

The magazine of the Probation Institute

PROBATION

Issue 7 : March 2018

Quarterly

3RD WORLD CONGRESS ON PROBATION

Development of
Probation and the
role of the community

WHY ME?

Exploring the importance
of Restorative Justice

THINKING DIFFERENTLY

Understanding autism
in community probation
services

PROBATION INSTITUTE DEVELOPMENT FRAMEWORK

PROBATION Quarterly

Editor

Anne Worrall

Sub-editor

Paul Senior

Designer

Richard Rowley

Contributors

Christopher Stacey

Mary Anne McFarlane

Laura Ho

Jyoti Chauhan

Sue Smith

James Bamford

Francesca Marco

Vicki Cardwell

Rob Canton

Anne Worrall

Gavin Dingwall

PUBLISHED BY



Acting Chief Executive

Helen Schofield

Address

2 Langley Lane

Vauxhall

London SW8 1GB

Web

www.probation-institute.org

Twitter

@ProbInstitute

Email

admin@probation-institute.org

Telephone

0203 0533 551

Organising a conference or event?

Recruiting staff?

Have something to publicise or sell?

Reach an exclusive readership of probation staff, senior managers, academics and others interested in criminal justice by advertising in Probation Quarterly.

It's cost effective too. Check out our rates.

Full page - **£250.00**

Three-quarters of a page - **£210.00**

Two-thirds (same as this space) - **£175.00**

Half page - **£150.00**

Quarter page - **£125.00**

Box ad (one column square)- **£50.00**

10% reduction for all those booking an advertisement for the first time!

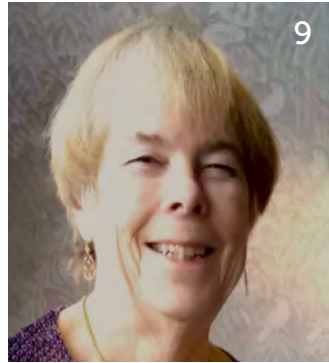
We will take a brief and design your ad for you - at no extra cost. If you prefer to submit your own artwork, that is fine too. It should be a print-ready PDF using CMYK colours with a 3mm bleed. We will provide you with exact measurements.

Copy and advertising deadline for the next edition: Thursday 31st May.

Just email admin@probation-institute.org with your requirements.

Maybe I should place an ad in PQ?





5 Probation Institute & Professional Development

A clear, integrated and well-lit pathway for employees and practitioners to move easily forward in their careers.

11 Learning Provider Endorsement Scheme

All you need to know about how the scheme will review and endorse learning providers.

FEATURES

7 Criminal records, disclosure and professional development

Christopher Stacey discusses the Unlock perspective

9 3rd World Congress on Probation

Mary Anne McFarlane reflects on her trip to Tokyo.

12 Why me?

Laura Ho and Jyoti Chauhan examine the importance of Restorative Justice

14 Thinking differently

Understanding autism in community probation services

18 Peer Mentoring under Transforming Rehabilitation

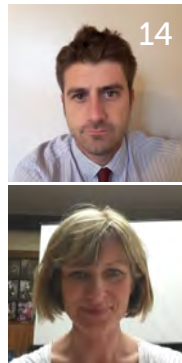
The new Advise Assist Befrienders?

21 Lived experience shaping probation services

Vicki Cardwell, Revolving Doors Agency

25 Why punish?

Review articles on Rob Canton's Introduction to the Philosophy of Punishment



Welcome to Probation Quarterly Issue 7

I am delighted to have been invited to be the Guest Editor for this issue of Probation Quarterly, which is, in my view, an ideal online magazine for exchanging and disseminating news and views that relate to working with offenders and victims in the community. The editorial touch is 'light' and we will help you to develop your article if that is appropriate. PQ is particularly well suited to short pieces that cover:

- the activities of the Probation Institute
- news about the work of your organisation or project
- reports from special events, seminars, meetings or conferences
- summaries of your own research
- brief reviews of books or research reports that have caught your eye
- thought pieces where you can reflect on an issue that concerns you.

In this issue we have articles that fit into most of these categories. The Probation Institute provides a succinct outline of its Professional Development Framework, signposts its Position Paper on Continuous Professional Development and reminds us about its Learning Provider Endorsement Scheme.

Mary Anne McFarlane, a member of the Probation Institute Board of Directors, reports on her recent attendance at the 3rd World Congress of Probation in Tokyo and has some interesting observations about the Japanese Probation Service which is dependent on probation volunteers.

Sue Smith and James Bamford provide a substantial report on their research into working with offenders who have an autistic spectrum condition and encourage a greater awareness of its impact on offenders' ability to engage with supervision.

The remaining contributions have a common theme that is perhaps summed up by Rob Canton's plea that the status of 'offender' is (or should be) temporary.

Whatever punishment is visited on an offender, and however justified it is, there should always be the expectation that the offender will become an acceptable, and accepted, member of the community at some point in the future.

Christopher Stacey, the co-director of Unlock, challenges practitioners to engage with the impact that having a criminal record can have on offenders' rehabilitation. He identifies helpful resources produced by Unlock that enable practitioners to offer accurate and reliable advice.

Laura Ho from the charity Why Me? discusses the value of Restorative Justice and offers a guide for practitioners who want to bring offenders and their victims together for the benefit of both.

Vicki Cardwell from Revolving Doors invites practitioners to consider ways of involving service users in the design, delivery and research of services and Francesca Marco, a recipient of a Graham Smith Award for practitioner research, talks about her research on peer mentoring.

Anne Worrall and Gavin Dingwall contribute two review articles on the theme of Why Punish? reporting on a British Society of Criminology seminar that celebrated and reflected on the work of Professor Rob Canton.

I am grateful to our designer, Richard Rowley, for handling the production of this issue of Probation Quarterly. I hope you enjoy it and perhaps find inspiration to contribute to the next issue. Please feel free to contact me to discuss this.

**Anne Worrall, Guest Editor,
Emerita Professor of Criminology
Keele University**
a.j.worrall@keele.ac.uk

Probation Institute and Professional Development

The Probation Institute Professional Development Framework was developed by the PI Professional Development Project in March 2015.

The Framework was designed to align with the Probation Institute Register, and to advise on job families, standards of competence, accredited learning, qualifications and recognised CPD. The Framework and the Register are accessible on the Probation Institute website: www.probation-institute.org

The Framework provides resources that:

- Guide the user through the professional activities, competences, learning and qualifications aligned to job roles across the sector, and to the Register
- Sign post to career pathways and CPD
- Enable and advise on assessment
- Offer tools for appraisal and performance development review
- Identify and endorse learning providers meeting the needs of employers and employees
- Include standards of competence from wider relevant sectors (social care, health, housing, employment, leadership and management)
- Offer guidance on CPD, supporting progression through the levels of the Probation Register



Register, Regulation and Recognition

The Probation Institute is supportive of the introduction of a Regulatory Body and a mandatory Professional Register for Probation and rehabilitation.

The purpose of a Regulatory Body will be to ensure that all practitioners and managers who have responsibility for the management of offenders, the reduction of offending behaviour and through these activities the protection of the public, are competent, appropriately qualified and remain fit to practice as long as they are employed, and that their competence is recognised and supported through Continuous Professional Development.

The Probation Institute proposal is that regulation should apply across the National Probation Service, the Community Rehabilitation Companies, Tier 2 and 3 Organisations and Offender Management Roles in Prisons.

Continuous Professional Development

The Probation Institute has published a [Position Paper on Continuous Professional Development](#) (CPD) for those practising in organisations providing Probation and Rehabilitation Services.

