on probation are low.

A recent census of the probation population conducted by the PBNI illustrates that the probation case-load in Northern Ireland is predominantly male (91%) and under the age of 35 (66%). Only 2% of those under the supervision of the Probation Board in 2010 were from an ethnic minority, with Irish Travellers (an indigenous nomadic population) accounting for half of this figure.⁵⁴ Issues of diversity and anti-oppressive practice in respect of race and ethnicity, which have been at the forefront of probation practice in other UK jurisdictions have traditionally received less attention in Northern Ireland. However, given the particular context, issues of anti-sectarian practice have been more to the fore. There is also a relatively high representation of people with disabilities amongst the population supervised by the probation service – 37% compared to a population average of 18%-22%. Of note also is that a quarter of those on a probation order have a declared mental health condition.⁵⁵

The supervising probation officer has a key case management role in relation to monitoring the change. Pro-social modelling has a general applicability. Motivational interviewing is used at all stages. Cognitive approach predominates within the menu of accredited and approved programmes. Some staff are trained in counselling and solution-focussed approaches but these are not generally used..

7. Finances, Accounting, Registration Systems and Evaluation Procedures

7.1 Finances

During the last 30 years Probation has been on a rising graph of 'standing and recognition' as sought by EPR 10 though more 'adequate resources' to accompany only emerged after the Criminal Justice Review at the beginning of the 21st century. External inspections confirm the Probation Board's positive standing within the criminal justice system (EPR, 15). The community-based ethos of the Probation Board, reflected in its legislative mandate and board composition provides an indication of its standing within civil society (EPR, 21). This is underpinned by the fact that in the context of civil and political conflict the probation service was unique amongst criminal justice agencies in maintaining a 'neutral stance' and community-based presence.⁵⁶

53 O'Neill, J. (2011) 'The INSPIRE Women's Project: Managing offenders in the community.' *Irish Probation Journal*, 8: 93- 108

54 McIlwaine, P. (2011) 'Diversity profile of offenders under the supervision of the Probation Board for Northern Ireland.' *Irish Probation Journal*, 8: 82-92

55 *ibid*

56 Carr, N. & Maruna, S. (2012 forthcoming) 'Legitimacy through Neutrality: Probation and Conflict in Northern Ireland.' *Howard Journal*.

The Department of Justice (DoJ) is the primary funder of the Probation Board. PBNI also receives money from other sources. NIPS recompense for probation staff providing social welfare services in prison establishments, though this money comes indirectly from DoJ. Remuneration of staff and conditions of employment are in line with the professional status on a UK wide basis as expected by EPR 33. PBNI does not seek payment for services provided to courts or commissioners such as reports. Normally offenders are not charged any fees. There was a monetary charge for a course for drivers convicted of driving while under the influence of alcohol but that programme is no longer administered by PBNI.

In general the DoJ does not stipulate how the money allocated is spent but de facto has a considerable degree of control e.g. if PBNI wished to appoint a new grade of staff, it requires DoJ agreement to rates of pay, conditions etc. For the first 20 years of the Board's life NIO stipulated a ring-fenced amount of money which was to be spent on grant aid to voluntary and other organisations to assist in the supervision of offenders and the prevention of crime. This amounted to as much as 20% of budget in some years. However, since 2005 that stricture on the community development budget has not been set. It is now a matter for Probation Board as to what percentage is allocated in this manner. In 20010/11 it made up 10%.

20010/11	Probation Services	Prison System
Total current yearly expenditure	£14m (€ 17,2 m)	£129m (€158 m)
Average number of employed staff	412	2284
Daily average number of offenders/clients dealt with	4435	1494

7.2 Accounting

Under the financial arrangements agreed with the funding department the Director of Probation is designated as Accounting Officer. He reports to the Board, on a monthly basis, on expenditure against budget for the year to that date together with details of variances and pressures/easements anticipated during the rest of the year. Copies of these reports are sent to the DoJ sponsoring division within central government. The financial services division of the DoJ receive monthly reports under headings set out by them. These reports go to the DoJ Board where pressures/easements are noted. The six and nine month stages in the financial year are monitoring points where PBNI can look at projected spend against budget and put in a bid to the DoJ for additional funding if necessary. In the same way it can also signal budget under-spends. The Northern Ireland Audit Office is responsible for the audit of the annual accounts. This task is normally contracted out to an accounting firm and that audit is reported back. The accounts are ultimately signed off by the Comptroller and Auditor General for N I.

