



Her Majesty's
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Probation

Recruitment, training and professional development of probation staff

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Contents

Foreword.....	3
1. Introduction	4
2. The Council of Europe Guidelines	5
2.1 Background to the development of the guidelines	5
2.2 Probation education and training contexts.....	5
2.3 Areas covered in the guidelines	7
3. Conclusion	9
References	10

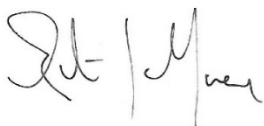
Foreword

HMI Probation is committed to reviewing, developing and promoting the evidence base for high-quality probation and youth offending services. Academic Insights are aimed at all those with an interest in the evidence base. We commission leading academics to present their views on specific topics, assisting with informed debate and aiding understanding of what helps and what hinders probation and youth offending services.

This report was kindly produced by Dr Nicola Carr, highlighting the recent introduction of Council of Europe guidelines covering the recruitment, training and professional development of probation staff. The production of these guidelines, which stress the importance of research-informed and evidence-based practices, is particularly well timed for England and Wales due to the commitment to support a professional workforce in the most recent proposals for probation reform, including plans to develop a professional recognition framework.

The guidelines (accessible here: <https://rm.coe.int/guidelines-training-staff/1680943aad>) set out the following key principle:

'Staffing levels of prison services and probation agencies should be sufficient, especially of staff in daily contact with suspects and offenders. Staff should have a professional status and adequate training which allows them to have a sound understanding of their duties and the ethical requirements of their work. This will enable them to fulfil their everyday tasks and the overall purpose of the services they belong to. Staff should function within the context of high professional ethics based on treating suspects and offenders humanely and with respect for their human dignity.'



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Author's Profile

Dr Nicola Carr is an Associate Professor in Criminology at the University of Nottingham, where she is the co-director of the Criminal Justice Research Centre. She is Editor of the Probation Journal and a Board member of the Irish Probation Journal. She is a convenor of the European Society of Criminology's Working Group on Community Sanctions and Measures and was a Scientific Expert to the Council of Europe's Council of Penological Co-Operation (PC-CP), where she helped to develop *Guidelines Regarding Recruitment, Selection, Education, Training and Professional Development of Prison and Probation Staff*.

The views expressed in this publication do not necessarily reflect the policy position of HMI Probation.

1. Introduction

The Council of Europe recently issued *Guidelines Regarding Recruitment, Selection, Education, Training and Professional Development of Prison and Probation Staff*, in recognition of the need to provide a set of standards that will apply to all Council of Europe Member States. The guidelines were developed by the Council for Penological Cooperation (PC-CP) and approved by the European Committee on Crime Problems (CDPC) in April 2019.

The guidelines outline a number of key principles relating to the recruitment, education and training, and professional development of prison and probation staff. In some countries prison and probation staff are employed by the same agency, and there are some areas of the guidelines that pertain to both. The guidelines also set out the educational entry standards that should apply for probation staff working directly with suspects and offenders (this echoes the terminology used in the European Rules on Community Sanctions and Measures), and some of the core areas that should be covered in subsequent training. The guidelines further recommend that Member States should develop a framework for Continuous Professional Development (CPD).

The issue of probation training has clear salience in England and Wales in light of the plans to develop a professional recognition framework. This briefing provides an outline of some of the core areas covered in the guidelines and considers some of the implications for probation in England and Wales.



2. The Council of Europe Guidelines

2.1 Background to the development of the guidelines

The decision to develop guidelines on the education and training of prison and probation staff was made as a result of a recommendation of a Council of Europe Conference of Directors of Prison and Probation Services, held in 2017. The Council of Europe, which comprises 47 Member States (and hence has a much larger membership than the European Union) has published a range of standards and guidelines relating to the penal system, which emphasise the importance of human rights and the rule of law. The most relevant guidelines for probation include the European Probation Rules (Canton, 2019) and the European Rules on Community Sanctions and Measures. A range of other guidelines and rules also relate to aspects of probation work (including prisons, juvenile justice, electronic monitoring and restorative justice). Some of these rules and guidelines already touch upon areas relating to staffing. For example, the Rules on Community Sanctions and Measures state (para. 77):

'Implementing authorities should have staff of high professional quality, recruited, trained and employed in accordance with the principles laid down in the relevant Council of Europe texts related to staff concerned with the implementation of sanctions and measures.'