“For practitioners, CPD is an investment that you make in yourself; a way of reviewing and planning your development that links learning directly to practice. CPD can help you keep your skills and knowledge up to date and prepare you for new roles and responsibilities. CPD can enhance your confidence, strengthen your professional credibility and help you become more creative in tackling new challenges.”

The Principles of Continuous Professional Development, expanded in the Position Paper, are:

- Principle 1: Access to CPD must be guaranteed in Probation, Rehabilitation and Resettlement organisations
- Principle 2: All staff should have access to an independent Professional Development Framework and Register to log progress
- Principle 3: All employers should endorse an agreed Continuous Professional Development Scheme
- Principle 4: A set of standards for delivering CPD should quality assure all CPD provision
- Principle 5: A suggested model for a CPD Scheme in Probation, Rehabilitation and Resettlement is set out by the Probation Institute

Research

The Probation Institute is committed to the encouragement, promotion and dissemination of research. We do this through our Research Committee supported by our Academic Advisory Panel, and through the annual Sir Graham Smith Research Awards which will be offered again in Spring 2018.

A major research report on services for ex-armed services personnel under supervision is being disseminated as practitioner training.





Christopher Stacey is a co-director of Unlock and delivers their criminal record disclosure training.

Criminal records, disclosure and professional development

I was delighted to take part in the PI Probation Practitioner Conference by delivering a joint workshop with Helen Schofield from the Probation Institute. The subject - professional development - is one that the Probation Institute has invested a lot of time and energy into in its early days, and it was good to speak to probation practitioners about this through the lens which Unlock looks at this from – criminal records and disclosure advice.

To test the waters of the audience, I thought I'd start by posing a question. I put a scenario to them – it involved somebody who had been convicted of a sexual offence and was near to the end of their community order. The question was this; when does their criminal record become spent under the Rehabilitation of Offenders Act 1974? Despite a few valiant efforts at getting the right answer, nobody got it. It set the scene nicely for the rest of my contribution.

Unlock is an independent award-winning national charity that provides a voice and support for people with convictions who are facing stigma and obstacles because of their criminal record, often long after they have served their sentence. We help people to move on positively with their lives by empowering them with information, advice and support to overcome the stigma of their previous convictions. For many years, one way we have gone about doing this is by working closely with probation practitioners, employment support workers and others that support people with convictions to help them as professionals to be better equipped with expert, accurate and up-to-date knowledge on criminal records and the rules around disclosure.

During the workshop I was able to explain that, as an organisation that does not take government funding to deliver services, it was clear to us that our role in delivering probation services would be one that supports those organisations that deliver services on the ground. This builds on our track record of providing accurate and reliable advice and support to people with convictions, while working at a policy level to push for a fairer and more inclusive society. Our independence and approach enables us to work across the board with a range of providers of services in a collaborative and non-competitive way.

We regularly get contacted by people on probation who are looking for advice and support on dealing with their criminal record. Community rehabilitation

companies need to make sure their staff have the training and skills to provide advice to individuals on criminal records and disclosure. That's not just a naïve wish on my part - taken directly from schedule 7 of the CRC contract, service output group 7 states that:

“**The Contractor shall take reasonable steps to ensure that the Allocated Person is aware of the need to disclose offences to potential employers in accordance with the Rehabilitation of Offenders Act 1974.**”

This should mean that people working for CRC's understand the 1974 Act, how it applies to specific individuals, and how to deal with this in practice, such as disclosing to employers and insurance companies, and when they no longer need to disclose. Yet we know that the vast majority of probation practitioners have never had any real training on this, and instead rely on what they have picked up off their own back. It's a clear example of where professional development has a key role to play.

That's why, when the Probation Institute launched their Endorsed Learning Provider scheme, we were keen to take part. The quality of our training is integral to our reputation as a charity. We have already delivered our training to a range of probation providers, including old probation trusts, NOMS CFO providers, and newly established CRC's.

In recent years, the challenge has been in getting behind the tendering competitions contracts, and instead focusing on helping those that are delivering front-line support. To us, the endorsement scheme meant independent assessment of our training, a rigorous process of quality assurance, and ultimately helping us to raise awareness and give confidence to providers. We are delighted that we are now one of the Probation Institute's Endorsed Learning Providers.

I came away from the conference confident that professional development was an area that would become increasingly important in the months and years to come, and hopefully CRC's will see the value in making sure their staff have a good knowledge of advising clients on criminal record and disclosure matters.

Unlock delivers a range of criminal record disclosure training sessions. This includes a one-day 'Advising with Conviction' course and a 2-day 'Supporting with Conviction' course designed specifically for CRC providers. These can be run in-house for up to 15 people, or places on a one-day course are available to book on selected dates in London. Visit www.unlock.org.uk/training for more details.





3rd World Congress on Probation

Mary Anne McFarlane, a member of the Probation Institute Board of Directors, attended the 3rd World Congress on Probation in Tokyo in September 2017. Here she reflects on the experience.

I attended the Congress to give a workshop, as well as travelling around Japan and visiting rehabilitation centres in the north. The theme of this biennial event was Development of Probation and the role of the community.

Forty countries were represented (though no officials from England and Wales, so I was pleased to be able to promote the Probation Institute while I was there). The professional views of Asian and Pacific Rim probation colleagues gave us a different and refreshing context, in particular featuring public participation in probation.

The keynote speakers, including Frank Porporino (Canada), Todd Clear (USA), Peter Raynor (UK) and Tomoko Akane (Japan) described the substantial probation evidence to support a blend of skilled practitioners and a strength-based approach, together with the critical role of offenders' experiences, community volunteers and employers. They also referenced the futility of mass processing of those on supervision.

The magnificent Japanese hosting provided us with a blend of the arts: music, dance, drumming, metalwork, painting, sculpture and song and showed how the artistic side of the offender can be awakened and encouraged.

The Japanese probation service has 1,000 officers (POs) but most of the face to face encounters are with the 48,000 probation volunteers (VPOs) The probation officers provide case management, supervise high risk cases and run programmes. Nearly all the rest of the supervision is carried out by the VPOs in 886 Offender Rehabilitation Centres.

The tradition of volunteering in Japan seems to transfer well to probation. The volunteers are older than the offenders, many in their sixties, and their commitment is considerable, many for over eight years. They focus on rehabilitation, aiming for the offenders to be accepted back into the community, welcoming them into their homes and engaging them with 18,000 cooperative employers.

It was easier to hear about the successes of this system than to tease out the risks and the challenges of this way of managing offenders as it is not customary in Japan to be self-critical in public, though I did hear of one example where an offender set fire to a VPO's house.

Clearly there is the darker side of Japan: the organised crime, the gangs, homelessness, poverty, drugs, prostitution and trafficking.

However, expectations of behaviour in public are very different in Japan from England. The culture of respect for one's elders, the tradition of good manners, especially in public, the shame of going to court and relief from being accepted by a fellow citizen, all help to build trust and a positive attitude over time and support rehabilitation for most probationers.

Time and again we were told that VPOs must be very patient and consistent. The centres and half way houses I visited in Hokkaido were also run by VPOs, with clean and elegant facilities, family visiting rooms, kitchens and gardens tended by the offenders.

More than forty Congress workshops covered Policies and Practices, Evidence-based Theories and Practices, Offenders with Special Needs, and the Role of the Community.