External auditors are contracted by PBNI via a competitive tendering process. The auditors carry out systems and value for money audits based on an agreed programme throughout the year.

7.3 Registration Systems and Evaluation Procedures

The Northern Ireland Social Care Council (NISCC) is the regulatory body for the social care workforce in Northern Ireland. All persons in designated social work posts such as that of probation officer are required to register. Registration obliges adherence to a Code of Practice. The employer is expected to complement that code of practice with written policies and procedures. An employee's conduct, therefore, may not only be a matter for the employer but also for NISCC which can investigate breaches of the code of practice and in serious cases remove a person deemed unsuitable to practice from the register.

All probation officer grades have been registered and any new staff recruited to such posts are expected to meet the requirements of registration. The registered probation staff member is required on a three yearly basis to show evidence of continuing professional development while PBNI must show that appropriate support in that regard is being provided. The first three year cycle is currently ending and a sample audit of a proportion of registrants is about to take place prior to renewal of registration. All are expected to have completed 90 hours of study, training, courses, seminars, reading, teaching or other activities which could reasonably be expected to have advanced their professional development, or contributed to the development of the profession as a whole. The post-qualifying framework, (already validated by NISCC) outlined in section 4.2.2 is likely to prove the most effective way of evidencing these requirements.

In accordance with EPR 88 the NI standards require PBNI and its staff to maintain case records on all persons who are made subject of supervised orders. Since 2006 case records have been held on a computerised database, PIMS, devised specifically to hold personal information and reports, record of contact and collate overall information about adherence to standards, achievement levels, objectives and key performance measures. The information contained is subject to the same restrictions and definitions of confidentiality as applied in relation to paper files. (See section 9 below). In line with EPR 90 & 91 information in relation to performance against standards, service requirements, key targets and objectives is used on an ongoing basis by front line staff and management and is summarised in the Annual Report.⁵⁷ The next phase of information sharing involves connecting the main criminal justice agencies to a secure data exchange system.⁵⁸ This is part of a wider programme to speed up the administration of justice and to assist management through the provision of accurate and reliable statistics. Each organisation retains responsibility for their service's data. The first stage has seen information sharing between the police, public prosecution and forensic science. The first benefit for probation and defendants has been the availability of criminal records securely and in time to use in the preparation of pre-sentence reports. This has been achieved with beneficial effects for the credibility of the assessments contained within those reports. PBNI plans to proceed to the joint development of a bespoke case management system in conjunction with the Youth Justice Agency. PBNI has a very limited in-house research resource. It is pre-occupied with measuring against targets as above. It relies on the availability of research sponsored by DoJ to examine longer-term effectiveness.

57 PBNI 2010/11 Annual Report and Accounts

58 The Causeway Programme

In 2007 a two year reconviction study⁵⁹ showed those released from immediate custody had a 51% reconviction rate compared to 38% for custody probation, probation and community service orders. This community order figure represents an almost 17% reduction on the predicted figure.

8. Societal Support and Clients' Views

EPR 17 & 106 that expect 'the media and the general public to be informed about the work of the probation agency' have had an increasingly higher adherence rate over the past two years. By 2010 active dissemination of information had exceeded reactive provision in response to queries. This was achieved through a revised website, a twitter account, implementation of communication strategies in respect of service areas such as community service, work with female offenders. This was supplemented by monthly bulletins to politicians and community groups which amplify EPR 107's exhortation to 'publish regular reports on developments in the field of probation'.