However, the Directors of Prison and Probation Services identified the need to develop a clearer articulation at a European level of the basic requirements regarding starting educational level at recruitment for different staff grades, training curricula and quality standards, in recognition of the fact that staff working within probation and prison services are core to affecting change and supporting rehabilitation.

2.2 Probation education and training contexts

Any attempt to articulate principles and standards that will have applicability and relevance to 47 Member States, involves a degree of generalisation (van Zyl Smit et al., 2015). The Member States of the Council of Europe comprise countries with diverse legal systems and penal trajectories. The SPACE (Statistiques Penales Annuelles de Conseil de l'Europe) data produced by the CoE provides an insight into the degree of diversity in penal systems. The most recent data for example, shows a wide variation in the use of imprisonment and community sanctions and measures across the Member States (Aebi et al., 2019). Analysis of the trends in the use of penal measures across member states over time also shows that there has been an overall expansion in the prison population and in the numbers of people subject to supervision in the community (Aebi et al., 2015).

One of the reasons that greater use of community sanctions and measures have been advocated is to reduce the use of imprisonment, an aim supported by the Council of Europe. However, the available evidence suggests that the expansion in the use of community sanctions and measures, particularly through the development of probation services in countries where they did not previously exist, did not have the intended effect of corresponding reductions in the use of imprisonment (Aebi et al., 2015).

There are a number of possible reasons put forward for this 'net-widening' effect, including the fact community sanctions and measures may have displaced other penalties (such as fines and conditional discharges) for lower tariff offences, and that as increasing numbers of people are made subject to supervision, the potential pool of people who may be sent to prison for failure to comply with the conditions of their supervision (both when subject to a community sentence, or following release from prison) increases. Further still, there is evidence in some countries that the requirements placed on people subject to supervision in the community have become more burdensome, either through extensions in the periods of time that people can be made subject to supervision, and/or through the addition of greater conditions, such as electronic monitoring (Bottoms, 2017).

These shifts in emphasis in community sentences have also been charted in different geographical locations across a longer period of time by Robinson et al. (2012) who identify a range of penal philosophies associated with probation and other community sentences (e.g. rehabilitative, public protection, reparative). All this is to say that the 'purposes' of probation have shifted across time and place and this evidently has implications on what staff are required to do and how they are required to do it. However, it is also important to note and recognise the human agency of staff within such processes, not least because the enactment of policies and practices are not totalising; but perhaps more fundamentally because the relationship between probation staff and the people whom they supervise is integral to practices and experiences of supervision (Burnett and McNeill, 2005; Raynor and Vanstone, 2016). This point is further echoed in the European Probation Rules and the Rules on Community Sanctions and Measures (para. 31):

'There is compelling evidence to show that sound professional relationships are effective in bringing about change in attitudes and behaviour. Indeed it seems that relationships are more influential than any single specific method or technique.'

A further important contextual feature is the wide variation in the numbers of staff employed in probation services across different countries, and the fact that in some countries prison and probation services are integrated (e.g. Norway and Sweden). The SPACE data again provides further information on these variations. It shows that the numbers of 'qualified' and 'unqualified' probation staff employed in different services varies across member states as well as the use of 'volunteers' who are not paid for their work in carrying out probation activities. The SPACE data cannot provide qualitative detail on this area, but clearly the proportion of staff relative to the population of people under supervision, has implications for the work that staff do, including the duration and quality of direct supervisory contact.

The question of what sort of education and training should be provided to probation staff is a topic that has attracted increased attention in many European countries over recent years. Part of this has been driven by the fact that some countries have recently developed their probation services and as part of this process there has been a consideration of the profile and training required for staff to carry out the probation role. In England and Wales, changes have been made over time to the core training requirements for probation workers. This has been driven in part by an emphasis in the late 1990s on 'effective practice' and 'What Works?', where it was argued that there should be a shift in training from social work as a core qualification for probation officers towards a more bespoke form of training that paid greater attention to what were deemed to be the core tasks of probation – i.e. reducing reoffending and public protection (Raynor and Vanstone, 2016). To some extent this terrain has shifted again following the insights derived from research on desistance, where the

importance of developing personal and social capital in order for people to stop offending has been noted (McNeill, 2006; Shapland et al., 2012).

We can see therefore that the question of the education and training of probation staff is linked to questions regarding broader penal philosophies, the purposes of probation and the orientation of the wider criminal justice system. Clearly the need to have staff of a high professional quality is desirable within any organisation (see, for example, Raynor (2019)), but what does this mean in practice? The Council of Europe guidelines on recruitment, education and training provide an outline of some key principles and standards in this area.