These will be available on the Confederation of Probation (CEP) website as soon as they have been processed by the Japanese team, and the PI will provide a link. PI members will be able to find something on all aspects of probation, for example, the emerging role of technology, developing gender sensitive community service and treating sex offenders with serious mental illness. The PI is a member of CEP which holds a wealth of professional information on its website: <http://www.cep-probation.org>

It was a pleasure to be with so many who believe in change, and to be reminded of the UN (Tokyo) Rules for minimum standards for non-custodial measures, providing safeguards for persons subject to alternatives to imprisonment. These need to be reinforced in England and Wales.

The Learning Provider Endorsement Scheme

The Probation Institute [Learning Provider Endorsement Scheme](#) is a voluntary scheme. Criteria for endorsement are agreed by the Probation Institute, taking account of the views of its membership and partners, and are kept under review

The purpose of the scheme is to ensure the standards of learning and qualifications supporting the Probation Institute. The scheme views and endorses learning providers including high level delivery arrangements.

Endorsement criteria

For Learning Provider Endorsement the Learning Provider must demonstrate that:

- The organisation has appropriate policies for recruitment and staff development
- The organisation has a professional approach to training administration, design, delivery and assessment
- Appropriate professional standards and up-to-date knowledge are incorporated in to the design and development of learning

For learning programmes and courses the submission must demonstrate that:

- Learning or qualification is underpinned by relevant National Occupational Standards
- Learning outcomes include behaviours and values
- Learning outcomes are achievable and valid
- Appropriate professional standards and up-to-date knowledge are incorporated in to the learning
- The level of learning and target audience is clear
- Delivery arrangements meet customer needs
- Arrangements are in place for appeal or complaint





A Probation Officer's Guide to Restorative Justice

Are you working with an offender who:

- expresses feelings of guilt?
- asks questions about the victim of the crime?
- wants to stop offending?

Are you working with a victim who:

- has questions about the crime?
- is struggling to put the crime behind them?
- asks questions like 'why me?'
- feels powerless?

If the answer is yes to any of these questions then your client may benefit from Restorative Justice.

“**Restorative Justice** is the process that brings those harmed by crime, and those responsible for the harm, into communication, enabling everyone affected by a particular incident to play a part in repairing the harm and finding a positive way forward.”

In Restorative Justice (RJ), trained facilitators work with victims and offenders to talk about what happened, who was affected and how, and what can be done to help repair the harm.

Our facilitators work with both victims and offenders to meet their needs. Risk assessment is a continuous process undertaken to ensure the safety and wellbeing of all participants.



Victims get a chance to get their questions answered, to feel empowered through having a voice in the criminal justice process and the closure to be able to move on. Offenders get an opportunity to confront the real impact of their crime, to take responsibility and to make amends. [Government research](#) has shown that Restorative Justice can provide 85% victim satisfaction and a 14% reduction in re-offending. It can take the form of a face-to-face conference or indirect communications, such as letters.

One way of testing the waters with your client is to try 'virtual conferencing'.

Ask them to imagine that the victim of the crime is sitting opposite them.

Ask them, 'What would you say?'.

If they have things to say, ask them 'Do you think you could actually say those things to them face-to-face?'.

This will give you an indication of whether RJ is right for this offender. Read more in our [virtual conferencing report](#).

Jyoti Chauhan has worked with both offenders and victims in the Probation Service. In RJ cases she has facilitated, she has seen how the processes have a beneficial impact on both parties.

Jyoti said:

“ RJ is a fantastic cope and recover process which unifies the fundamental needs of each individual involved, to seek a collaborative way of encouraging open and honest dialogue, which allows healing to occur. ”

Jane, who was a victim of crime said:

“ I now feel lighter. I physically felt the weight lift off my shoulders. I'm now free. You need to be a victor, not a victim. ”

Peter, an ex-offender said:

“ I couldn't even begin to tell you how many crimes I've committed... Because of that conference it initiated change, it implemented change, I implemented change but it gave me the kick start I needed. I can't express gratitude enough for the Restorative Justice programme... I feel that Probation staff are well equipped to take up the role and take the Restorative approach to the next level. ”

Could you be the professional who opens the door to Restorative Justice for one of your clients?

Why me? is the national charity campaigning and advocating for greater access for Restorative Justice for victims in England and Wales.

Why me? was set up by a victim of crime for victims of crime. Will Riley was burgled and attacked in his home by Peter Woolf, then a career criminal. Will met Peter in prison in a Restorative Justice meeting, an event that changed both their lives. Will got his questions answered and was able to move on with his life and Peter realised the impact of his crime and has not reoffended since. You can watch [The Woolf Within](#) on our website, a 10 minute video which tells Will and Peter's powerful story.

Why me? seeks to ensure that RJ is equally accessible to people of any gender or ethnicity.

If you would like any more information please contact our Coordinator, Jyoti on 0203 096 7708 or [visit our website](#)



Thinking differently

Understanding autism in community probation services

Introduction

Developing research knowledge, clinical collaboration and creative funding facilitated the development of an innovative approach to the support of offenders with Autism Spectrum Conditions (ASC) in Swindon and Wiltshire's community probation service. The joint work of BGSW probation and the local diagnostic agency led to the development of a practical model recognising and aiming to address significant knowledge gaps in front line staff awareness.

The benefits for probation practitioners from the model has been systematic training (all staff grades completed training) and specialist consultation support, which has led to increased identification of individuals with ASC and, as a by-product of more sophisticated screening, the project also improved identification of associated mental health, learning disabilities or personality disorders.

Staff showed clear practical gains in knowledge and approach, and specific examples of improved outcomes were identified for service users. Practitioners now consciously added autism screening to their assessment toolkit, actively exploring whether poor compliance, intense or rigid patterns of anger within supervision, lack of victim empathy and apparent non-appropriate thinking skills were not just symptoms of entrenched antisocial/pro-criminal attitudes or anger management problems, but could be potential indicators of traits of ASC.

Similarly, the training developed inclusive environmental changes with Community Payback supervisors using storyboard narratives on work projects to break down a complex work session into straightforward tasks. Programmes staff allowed an individual to stand or walk around the group room, hold a stress ball and facilitators were inclusive by explaining to the group sensory difficulties experienced by some individuals with ASC. This approach improved care and understanding of needs of both those with autism and other complex communication needs.



Background

The national prevalence of Autism Spectrum Disorder (ASD) is around 1% (Brugha 2007). Limited research and late or lack of diagnosis for offenders (Helvenshou 2015) has made accurate understanding of the prevalence of autism in the offender population challenging. A systematic review by King and Murphy (2014) could not identify evidence of overrepresentation in offenders but also countered the previously held view that they were underrepresented. They identified that people with autism commit a range of crimes and have a number of predisposing factors.

Some studies have suggested higher rates of offence for a number of specific crimes such as arson (Hare et al 1989) or violent crime (Cheely et al 2012).

These have also been contradicted by other studies (Mouridsen et al 2008; Kumagami and Matsuri 2009), adding to the complexity of this area. There has also been some suggestion that in the area of sex offences, particularly in young offenders, there may be a significantly higher prevalence of offenders with autism (Hart-Kerkhoffes et al 2009).

More recent figures from Feltham Prison have suggested a rate of 4-5% in the population which appears similar to those identified by Bates (2016). Bates highlights a number of potential typologies which have been described for offences committed by people with autism, which also include crimes linked to hyper focus, revenge and social justice crimes.