8.1 Societal Support and public opinion

In its business plan for 2009/10 PBNI set an objective to enhance public understanding of its work in order to play its part in increasing public confidence in the criminal justice system. The NI Statistics and Research Agency (NISRA) included questions on awareness and understanding of the role of probation in one of its omnibus surveys on lifestyles, behaviours and opinions among the general population.⁶⁰ 1201 persons aged 16 years or over were interviewed at home (one from each household). The responses were analysed in a report which was presented to PBNI. 65% of the interviewees had heard of the agency. 66% to 83% of this group were able to select PBNI roles in relation to courts and offenders from a prepared list. 14% had contact with the agency. 99 persons from this minority who had not been employed by PBNI were further asked to rate their satisfaction with the contact. 76% were satisfied or very satisfied and 5% had degrees of dissatisfaction. 39% rated PBNI as effective, 19% ineffective and two fifths were undecided. The survey shows a lack of knowledge about the work of PBNI and its impact. However it is important as a yardstick. PBNI is carrying forward the objective into the 2011/12 business plan and the 2011-14 corporate plan. It will now be possible to measure progress over the next few years.

A clearer picture emerges when looking at the views of politicians in relation to the work of PBNI. Surveys were carried out among members of the Assembly (MLAs) in 2008 and 2010. The latter⁶¹ confirms that MLAs have a broad understanding of the work of probation in NI. 57% feel that PBNI is 'effective at delivering services' while 8% regard it as 'not effective'. Unionist MLAs (65%) were more inclined to consider the service effective than Nationalist MLAs (41%). Over the previous two years the effective rating increased by 15% and the not effective one declined by 10%. This was a greater rise than for any of the other criminal justice agencies surveyed.

59 Statistics and Research Agency 2007 Reconviction in NI, Research bulletin 3/2007

60 Statistics and Research Agency September 2009 Public Perceptions of the Probation Board for Northern Ireland

61 Strategem & Comres. Survey of MLAs Conducted on Behalf of Probation Board for Northern Ireland December 2010

PBNI was considered to be more likely to be effective than the Public Prosecution Service, the Prison Service and the Youth Justice Agency.

A survey of Judges⁶² representing all the courts took place in December 2010 after a three year interval. 95% were satisfied with the overall service provided in the previous 12 months, similar to the previous picture.

8.2 Clients' views

In 2005 PBNI commissioned consumer research⁶³ into the views of persons subject to statutory supervision. Key objectives were to establish a range of indicators for measurement of service users' experience and to provide a baseline. 142 offenders covering a range of orders were involved. A similar survey was repeated in 2009. On the later occasion 193 confidential interviews were conducted by two independent interviewers. Again users expressed high levels of satisfaction with their probation officers and with the service delivered. 'Three-quarters of offenders indicated that they had contact with other programmes and treatment services as part of their community order, and 89% stated that these were either quite useful or very useful, an increase from 33% and 76% respectively found in the 2005 survey'.⁶⁴ More respondents found it easy to contact their probation officer (88% rather than 75%). By that stage this category of staff had been issued with mobile phones. An increase in the intervening period in the use of orders containing additional requirements such as offending behaviour programmes, drug and alcohol counselling and social supports is represented by a corresponding increase in the numbers confirming these elements as being part of the supervisory process. Probation officers continue to be viewed as persons who are available to assist with problems and to help probationers and ex-prisoners in desisting from further offending. However in 2009 family members had gained further importance in regard to desistance. This trend assumes more importance as there was a reduction in the proportion who reported their probation officer as having contact with their family or significant others in their local area. Probation staff may be neglecting critical agents in achieving the goal of lower re-conviction rates among their supervisees. More expressed negative feelings about their experience of a change of supervising officer. There were continuing deficits in respondents' awareness of assessments, content of supervision plans and confidentiality.

The highest rating was reserved for probation officers. 63% respondents perceived the experience as exceeding any expectations that they had in the beginning. The researchers remarked that one can normally expect lower satisfaction ratings where consumers feel an element of compulsion. This finding may underline the significance of consent that is still an element in these orders. There were deficits in recall or awareness of assessments, supervision plan and confidentiality which will be a test for the impact of the updated standards package that has subsequently been introduced. For comparison some core questions were extracted from previous Home Office (London) research. Responses indicated that PBNI users were more positive than their English counterparts. This report reaffirms previous impressions of PBNI as exercising social control with respect.