2.3 Areas covered in the guidelines

The guidelines were developed by the Council for Penological Cooperation (PC-CP) and approved by the European Committee on Crime Problems (CDPC) in April 2019. They outline a number of key principles relating to the recruitment, education and training, and professional development of prison and probation staff. There are some areas of commonality in relation to general principles (such as the overall mission of criminal justice agencies), but in recognition of their different duties, the specific education and training requirements for prison and probation staff are dealt with separately within the guidelines. Regarding the entry educational levels for probation staff, the guidelines state the following (para 3.2a):

'For probation staff working directly with suspects or offenders in a supervisory capacity, the starting educational level should be equivalent to Level 6 EQF (European Qualification Framework) and preferably graduates from social sciences, like: psychology, social work, law, criminology or cognate disciplines.'

The EQF provides a framework to compare qualifications awarded in different countries and by different education and training systems. It comprises eight levels with specifications for each of the following learning outcomes: knowledge, skills and competencies. Level 6 of the EQF equates to a degree-level qualification, which requires:

- advanced knowledge of a field of work or study involving a critical understanding of theories and principles;
- advanced skills demonstrating mastery and innovation required to solve complex and unpredictable problems; and
- a degree of responsibility and autonomy involving the ability to manage complex professional activities.

Some countries specify a narrow range of degree subjects or professional qualifications for probation staff. However, the specification of the different subject areas (psychology, social work, law, criminology or cognate disciplines) within the guidelines is a recognition of the diverse backgrounds from which probation staff may be drawn across different countries.

As well as entry-level qualifications, the guidelines identify areas for induction, training and continuous professional development. The importance of interagency working and learning from international context is recognised. Research carried out by the Confederation of European Probation (CEP), on the characteristics of a 'good probation worker' (Hanrath and Verbaan, 2019), identifies the importance of training on the job, particularly when new issues, such as changes in the profile of offending, arise. Taking the various stages of probation work including assessment, sentence planning, implementation and evaluation,

and the core elements of the role as outlined in the Rules on Community Sanctions and Measures, the guidelines include commentary on some key areas in which staff require specific education and training (para. 7.3a):

'... key elements of education and training should include the legal framework under which the community sanctions and measures are implemented; professional ethics (including the role and mission of probation); general data protection rules and human rights standards. It should cover core areas of the probation role including assessment, sentence planning, implementation and evaluation. Training should be informed by evidence-based practice, taking into account risk assessment and management and strategies for promoting desistance from offending. Specialist training should also be provided on key areas of practice including report-writing; work with the courts and judicial bodies; inter-agency working and public protection. Other core components should include mediation, restorative justice and work with victims.'

An education and training matrix included in the guidelines provides further detail on some of the key elements required to carry out the probation role. Again, in recognition of the diverse practice and cultural contexts of member states, the areas of education and training specified in the matrix are intended to be indicative rather than prescriptive, but they do provide a sense of the range of skills and training probation staff require. These include areas such as:

- working effectively to promote change;
- promoting compliance and dealing with non-compliance;
- case management;
- report writing;
- programmes and interventions;
- risk assessment; and
- anti-discriminatory practice.

As well as proficiency, the need for staff to understand the evidence base underpinning areas of practice is emphasised. This is particularly important in the area of risk assessment, where any tool should be used to assist professional judgement, rather than to replace it.

The Council of Europe guidelines focus specifically on probation staff working directly in a supervisory capacity with suspects and offenders. The need for more specialist training for staff with managerial and leadership responsibilities is also recognised, as is the need to maintain education and training over the course of a person's career. The guidelines recommend that in-service training should be linked with frameworks for Continuous Professional Development (CPD), and that training should be regularly reviewed to ensure relevance to the roles and tasks of probation agencies. Furthermore, appraisal systems should be developed that consider staff training needs and opportunities for enhancing professional development.

3. Conclusion

The government has made a commitment to supporting a professional workforce in the most recent plans for probation reform (HMPPS, 2019). These plans will entail legally recognising probation as a profession, which will involve creating a regulatory framework for establishing qualification requirements and practice standards, alongside a framework for continuous professional development. The plans are a recognition of the need to invest in the probation workforce, particularly following the difficulties experienced as a result of the *Transforming Rehabilitation* reforms (HMI Probation, 2019).

The Council of Europe guidelines on recruitment, training and professional development are clearly relevant to consider as this professional recognition agenda develops, and can provide a basis to ensure that England and Wales meets best international standards.

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