The Understanding Autism project

There is a distinct lack of research and knowledge into the nature and prevalence and best support for offenders with autism in community services, such as probation, who are living ordinary lives in the community whilst being supervised. In the Swindon area, close working relationships between BGSW CRC probation and health services resulted in tacit knowledge of this group and an increased awareness that individuals were frequently undiagnosed and failing to respond to conventional probation approaches.

The opportunity arose to apply for funding for a pilot project to develop a model of approach for offenders with autism and the successful bid funded an initial 18 month project called 'Understanding Autism'. A further 18 months were locally funded by Working Links, the owners of BGSW probation.

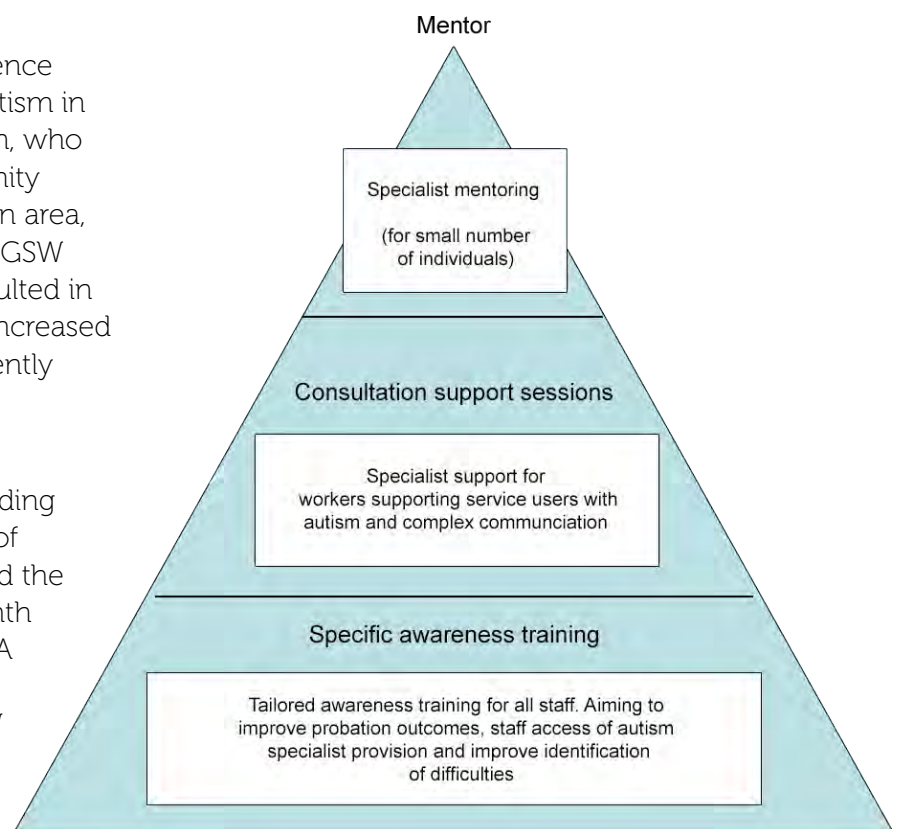


Figure 1- Initial model for 'Understanding Autism' project

The model selected was designed to benefit the widest population of service users whilst targeting the most complex cases for the highest levels of support. It considered existing successful models used for specific groups such as offenders with a personality disorder. Figure 1 illustrates the model that was used. The first stage looked at a tailored awareness training, which used specific examples related to the experiences and needs of staff who were attending. It also focused on providing specific tools and resources that probation staff could then use to adapt their practice. An important element of this was facilitating consideration of the sensory needs of people with autism and practical environmental adaptations, as well as ensuring that adaptations were made at all stages in the offender journey, from reception staff through to Probation Officers and Managers, who embedded screening discussions within individual clinical supervision sessions with staff.

Staff were then encouraged to refer for consultation sessions with the specialist diagnostic team. This consultation used the Gibbs model of reflection (Gibbs 1988) and focused on developing adapted approaches to enable officers to move forward in situations where they were finding progress challenging. Examples of this included development of specific social stories or use of more skilled communication tactics in sessions.

Staff were able to use this support to rethink their approach and consider novel approaches to

tricky areas such as victim empathy and tap into local resources. The project is now actively looking at reasonable adjustments that can be made to enable perpetrators or victims with ASC to engage in restorative justice.

A highly specialised mentoring service for a small number of particularly isolated offenders with autism was also piloted, working closely with probation staff and local health and social care. An autism champion was identified in BGSW probation who helped to facilitate referral and communications between probation staff and the project, as well as building up a body of consistent knowledge.

Academics at the University of West of England (UWE) took on a preliminary study looking at the impact that this project had on the work of BGSW probation, carrying out a set of qualitative interviews with a range of probation staff. This resulted in a range of emergent themes.

WHAT HAPPENED?

During the project over 200 staff from probation and also supporting services, such as drugs, alcohol and hostel services were trained in Autism Awareness. The feedback about the training was extremely positive and over 60% of attendees felt that they had been able to make active changes to their practice. In particular, staff reported making environmental changes and identifying the need to seek support for autism diagnosis and other neuro-developmental conditions.

A key learning was that less than 5% of attendees had an awareness of the Autism Alert card and its function.

During the project period ten service users were fully diagnosed with an Autism Spectrum Condition and the rate of referral continues to increase. Three service users were identified as having a learning disability, language disorder (Social Communication Disorder) or other neuro-developmental differences. Previous recording of autism as separate from a learning disability had been poor, and this made prevalence measurement more challenging. A key change during the project was the identification of autism as a separate, recordable condition distinct from a learning disability. In addition, the human resources department within the probation service became more aware that autism may be a relevant diagnosis for staff and ensured that their staff were trained and that this was a more careful consideration in their processes.

Interviews carried out by the UWE identified key themes for staff in terms of impact of the project. The first theme was 'Curiosity' which included ideas such as officers having better empathy towards autism and an interest in expanding knowledge onto a wider group of vulnerable service users. The second theme was around 'Individual Needs', where officers described areas such as reduced assumptions of negative intent from service users and increased awareness of vulnerability of people with autism.

The third was around 'Substantiating Staff Knowledge', which included areas such as officers having a better understanding of the areas of criminality that may be a greater risk for people with autism and a better understanding of local resources, including use of the autism alert card. The final area was headed 'Reduced Assumptions on Remorse' and described officers learning about different levels of emotional processing and not making assumptions around compunction.

FUTURE DIRECTIONS

Outside of its initial funding window and in times of greater financial challenge in all organisations, the project needed to develop a clearer business model in order to be able to maintain the service and outcomes it has already achieved. This has meant creative thinking about ways that the knowledge and specialist expertise within the project can be commissioned externally. This has focused particularly on specialist training and consultation as well as potential for highly specialist assessments. Consideration has also been given to the provision of pre-sentence telephone advice and guidance for the National Probation Service and sentencers.

A further area that may benefit from support would be training, screening and interventions to all prisons and the 'Through the Gate' teams. There is potential for the skills and learning of this project to be of value to wider services such as Social Services, Police and the Parole Board.

Within BGSW the project moved to having a greater focus on more direct work with repeat and prolific offenders, as workers began to identify the likelihood of neuro-developmental difference and specific health issues in this group. There is potential for this to be influenced by the Transforming Care agenda looking at trying to ensure that people with learning disability and or autism are able to stay living successfully in the community.

In order to be sensitive to the current financial climate thinking has also moved in the direction of development of packages of support for staff to use directly with individuals of groups with complex needs that they are supporting.