62 PBNI June 2011 Sentencer Survey

63 PriceWaterhouseCoopers, 2005, PBNI Service User Evaluation

64 Doran, P. Duncan, L. Gault, L. Hewitt, R. PBNI Users Survey. Irish Probation Journal Vol.7, September 2010

9. Probation Clients' Rights

In keeping with EPR 14 and 100 there is a complaints procedure and process in place and the evidence available indicates that it meets the EPR test of being accessible, fair, impartial and effective. Whether the investigation is within the agency or with an Ombudsman the complainant appears to be 'duly informed of the process and the findings' as expected by EPR 101. Records are subject to principles and rules regarding confidentiality, data protection and exchange of information as referred to in EPR 41 and 89. EPR 92 endorsing access to case records kept about them is encapsulated within PBNI practice and policies.

Anyone who is not satisfied with the manner in which he or she has been dealt with by PBNI staff can make a complaint to the manager or the complaints officer. The complainant is kept informed of the process of investigation and of the outcome plus any action that is being taken as a result. If remaining dissatisfied the subject can make a complaint to the NI Ombudsman. This is a free service from an appointed person independent of government and the public bodies. In his last Report⁶⁵ the Ombudsman records the receipt of two complaints regarding the PBNI, with one complaint cleared at validation stage and the remaining ongoing at the time of the publication of the report.

There is a specific Ombudsman for Prisoners who has a remit to investigate complaints submitted by individual prisoners, ex-prisoners and visitors to the prison who have failed to obtain satisfaction from the internal prison complaints system. She also has a remit to investigate deaths in custody. Although her jurisdiction does not formally extend to services by PBNI staff that work in custodial institutions PBNI has entered into a pilot contract with her to provide adjudication on any complaint by a prisoner where the complainant remained dissatisfied after the PBNI formal process had been completed. So far no complaint has reached this stage.

A Probation Officer cannot claim legal immunity from answering questions in a court setting. He/she is a compellable witness. There can be no guarantee that information divulged to a probation officer in the course of their duties can be kept confidential. However, PBNI gives commitments about how personal information obtained in the course of carrying out duties and responsibilities will be safeguarded.

PBNI service users can have access to their personal information and some other types of information held. Personal information is covered by data protection legislation (Data Protection Act 1998). On written request a person can receive a copy of any personal information held and details about the purposes for which PBNI uses the information. Having viewed the information the receiver can ask that incorrect data be corrected. Access to other types of information held is possible. As the request has to be provided in writing and proof of identity offered, staff are instructed to assist applicants with the process. A fee is not normally charged. PBNI allows itself 40 calendar days to make personal information available. In an informal sense the record of contact and the content of reports are made available to persons receiving such services from probation but they would not usually be given a copy. A leaflet "Your Right to Know" is available. There is also a leaflet on how personal information is handled. PBNI commits to not sharing personal information outside the organisation without consent unless the law requires it or the law permits and PBNI believes it is important to do so.....

65 NI Ombudsman, 2010/11 Annual Report, The Stationary Office, Belfast

10. Developments to be expected

10.1 Developments in coming years

The new political framework is likely to have a more profound effect on developments over the next five years than at any time since the establishment of the organisation in 1982. Political oversight and accountability is more detailed and prescribed.

Probation as part of the Criminal Justice system has more opportunity to influence policy on an ongoing and systematic basis. PBNI starts in credit with the Minister.

As David Ford stated in the Assembly on 23 March 2010, 'we must face the fact that, although NI Probation Board is among the most efficient probation services, if not the single most efficient throughout the UK, its Prison Service is at the bottom of the league...' The reform plan for the Prison Service will have implications for PBNI in respect of demands for closer co-operation and shared services.

The current assessment at government level of the relative strengths of the two organisations places PBNI in a much more powerful position than it was in 2000 when integration of the two services was rejected by CJ Review in favour of closer co-operation. The accompanying research papers⁶⁶ pointed out that the values of the NI society and CJ system are not compatible with those in countries where such a marriage seems to be effective.