SUMMARY

The impact of having an autism spectrum condition for offenders in community settings has been poorly understood. This project has improved awareness and identification within BGSW probation services and facilitated an adapted approach to this cohort group, resulting in examples of better outcomes. In the first 6 months of the project 28 of 30 individuals involved in some element of the project completed their Community Orders successfully. The vital importance of making reasonable adjustments to interventions and supervision practice has created highly inclusive, responsive and engaging services for individuals exhibiting traits or diagnosed with Autism Spectrum Conditions.



Dr Sue Smith is Head of the Lorna Wing Centre (National Autistic Society). Previous role was Professional Lead for Autism at Avon and Wiltshire Mental Health Partnership. She is a visiting research fellow for the University of West of England and a member of the Research Autism Scientific Advisory Board. Sue was awarded a commendation by the Butler Trust for her work in 2016 leading the Understanding Autism Project in Swindon.



James Bamford is a Senior Probation Officer at BGSW CRC, taking the probation lead for the innovative Understanding Autism project. This project won an Award in 2015 at the National Learning Disabilities and Autism awards. James has worked within probation since 2005 and has received a range of local awards. In 2015, James received a Butler Trust Award and HRH The Princess Royal's overall prize for Outstanding Achievement.

Peer mentoring under transforming rehabilitation – the new Advise Assist Befrienders?

Francesca Marco is a Probation Officer for the London Community Rehabilitation Company (MTCnovo)



A lot has happened since Chris Grayling declared that “often it will be the former offender gone straight who is best placed to steer the young offender back onto the straight and narrow”. The role of mentors and the specialist skills of the voluntary sector were highlighted as a key part of the Transforming Rehabilitation (TR) programme when it was introduced, and that quote, given by Chris Grayling in a speech to the Centre of Social Justice in 2012, was the inspiration behind my Graham Smith Award research, completed in 2015 and presented at the Probation Institute Probation Practitioner Conference in Sheffield in June 2016.

The aim of my research was to focus on how the implementation of Transforming Rehabilitation was experienced by peer mentors (in this case meaning mentors who were also ex-offenders), their service users and the voluntary organisations that support them, and to compare it with the initial rhetoric from Government of utilising the skills of the voluntary sector and providing opportunities for ex-offenders. In Autumn 2015, a year into Transforming Rehabilitation and approximately six months after the private company CRCs took over, I completed semi structured interviews with four ex offender mentors, four probation service users (1 NPS, 3 CRC) as well as a volunteer co-ordinator from a large national charity. All participants came from one county in England and no claims are being made for the findings

being representative due to the small-scale nature of the research. One of the service users had volunteered as a peer mentor both in prison and in the community, and one of the mentors was employed as a peer mentor, allowing discussion of employment opportunities for peer mentors to also take place.

In discussion of views and experiences of TR, there was a great deal of cynicism from participants. One service user believed it was about “cuts and money” whilst another believed that the idea of using ex-offenders was only being considered because “the government are broke”. Mentors had concerns about the loss of localism and the danger of a ‘one size fits all’ approach taken with large contract package areas for CRCs. Familiar criticisms of payment by results were also mentioned (“cherry picking” and the difficulties of applying payment by results to an “angry resistant client group”).

The experiences of the mentors and service users of Transforming Rehabilitation at the time of the research differed. The service users had a limited knowledge of Transforming Rehabilitation and the wider changes, but the mentors and co-ordinator had seen their work suspended due to contract negotiations and spoke of low morale within probation offices and the lack of clarity around the changes. Their experiences included witnessing resources being cut for service users (funding for qualifications),

difficulties around mentors going into prison to meet service users and a number of implementation issues.

Wider themes brought up for the research included:

- The importance of shared experience to engagement
- Perceptions of judgement and ‘Them Vs Us’
- Acceptance of the idea of mentors as a resource for practitioners
- The importance of mentoring as a gateway to further opportunities for ex-offenders

Perhaps unsurprisingly, considering my sample, all participants saw a positive impact in using peer mentors. When this was explored further the importance of shared experience emerged. Participants believed that shared experience increased engagement, gave peers specialist knowledge and greater understanding of situations as well as providing visible inspiration and motivation to change for service users.

As well as believing that peer mentors were “less judgemental” than probation staff, some participants spoke of mentors’ ability to “bridge the gap between Them and Us”. As a probation officer it was interesting to hear about an apparent “Them and Us” divide, but concerning to hear about perceptions and experiences where service users and mentors had been judged by probation staff.

In exploring the reason for this apparent divide between probation staff and service users there was a perception that peer mentors were “real” or authentic, compared to probation officers who “had only learnt things out of books”. Other factors at play included the enforcement and authoritarian nature of the probation worker role, and the fact that volunteers were perceived as more dedicated because they were unpaid.

Using peer mentors was seen to benefit probation staff in two main ways: firstly, by improving the engagement and openness of service users but also as an extra pair of hands to help manage high workloads. In fact the acceptance of the idea, by mentors and service users, that mentors were a resource for probation staff required due to current ways of working, was an interesting one and I wonder whether it is shared by probation workers, or more pertinently by senior management.

A theme I had naively not expected to hear so much about was the barriers faced by ex-offenders around employment. All four mentors and the NPS service user recounted experience of how their criminal background had impeded them in employment. Sometimes it was an internal barrier like a lack of confidence. Other times it was organisational (DBS checks preventing an individual from getting even a voluntary position, or being allowed to volunteer but not access training or advance due to still being subject to probation).

Despite this the service users I interviewed genuinely believed that mentoring could be a pathway into desistance and future employment for ex-offenders. Recommendations made by participants included the idea of creating a pathway into volunteering at the end of the probation supervision period for those interested and considering paying exceptional volunteers to retain them after an appropriate period.

Although my research was only small in scale, its findings chimed with both previous peer mentor research and wider surveys and reviews of the position of the voluntary sector within TR. It provided a snapshot of the (often slow) implementation of TR in one county, which included contract difficulties and a lack of required resources at the frontline.

In writing this article I have been struck by the distance between the initial rhetoric which introduced the reforms and the current situation; where Offender Engagement Workers have been phased out by London CRC and recent surveys of the voluntary sector indicate increased uncertainty and instability in funding of their work with offenders. I would argue that the emerging picture shows that Transforming Rehabilitation is no “Rehabilitation Revolution” nor does it appear to utilise the evident skills and strengths of the voluntary sector to improve rehabilitation services.



Lived experience shaping probation services

The new Minister for Prisons and Probation, Rory Stewart MP, has so far focused his public comments on the importance of getting 'back to basics' by running 'clean, decent prisons'. Surely equally pressing will be the need to grapple with the continued implementation of Transforming Rehabilitation - the most radical reform of probation in decades, with his in-tray no doubt containing numerous reports from the National Audit Office and Her Majesty's Inspectorate of Probation.

For those who are subject to the criminal justice system or who work in it, there are no illusions about the challenges that lie ahead across prisons and probation. But we also know that, while hope is a precious commodity in the criminal justice system, every day many people are supported to move away from crime into fulfilling lives and go on to contribute hugely to their communities.

Revolving Doors research and practice shows that there are practical ways that probation service providers could continue to improve how they tackle some of the problems in our criminal justice system and see real system improvements. It comes down to a very simple yet fundamental shift in the culture of all our criminal justice institutions - seeing service user

involvement as an essential part of an effective system.

By service user involvement we mean the process by which people who are using or have used a service become involved in the planning, development and delivery of that service to make improvements. Across many sectors, there is increasing acknowledgement that the expertise of people with direct experience of social exclusion is unique and invaluable.

There are specific tangible and practical benefits to probation services in adopting this approach (and indeed for any voluntary sector or community organisation working with offenders in the community). Giving service users the opportunity to give their views and contribute to areas such as service design and monitoring of probation services has many benefits. It can ensure the service is responsive to needs, gives people a voice, and develops their skills.

At a more transformational level, service user consultation affords people the opportunity to take on a measure of responsibility that can assist in the journey away from crime. This way of working encourages social responsibility, the potential for change and increases awareness of a wider community that they can be part of and that values their contributions.



Revolving Doors has developed a practical toolkit for managers and staff of any probation service provider - whether a community rehabilitation company or within the National Probation Service - that wants to involve their service users in the management, design and delivery of their probation services. Our recommendations and tools have been tried and tested in the real world, where between 2012 and 2014 we worked with probation service providers in Hertfordshire, Bedfordshire and Norfolk & Suffolk to train and support them to develop their service user involvement systems. The toolkit is based on the learning from those pilots and on robust evidence from elsewhere, and is designed to provide guidance for other probation service providers. It gives a range of methods to involve service users in all aspects of probation work. While many services involve clients in certain aspects of their work, there are a whole host of areas where greater levels of involvement can reap rewards, from recruitment and training through to governance and communications.

What can you involve service users in?

Activity by service user	Examples	Key Benefits
Monitoring and evaluation	<ul style="list-style-type: none"> • Designing questionnaires • Conducting interviews • Facilitating focus groups • Mystery shopping 	<ul style="list-style-type: none"> • Brings different perspectives and questions to review process • More honest and open feedback from service users when they are asked by peer reviewers
Delivering training	<ul style="list-style-type: none"> • Leading workshops • Training staff • Sharing experiences e.g. media skills, writing questionnaires 	<ul style="list-style-type: none"> • Encourages other service users to get involved because they see their peers involved • Fosters an environment of trust • Offers unique insights into service users' perspectives on good practice
Selection and recruitment of staff	<ul style="list-style-type: none"> • Writing job descriptions and person specifications • Designing adverts • Short listing • Sitting on interview panels 	<ul style="list-style-type: none"> • Demonstrates to service users that their views are truly respected • Improves relationships within your organisation • Gives a powerful message to candidates about the importance of service user involvement to the organisation • Increases the likelihood of employing staff with the values and interpersonal skills that service users appreciate
Governance	<ul style="list-style-type: none"> • Serving as a committee or board member 	<ul style="list-style-type: none"> • Helps service users to gain a better understanding of your organisation • Brings a unique perspective to board-level discussions • Demonstrates inclusion and equality within your organisation
Service design	<ul style="list-style-type: none"> • Sharing views through consultation activities • Project team membership 	<ul style="list-style-type: none"> • Harnesses direct experiences of service users to improve services • Offers opportunities for service users to develop specific skills, enhancing self-esteem and employability
Service Delivery	<ul style="list-style-type: none"> • Peer mentoring • Developing good practice guides 	<ul style="list-style-type: none"> • Offers a more personal way for service users to get involved • Provides your organisation with unique 'first hand' knowledge and experience • Helps to break down barriers through the service user acting as a 'trusted' link between peers and your organisation
Media and publicity work	<ul style="list-style-type: none"> • Addressing events or attending party conferences • Speaking to the press • Featuring in your organisation's magazine or on the website 	<ul style="list-style-type: none"> • Highlights 'real life' stories and helps external audiences to better understand issues • Offers service users the chance to develop skills e.g. public speaking

Running a peer research project with offenders in the community

Peer research involves the subject group (in this case those on probation) taking on the role of the researcher. Peer research moves away from 'top down' research where those higher up in an organisation chose the way in which the research should be conducted, towards a 'bottom up' approach where individuals who are directly affected by the outcomes of the research play an active role in the research process.

Running a peer research project is a great way of kicking off service user involvement in a probation service and identifying issues for development or areas of existing good practice. For those probation services starting their service user involvement journey we recommend beginning by involving service users in a service evaluation.

There are many benefits of running a peer research project in probation:

- It can help break down barriers in an organisation
- People on probation may be more inclined to talk to their peers rather than staff members
- It is empowering for the peer researchers
- Peer researchers can gain new skills and experiences, which could influence desistance from crime
- It is an effective way of having user involvement running through your probation trust
- It is a development opportunity for your staff

The Revolving Doors handbook for staff on peer research draws on our experience of designing and undertaking peer research with people facing multiple exclusion, including people in contact with the criminal justice system.

It follows on from our recent literature review on peer research which concluded that ambitious peer research can "challenge power dynamics, bring considerable personal benefits to peer researchers themselves and create powerful new knowledge in the field of multiple disadvantage research".¹

“The peer research project was brilliant. It saw the successful engagement of a group of service users who stuck with the project and produced some concrete products. The experience of involvement was very powerful for them and for us as staff. It was a great way to start our thinking about how we can use service user involvement more widely in our probation trust.”

Staff member



¹ <http://www.revolving-doors.org.uk/news--blog/news/peer-research-literature-review/>

Commissioning together project

Revolving Doors has piloted models of peer research in two London boroughs over the last two years working with teams of commissioners across connected services. Trained peer researchers (all offenders or ex-offenders with other multiple needs) in our Wandsworth project have for example influenced local commissioning decisions affecting Integrated Offender Management services. One of the exciting and unpredicted outcomes of the work was service users being commissioned to train probation staff on their findings relating to preventing reoffending and improving engagement. Our learning shows it is both possible and important to build a diverse team of peer researchers that represent the communities they are seeking to research.

A peer researcher for Revolving Doors, said 'Peer researchers have been genuinely listened to in Wandsworth where our findings have changed local services for the better. People with direct experience of things like offending can get involved in research in so many ways, and make sure that it really focuses on what's important.'

Both the toolkits on service user involvement and peer research focus on means of embedding service user involvement into an organisation – moving beyond simply having a service user group to an effective, sustainable model that shapes a whole service from top to bottom. We hope these guides are useful, and would welcome any feedback or information on how you have used them.

Both the involvement toolkit and peer research handbook are available to download on Revolving Doors website: <http://www.revolving-doors.org.uk/news--blog/news/practical-toolkits-for-prison-governors-and-staff/>



Why Punish?