The budgetary constraints being imposed during the life of the 2011-15 Programme for Government will encourage the Minister in his desire for a shift from institutional to community-based and less expensive responses. Nevertheless one must allow for the insecurity of his tenure of office in a five party coalition of which his party is the smallest.

A shift in the narrow focus of the risk-need-responsivity model of rehabilitation is seen in the new practice framework and standards. Drawing on the findings of the burgeoning literature on desistance there has been increasing attention paid to promoting desistance through probation practice. This is in tune with how probation practice is actually operationalised at the micro level, but at a wider level it does necessitate changing the lens through which 'offenders' are viewed. Indeed if the literature on the importance of narratives and identity change is to be taken seriously, the abandonment of such profoundly labelling terms such as 'offender' in the first instance. Viewed through the dystopic RNR lens, 'offenders' are viewed as risk entities to be measured and managed with an overarching rubric of public protection. Implicit in such a view is that 'offenders' are outside of the 'public' for whom protection is afforded. Secondly viewing people as risk subjects may speak to how they may be managed (effectively or otherwise) but it does not necessarily speak to how people themselves may be motivated to change⁶⁷.

While arguments in support of a desistance-based paradigm for probation practice (McNeill, 2006),⁶⁸ are likely to find a receptive audience amongst probation practitioners who have some affinity to the original probation ethos of 'advising, assisting and befriending', key questions regarding how probation works to increase *social capital* of individuals on probation within an overarching orthodoxy of risk and public protection remain.

66 Criminal Justice Review (NI), 2000, Blair, C, Prisons and Probation, Research Paper no 6.

67 Ward, T. & Maruna, S. (2007) *Rehabilitation*. London: Routledge

68 McNeill, F. (2006) 'A desistance-based paradigm for offender management.' *Criminology and Criminal Justice*, 12,1: 39-62

The revised best practice framework and probation standards outline that Short Pre-Sentence Reports should be undertaken on offenders considered to be 'low risk' following an initial screening process. Implementation of this procedure is likely to lead to proportionately more Short PSRs. One of the motivators for this change has been an increase in the overall volume of work being undertaken by the Probation Board. This increase in volume has been demand-led with increased referrals from the courts and an increase in the numbers of orders supervised (both community sentences and post-custodial licences). Legislative changes, most prominently the introduction of a new custodial sentencing regime under the *Criminal Justice (Northern Ireland) Order, 2008*, is also likely to lead to a greater volume of people coming under the ambit of probation supervision. Early available evidence also indicates that the proportion of licence breaches has increased (reflecting the higher numbers subject to post-custodial supervision).⁶⁹ It is within this context that the PBNI through its tiered case management approach is trying to rationalise its workload.

The continued public protection focus is seen across the criminal justice system in Northern Ireland and in some respects is indicative of a wider 'normalisation' process in the post-conflict phase, where the most immediate pressing public concern (at least at present) is not a return to conflict but more ordinary criminality. Here the temperature of public debate and policy discourse in the context of devolved policing and justice responsibilities is more likely to have an influence of the shape and future direction of the probation service in Northern Ireland. Indeed some commentators (e.g. O'Mahony and Chapman, 2007) have argued that the Probation Service in Northern Ireland escaped some of the more profound changes experienced by other Probation Services in the UK precisely because the political context acted as a buffer. However, the devolution of policing and justice powers, while a highly symbolic event may be equally likely to be mired in the stasis of a power-sharing agreement. Under the present administrative arrangements cross-party consensus is required for any major policy and/or legislative change and thus affecting change in prominent social policy areas such as health or education has proven difficult. The criminal justice system has the potential to be a much more contentious space. Indeed the recent Review of the Northern Ireland Prison Service (2011) and its out-workings has demonstrated this.⁷⁰

It is true to say that the agencies within the criminal justice system in Northern Ireland are subject to a relatively high degree of external oversight. The Criminal Justice Inspection Northern Ireland has conducted a number of inspections of probation related functions (including community service orders and more recently pre-sentence reports) and the probation service has fared positively in these processes. One of the attested achievements of the probation service in Northern Ireland are its relatively low recidivism rates. The Probation Board of Northern Ireland has a limited internal research capacity function and it is notable that there has been relatively little academic research of probation practices and processes in Northern Ireland.⁷¹

69 Prison Review Team (2011) *Review of the Northern Ireland Prison Service. Conditions, Management and Oversight of all Prisons*. Belfast: PRT

70 Prison Review Team (2011) *Review of the Northern Ireland Prison Service. Conditions, Management and Oversight of all Prisons*. Belfast: PRT

71 Easton and Matthews's (2011) recent externally commissioned evaluation of the INSPIRE Women's Project is one exception to this trend.

10.2 Implementation of Framework Decision 947

On 12 October 2011 the DoJ briefed the Justice Committee of the Assembly on the EU Framework Decision 2008/947 on mutual recognition of judgements and probation decisions. Subsequently the Department of Justice undertook this consultation exercise on the Framework in early 2012.⁷² Subject to the outcome of the consultation the government indicated the intention to legislate in 2012 to give the framework decision effect. The summary of responses to the consultation was published by the Department of Justice in May 2012.⁷³ Of note and particular to the Northern Ireland context is the fact that Northern Ireland citizens are entitled to hold dual citizenship (Republic of Ireland and UK) with implications for any transfer arrangements. It is noted that discussions are currently ongoing with the Department of Justice and Equality in the Republic of Ireland to discuss 'mutual arrangements and joint passport issues.' Following the consultation exercise the Department has said that it will proceed to enact legislation to give the framework decision effect.

11. Important Publications

1. Irish Probation Journal, a joint publication by the Probation Board for Northern Ireland and the Republic of Ireland Probation and Welfare Service. It is a peer reviewed publication with articles on practice and effectiveness in probation and the wider justice arena. Available via: www.pbni.org.uk/
2. Northern Ireland Office (1979), Legislation and Services for Children and Young Persons in Northern Ireland, The Black Report. This Committee of civil servants under the chairmanship of Sir Harold Black looked at the structure of personal social services and recommended that probation should remain a separate service specialising in dealing with offenders and serving the criminal courts. In order to enjoy fully the confidence of the community it further proposed that the service should be administered by a board drawn from a wide spectrum of that community. It was a visionary document from the midst of conflict.
3. Northern Ireland Office (2000), Report of the Criminal Justice Review Group. A fundamental review of the criminal justice system arising from the Belfast Agreement. It studies the principles and values that should underpin the system in a post conflict era and looks at new approaches such as restorative justice. It is accompanied by research papers and reviews of international best practice.
4. Gadd, B (1996) Probation in N Ireland, in Working with Offenders McIvor G (ed) Jessica Kingsley. London. An exposition by a former Chief Probation Officer in NI on the distinctive features of PBNI in working close to community and retaining credibility in the court.

72 Department of Justice (2012) *Consultations on the proposals for the mutual recognition of probation measures, licence supervision, and alternative sanctions across Member States in the European Union*. (Jan. 2012). Available: <http://www.dojni.gov.uk/index/public-consultations/archive-consultations/consultation-on-eu-fd-2008-947-mutual-recognition-of-probation-measures.pdf>

73 Department of Justice (2012) *Summary of responses and Way Forward*. (May 2012). Available at: <http://www.dojni.gov.uk/index/public-consultations/archive-consultations/summary-of-responses-european-framework-decision.pdf>