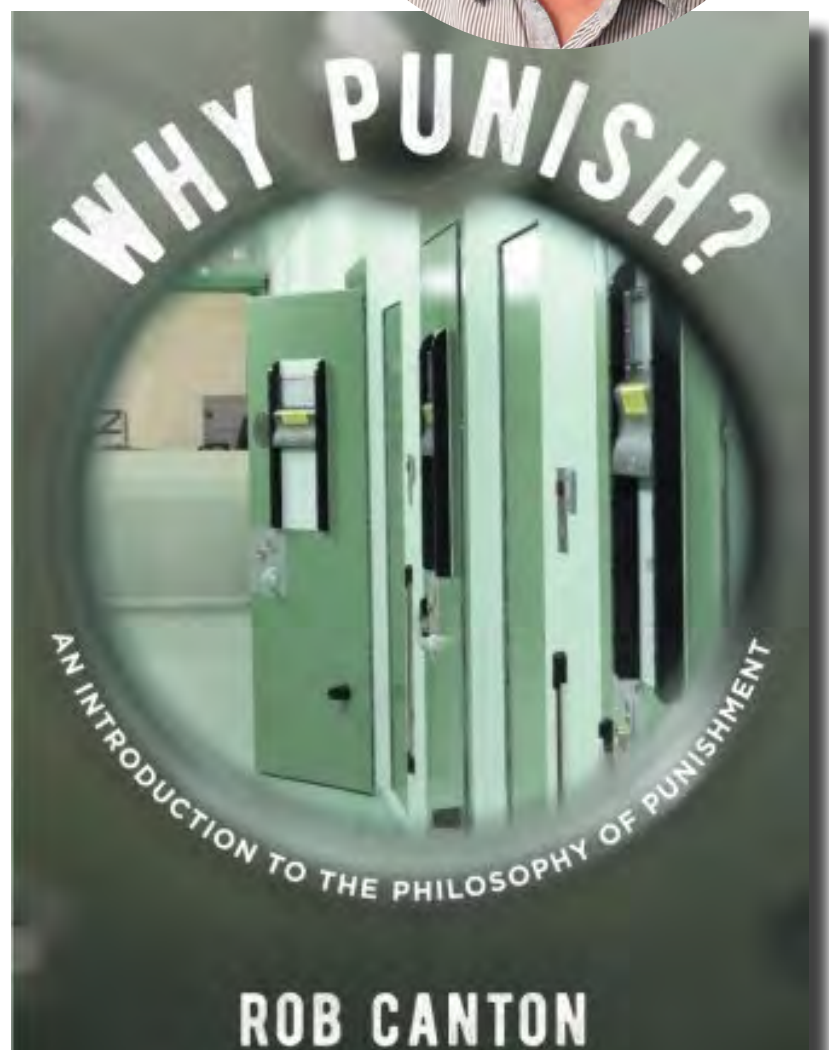
Review articles on Rob Canton's Introduction to the Philosophy of Punishment

The British Society of Criminology Midlands Branch met recently in Leicester to reflect on Rob Canton's book, [Why Punish?](#) An introduction to the philosophy of punishment. Rob introduced his book and Anne Worrall (Keele University) and Gavin Dingwall (De Montfort University) presented short papers on selected themes from the book.

Why Punish? challenges the stories we tell ourselves about punishment – that it makes us safer by reducing crime; that it honours the experience of victims; that it rights the wrongs of crime – and begins to discuss how these objectives might be better achieved.

It argues that understanding the role of punishment in society requires a three-fold inquiry: a sociological inquiry into the 'causes' of punishment; a political inquiry into the 'purposes' of punishment; and, an ethical inquiry into how we should and how we may punish.

So what might 'better' punishment look like? Among other things, first, it would recognize that crime is reduced less by punishment than by social justice and that more punishment does not mean more effectiveness in reducing crime. Second, punishment must be seen as legitimate and this involves relationships of trust, respect and humanity between those who punish and those who are punished. Third, punishment should be the minimum required – it should be proportionate – not only in the cause of individual justice but to avoid a society in which punishment is contagious and corrupts our communities by generating mistrust, intolerance and exclusion.



Who should be punished? The cases of Max and Rita

Anne Worrall, Keele University

A few years ago, Rob and I were involved in writing the Probation Institute's Code of Ethics and we were interviewed for an article about this in Probation Quarterly. One thing that Rob said then has stayed with me and it goes something like this:

“None of us would like the worst thing we've ever done to be put on our tombstone defining our lives – everybody is more than that bad thing that they've done.”

One of the persistent themes of Rob's work has been his belief that we should resist the tendency to see offenders as being fundamentally different from us. Rob has also been a strong critic of arguments that make clear distinctions between offenders and victims. Viewing the interests of offenders and victims as being always in opposition perpetuates a false 'us and them' dichotomy that feeds into what he calls the 'contagions' of punishment – the danger that a zeal for punishment can pervade and corrupt many other aspects of our individual and collective lives. It can 'generate general intolerance, mistrust, exclusion and a corrosion of community' (p.190). We should instead take every opportunity to stress what we have in common, our shared humanity.

In my own work, I have talked about 'constructing punishable people', by which I mean the stories we tell ourselves about people who break the law that enable us – as citizens and as criminal justice professionals - to decide which of them 'deserve' to be punished and which can be defensibly dealt with in other ways. More often than not, this involves deciding which offenders we can empathise with and which we consider to be 'not like us'.



In recent decades, since the introduction of the concepts of 'punishment in the community' and 'what works' in the 1990s, the aim has been to make these decisions more objective and systematic using risk assessment tools. But, as Rob said in his previous book *Probation: Working with Offenders* (now in a second edition co-authored with Jane Dominey 2017), while instruments contribute to rigour and consistency in assessment, 'appreciation of the human aspects of assessment is quite as important as a consideration of its technicalities' (p.92). When a practitioner meets an offender (or client or service user) the interaction is shaped by many things including personal identity, assumptions and beliefs, perceptions of power and various anxieties, doubts and fears on both sides.

My interpretation of Rob's work, including his international work on Probation and Human Rights, is that it is characterized overwhelmingly by a concern about dealing ethically with those offenders who have already been let down by family, education, the law and society in general and whose behaviour is – yes, unacceptable; yes, anti-social; yes, damaging; yes, inexcusable; but no, not inexplicable; not, as the media would often have us believe 'mindless'. Let me illustrate.

In *Why Punish?* Rob gives us two examples of offenders who fit this description – Max and Rita. Max is a young man who drunkenly thinks it would be fun to press the ‘stop’ button on an escalator in a shopping centre, causing an elderly woman to trip and injure herself. He is immediately remorseful. Rob points out that, although Max’s behaviour was utterly stupid, the consequences of it were very much a matter of luck. Eight times out of ten, nobody on the escalator would have been hurt, on the ninth occasion, someone could have been seriously injured or even killed by the fall. On this occasion, a vulnerable, elderly woman was moderately hurt. Max didn’t intend any harm but clearly he had to be held to account in some way – preferably in a way that would persuade him never to behave like that again.

Rita is a persistent and some would say ‘professional’ shoplifter with a background of abuse and domestic violence. She will be instantly recognizable to anyone who has worked in probation or prison in the last 20 years, during which time two contradictory developments have meant that a) women’s offending behaviour has been increasingly visible and understood and b) increasing numbers of women offenders have been sent to prison. The complexity of women’s offending and how to respond to it has been one of the most controversial aspects of late 20th and early 21st century criminal justice policy and practice. As I have argued in the past, the risk of making women’s offending visible is that we construct ‘punishable’ women and feel justified in punishing them ‘the same as men’, failing to take account of the very different contexts of most of their offending behaviour.

In the conclusion of *Why Punish?* Rob quotes Nils Christie’s four aspects of the appraisal of punishment. One of these is ‘the nature of those who are punished’, especially how representative they are of the general population in respect of age, gender, race, class etc. Much has been written about all these aspects of demography and identity in relation to crime and criminal justice but the point I would like to emphasise here is not so much the obvious one that we should not be punishing certain groups in society disproportionately.