5. McEvoy, K (2001) *Paramilitary Imprisonment in NI: Resistance, Management and Release*, Oxford University Press, Oxford. It examines the issues around imprisonment during the conflict but it has wider relevance in terms of the nature of regimes and on the impact of custody on society.
6. Chapman, T and Hough, M (1998) *Evidence Based Practice: A Guide to Effective Practice*, H M Inspectorate of Probation, London. An extremely useable guide to best practice which remains relevant. As Tim Chapman is a former senior manager in PBNI and Hough a prolific researcher. The manual reflects the NI perspective while retaining general applicability.
7. Chapman, T. & O'Mahony, D. (2007) 'Youth and criminal justice in Northern Ireland.' In: G. McIvor & P. Raynor (Eds.) *Developments in Social Work with Offenders*. London: Jessica Kingsley Publishers. This chapter provides a good overview of the youth and adult criminal justice system. It pays attention to the role of probation and the particular dynamics that have shaped practice within this jurisdiction.
8. O'Mahony, D. & Chapman, T. (2007). Probation, the State and Community – Delivering Probation Services in Northern Ireland. In Gelsthorpe, L. & Morgan, R. (eds). *Handbook of Probation*. Cullompton, Devon: Willan Publishing. Pp. 157-178.
9. Fulton, B. & Parkhill, T. (2009). *Making the Difference: An Oral History of Probation in Northern Ireland at its Centenary and in the 25th Year of the Probation Board for Northern Ireland*. Belfast: Probation Board of Northern Ireland. This publication provides an interesting historical overview of the development of probation in Northern Ireland.
10. Easton, H. & Matthews, R. (2011) *Evaluation of the INSPIRE Women's Project*. Belfast: Department of Justice. This evaluation report commissioned by the Department of Justice provides an overview of women-centred provision and includes a range of stakeholder perspectives.

12. Main Addresses, Phone & Fax Numbers, E-mail Addresses, Home Pages.

Probation Board for Northern Ireland
80-90 North St, Belfast BT1 1LD,
Northern Ireland.
Tel. +44 28 90 262400
Fax +44 28 90 262470
E-mail info@pbni.gsi.gov.uk
www.pbni.org.uk

Department of Justice
Block B Castle Buildings
Stormont Estate, Belfast BT4 3SG,
Northern Ireland
Tel. +44 28 90 527348
www.dojni.gov.uk

Criminal Justice System Northern
Ireland, www.cjsni.gov.uk

Causeway Programme
www.causeway.gov.uk

Criminal Justice Inspection
14 Gt Victoria St, Belfast BT2 7BA,
Northern Ireland.
Tel. +44 28 90 258000
Fax +44 28 90 258033
E-mail info@cjini.org
www.cjini.org

Northern Ireland Statistics
and Research Agency
McAuley House, 2-14 Castle St,
Belfast, BT1 1SA
Tel. +44 28 90 348100
Fax +44 28 90 348106
info.nisra@dfpni.gov.uk
www.nisra.gov.uk

Secretary, Northern Ireland Branch,
National Association of
Probation Staff (NAPO),
C/o 80-90 North St, Belfast, BT1 1LD.
www.napo.org.uk

Extern
Hydepark House, 54 Mallusk Rd,
Newtownabbey, BT36 4WU.
Tel. +44 28 90 840555
Fax +44 28 90 847333
info@extern.org
www.extern.org

Northern Ireland Association
for the Care and Resettlement of
Offenders (NIACRO)
Amelia House, 4 Amelia St,
Belfast BT2 7GS,
niacro@niacro.org.uk
www.niacro.org.uk
Tel. +44 28 90 320157
Fax +44 8704321415

SUMMARY INFORMATION ON PROBATION IN NORTHERN IRELAND

General Information

- Number of inhabitants: 1.82 million at the end of April 2012.⁷⁴
- Prison population rate per 100,000 inhabitants: 99.
- Link to Probation Service:
 - www.pbni.org.uk (Probation Board Northern Ireland)
- Links to websites:
 - www.dojni.gov.uk (Department of Justice)
 - www.niacro.org.uk (Northern Ireland Association for the Care and Resettlement of Offenders);
 - www.extern.org
- Member of the CEP in: 1987.

Characteristics of the Probation Service

- Probation Services are administered by the Probation Board for Northern Ireland (The PBNI).
- The PBNI is a government body, which is accountable to the Minister of Justice NI. It is one of seven agencies that make up the Criminal Justice System.
- The PBNI can deal with adults as well as juveniles (young persons).
- The Board has an appointed chairman and deputy chairman. It meets nine or 10 times per year and does most of its work through committees that refer issues to the full board for decision. The daily management of the Board is in hands of the Director of Probation (formerly the Chief Probation Officer). The probation tasks are delivered by 18 area teams (managed by an area manager) covering all the court areas and prison establishments in Northern Ireland. These teams are supplemented by 10 specialist teams, which can for instance prepare pre-sentence reports, work with youth and with sexual and violent offenders.
- PBNI provides annual financial assistance to more than 50 non-statutory, voluntary and community agencies to provide services which complement the work of the Board.
- Two key non-statutory organizations, receiving core financial assistance from the DoJ, consume the highest proportion of PBNI funding for partnership services with probation:
 - The Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO) is both a campaigning and a service delivery organisation particularly re the employability of offenders and services to the families of prisoners. It has also played a vital role in the support of young persons who been the subject of threats from