Rather that, as we make decisions about who deserves to be punished, we should always remember that the punishable people we are constructing are reflections of ourselves, for better or worse, not aliens that we can regard as ‘other’. When Rob Mawby and I interviewed probation workers a few years ago for our book on occupational cultures in probation (Mawby and Worrall 2013), my favourite quotation, which I have used shamelessly many times since, came from a Chief Officer who said:

“ **I think offenders are great. We still have some probation officers who don’t like offenders. I really worry about that. At induction I say to people...if you’re meeting offenders, like them for goodness sake, because if you don’t like them, this will be a miserable job and you’ll be scared of them and they’ll know.** ”

His message, as I read it, is that there is no point working with offenders, who let’s not forget are being punished (however much we like to think they welcome probation ‘help’), unless you actually want to see them change for the better and become acceptable – and accepted – members of the community. Rob’s work has always echoed those sentiments and, as he says in his recent chapter in Vanstone and Priestley’s (2016) collection of personal reflections by former practitioners,

“ **Punishment by the state should be done against a background of confidence, shared by the punishers, the community and the person who has offended, that the status of ‘offender’ is temporary and that all involved will look forward to opportunities for reintegration and the restoration of the individual to community membership (2016:64)** ”

'Punishability' and the Restriction of Interests

Gavin Dingwall, De Montfort University

This short article develops two themes which run throughout Rob Canton's recent monograph *Why Punish?* (Canton, 2017) – the concept of 'punishability' and that punishment, however justified, constitutes an interference with an individual's interests.

'Punishability' acknowledges that the criminal justice process determines who is 'worthy' or 'deserving' of punishment. As my colleague, Tim Hillier, and I have put it:



“**Decisions have to be made which can have far-reaching consequences, not only to the person whose conduct is or is not adjudged to be culpable. Other stakeholders are affected, perhaps most notably those directly harmed by the incident: the attribution of blame may change the sense in which they are seen to be victims. More broadly, society is affected by our readiness to apportion blame and by the consequences which follow such a finding. (Dingwall and Hillier, 2016:168-169)**”

Claims that someone is 'blameworthy' and 'deserving' of punishment demand careful scrutiny given that their individual interests are at stake. Quantifying 'blame' is not easy. Take the example of Rita - a woman in her early thirties who has been convicted of theft from a shop. She has a history of (mostly minor) property offending and asks that seven additional offences are taken into account by the court. Her offence shows considerable planning. Physical and sexual abuse and material and emotional neglect led to her being taken into local authority care when she was 12.

Attempts to place her with foster families proved unsuccessful and she spent most of her teenage years in care homes. Her educational potential has been unfulfilled and she has never secured regular employment. She has had a number of relationships with men who have exploited and abused her. Her current partner is bullying and her defence solicitor believes that he has more to do with the offending than she is prepared to disclose.

When an account like this is presented, it is sometimes seen as an attempt to elicit sympathy for the offender and, by implication, to minimise his or her personal responsibility. This is the purpose of a defence lawyer's plea in mitigation. Presenting more detail has the effect of making the offender more complex and more human. The key point is that, if detail is now extracted, the remaining facts distort and mislead. The likelihood of injustice is increased and the effectiveness of any intervention is threatened.

To return to the example, there is evident harm: shops lost goods. Prima facie she would appear 'punishable'. Is there though a reliable and objective test for determining whether someone is 'punishable' and, if she is, how culpable she is?

The Sentencing Council in England and Wales have sought to provide guidance on these questions (Sentencing Council, 2015). They provide a list of factors which, in effect, prescribe what facts are relevant in theft cases and, if something is relevant, the effect that it should have on sentence. But this scenario, which is in no way atypical, does not lend itself to easy classification. For example, the guidelines suggest Rita is 'highly culpable' due to the significant planning yet she has 'low culpability' as there is a perception that 'coercion, intimidation or exploitation' was present. Even if it is accepted that she is 'punishable', the invidious task of determining how culpable she is remains. This, primarily, is a retributive concern.

Canton acknowledges that it is a moral imperative to determine who should be held to account – and, of course, this does not necessarily correspond to who is held accountable – for their actions:

“**Retribution, in all of its many formulations, sets limits to the amount of punishment: it will always be relevant to protest that a punishment is excessive or too lenient. Retribution also binds the imposition and the amount of punishment tightly to an offender's actions, to conduct for which they can fairly be held responsible. (Canton, 2017:81)**”

These concerns are vital given the impact punishment has on an offender's interests. It is to this that the article now turns. Early in *Why Punish?*, Canton asks whether the 'hardship or deprivation' explicit in most definitions of punishment depends 'on the intention of the punisher, or the experience of the person punished' (p.4).

This question transcends penal justification. If retribution is paramount, an 'identical' proportionate punishment may lead to exceptionally diverse penal experience:

“**[Two] years' imprisonment in a single setting will have very different meanings to different offenders who committed the same crime. Two years' imprisonment in a maximum security prison may be a rite of passage for a Los Angeles gang member. For an attractive, effeminate (sic) twenty-year-old, it may mean the terror of repeated sexual victimisation. For a forty-year-old head of household, it may mean the loss of a job and a home and a family. For the unhealthy seventy-year old, it may be a death sentence. (Tonry, 1996:19)**”

The quest to achieve a consistent proportionate penal response is jeopardised if the offender's individuality is not adequately reflected. Sentencing guidelines of the type mentioned above simply cannot do this. However, marginalising the interests of the offender is problematic for those who seek to justify punishment on consequentialist grounds. Canton explains the dilemma:

“**Crucial too are the objectives that the offender may decide on for herself: perhaps originally welcoming a probation order simply as a way of avoiding prison, she may come to appreciate the support it offers and the opportunities it provides. Not nearly enough is known about how offenders themselves understand and experience their punishments; the meanings they find and any purposes that they set may variously support or perhaps subvert the purposes set by others. (2017:40)**”

Here there is an alignment between what is seen to be in the offender's best interests and what she eventually sees as being in her best interests. But this is often not the case.

Returning to the scenario given above, the shoplifter demonstrated no remorse for her actions and believed that there was no alternative to stealing in order to obtain money. Any attempt to address her offending raises the issue of whether intervention would be in her best interests.

There are fundamental questions of agency here which relate to the definition of punishment (is it punishment if an offender does not perceive the outcome as a hardship?), to potential justifications of punishment (different perceptions of punishment may impact upon

their effectiveness), to perceptions of legitimacy (if the offender believes her interests are being ignored or marginalised) and to how criminal justice professionals perceive their role.

Moral legitimacy should inform any discussion about 'punishability' and the use of a practice designed to restrict individual interests, sometimes significantly. Canton never departs from the need for us to justify our responses to crime and, particularly, on the need to adopt better punishment.

Why Punish? is a reminder that we must do better. Towards the end of the work, Canton provides a number of suggestions which could be implemented to reduce the senseless and unwarranted hurt that the criminal justice system inflicts. All demand consideration.

References

- Canton, R. (2017) *Why Punish? An introduction to the philosophy of punishment*, Palgrave Macmillan
- Canton, R. (2011) *Probation: working with offenders*, Routledge
- Canton, R. & Dominey, J. (2017) *Probation: working with offenders*, 2nd edition, Routledge
- Dingwall, G. and Hillier, T. (2016) *Blamestorming, Blamemongers and Scapegoats: Allocating blame in the criminal justice process*, Policy Press
- Mawby, R. & Worrall, A. (2013) *Doing Probation Work: Identity in a criminal justice occupation*, Routledge
- Priestley, P. & Vanstone, M. (eds) (2016) *Probation and Politics: Academic reflections from former practitioners*, Palgrave Macmillan
- Sentencing Council (2015) *Theft Offences: Definitive guideline*, Sentencing Council
- Tonry, M. (1996) *Sentencing Matters* Oxford University Press



3RD ANNUAL PROBATION PRACTITIONER CONFERENCE 2018

2nd July 2018
London

Delivered in partnership with the National Probation Service and CRCs, the Practitioner Conference will conclude with the Probation Institute sponsored 15th Annual Community Justice Portal Lecture.

More details to be released soon via our Twitter feed @ProbInstitute or contact us by email admin@probation-institute.org