74 International Centre for Prison Studies (2012), World Prison Brief http://www.prisonstudies.org/info/worldbrief/wpb_country.php?country=170

paramilitary organisations that use an unofficial system of sanctions against persons suspected of anti-social behaviour within neighbourhoods.

- Extern is an organization with a track record in working with ex-offenders. By means of workshops, hostels and other kinds of supported accommodation in communities the organisation provides crucial elements of the probation and inter-agency management and resettlement plans for those adjudicated offenders assessed as to require the most intensive supervision packages.⁷⁵

Tasks

PBNI activities commence primarily at the enforcement or sentencing stage in Court. The PBNI is involved in preparing and presenting pre-sentence reports and has the responsibility for the management of community orders, like probations orders (with additional requirements), community service orders and combination orders. Within the post release phase, probation officers are involved in the statutory supervision of prisoners designated for release by the Courts or by the Parole Commissioners.

Within the pre-trial phase the PBNI has fewer though increasing tasks. At a preliminary or pre-trial hearing it may be asked to make enquiries or appropriate referrals to assist a court in the consideration of bail instead of custody. Furthermore, the public prosecutor can ask the PBNI to make a report to assist in a decision as to prosecute. With regard to persons remanded in custody, probation workers fulfill tasks of social workers (inform the defendant, keep in contact with him and his family for instance).

Number of staff (average numbers in 2011)

- Probation Officers:	186
- Probation Managers, all grades:	45
- Administrative support staff, all grades:	119
- Community Service Supervisors:	35
Total	412
Daily average number of offenders supervised:	4435

New developments

- Two new sentences involving PBNI at the court, release adjudication and post-custodial stages have rendered it more central to the assessment and management of the most serious offenders. The first is an indeterminate sentence where there is a serious risk of harm from further offences. The second is an extended prison sentence for the commission of a sexual or violent offence, which carries a maximum penalty of less than ten years. Release is at the recommendation of Parole Commissioners. In both cases the release will be accompanied by a period of licence supervised by a probation officer (not more than ten years).
- A greater volume of persons under supervision is contributing to increasing efforts to rationalize its workload.

⁷⁵ Extern (2009). Available online at: www.extern.org/default.aspx?CATID=6480.

- A new tiered management approach has been adopted within its Best Practice Framework incorporating Standards.
- Transfer of responsibility for Policing and Justice matters (including Probation) to the Northern Ireland Executive (April 2010) has brought with it more detailed and prescribed accountability alongside greater opportunity for PBNI to influence policy.

Probation during the different stages of the criminal procedure

	Pre-Trial Phase	Trial and Enforcement Phase	Post Release Phase
Preparing a Social Enquiry report		x	
Supervision / assistance to pre-trial detainees	x		
Supervision / assistance to offenders whose pre-trial detention has been conditionally suspended	x		
Mediation/victim support		x	x
Supervising/organizing etc. community service		x	x
Supervising/organizing training or learning projects		x	x
Supervising etc. drug/alcohol treatment programs		x	x
a. A combination order – a mixture of probation and community service supervision		x	
b. A custody probation order – a combination of a period of imprisonment with a supervised probation period		x	x
Pre - sentence report		x	
Supervising etc. sanction of probation		x	x
Supervising etc. semi-liberty		x	
Supervising etc. Supervising etc. mentally ill or offenders with learning disability (in-out patient orders)		x	x
Supervising etc. special measures for drugs addicts		x	x
Assistance / support to prisoners in prison	x	x	x
Supervising etc. conditional release/ parole		x	x

