Probation Practice at the End of the Troubles: Reflections from a Distance

Brian Stout*

Summary: This paper reflects on the author’s experience as a Probation Officer with the Probation Board for Northern Ireland in the 1990s, before and after the ceasefires and Good Friday Agreement, with reference to his varied experiences since then as a social work and criminal justice academic in South Africa, England and, now, Australia. It argues that although the practice setting was atypical and quite distinct from the lived experience of current students and practitioners in other places, observations from practising probation work in a civil conflict context have a lot to contribute to the learning of current students, practitioners and organisations. The paper considers the themes of restorative justice and desistance as well as occupational culture and community links. It suggests that reflections on practice in Northern Ireland might make a wider contribution to debates about the nature of probation practice and work with offenders.

Keywords: Northern Ireland, probation, offenders, supervision, probation practice, occupational culture, integration, desistance, social work, restorative justice, community, edgework.

Introduction

Probation practice in Northern Ireland during the Troubles had distinctive characteristics in an unusual context, and this paper reflects on whether there are insights to be gained from that experience that could have wider application. Social work academics in Australia, where I now work, teaching on accredited social work programmes, are required by the accrediting body, the Australian Association of Social Workers (AASW), to have a social work qualification and ‘experience in a range of practice

* Brian Stout is Associate Professor of Social Work, University of Western Sydney. Email: b.stout@uws.edu.au
areas’ (AASW, 2012, p. 3). I meet the requirement by way of my MSW from Queen’s University, Belfast and my practice as a Probation Officer in the Armagh/South Down team of Probation Board for Northern Ireland (PBNI) from 1995 to 2000. As I work with my students, some of whom will work in criminal justice with adults or young people, I reflect on how my particular experience informs my understanding of social work and my teaching.

I worked with offenders in the community in Armagh and Down immediately before and after the 1998 ceasefires and with young people in Portadown and Newry during the time of the Drumcree riots. What relevance does that experience have to contemporary Australian practice? The same question could have been asked about my work in South Africa from 2000 to 2003 and in England from 2003 to 2012. This paper will discuss the wider relevance of probation practice in Northern Ireland in the 1990s to social work and probation practice beyond that time and place. It will focus firstly on PBNI’s introduction of restorative justice with offenders and then on the distinct occupational culture that developed at that time.

Restorative justice and desistance: Supervising offenders in the community

Restorative justice is now so established throughout the world (Sullivan and Tifft, 2007) and so strongly associated with transitional justice, particularly in Northern Ireland and South Africa (Clamp and Doak, 2012; McEvoy and Eriksson, 2007; O’Mahony et al., 2012), that it is worth recalling that in the 1990s it was considered new and innovative and was mainly associated with indigenous, aboriginal communities (McCold, 2007).

The story of restorative justice in Northern Ireland is well known and has been researched and recorded (see, for example, Campbell et al., 2005; O’Mahony and Doak, 2004, 2011), but in the focus on the Youth Justice Agency, the Police Service for Northern Ireland (PSNI), the Community Justice groups and even subconscious memories of Brehon law (Fulton, 2008), it is seldom noted that a primary initiative to import restorative justice to Northern Ireland was led by PBNI and was instigated before the Criminal Justice Review in 2000.

In the 1990s, PBNI, which at that time was responsible for supervising young offenders in the community, invited New Zealand practitioners to
train probation staff in restorative justice. This particular restorative justice model was an intervention that gave a central role to the police, and it was adapted for probation purposes and incorporated into the Watershed programme for high-risk (i.e. serious and/or persistent) young offenders as a post-sentence intervention and an integral part of a probation order. Early restorative justice conferences in Northern Ireland were organised by PBNI and targeted at high-risk offenders and building links to the community. They were fully integrated into formal criminal justice processes and created an expectation that restorative justice could be made available to all young offenders.

My own experience of organising these conferences, including for a very serious property offender dealt with by the Crown Court and a persistent offender who had most recently assaulted and robbed an elderly woman, suggested that restorative justice was a powerful intervention with even the most serious offenders and that conferences provided greater satisfaction to victims than traditional court processes. However, the conference and the action plan were not sufficient on their own to deal with all the offender’s needs, and nor were they expected to be; conferences were important, but the desistance process did not stop and start with a restorative conference. The fact that restorative principles informed all aspects of youth justice work was more important than the actual process of the conference.

These first experiences of restorative justice shaped the development of restorative practices in Northern Ireland and continue to influence the criminal justice system. The Northern Ireland Youth Conferencing Service was instituted as part of the new Youth Justice Agency in 2003 and had very strong roots in PBNI. Practitioners and managers were recruited from PBNI, and the PBNI experience of delivering restorative justice significantly informed the work of this new agency. This form of restorative justice is integrated in the community, linked to the wider criminal justice system and targeted not just at first time offenders but at some serious and persistent offenders too (Campbell et al., 2005, found that over 20% of young people undergoing conferences in Northern Ireland had three or more previous convictions).

Restorative justice is now widely used throughout the world but its conceptual simplicity and popularity mean there is a risk of it being adopted as a technique with little consideration of underlying values (see Braithwaite, 2003, for a discussion of the underlying social justice values of restorative justice). The fact that restorative justice in Northern Ireland...
had its origins both in community justice and in a statutory agency with strong community links meant that it was not disassociated from wider conceptions of justice.

Restorative justice was far from the only influence on probation practice in the 1990s: much of the offender management practice of PBNi was influenced by the burgeoning ‘What Works’ movement and there was a focus on the delivery of programmes for both adult and young offenders (Fulton, 2008; O’Mahony and Chapman, 2007). Two-thirds of the population of Northern Ireland lives in or near Belfast, and the main venue for programme delivery to adult offenders was the Probation Day Centre in Belfast, but these or similar programmes were also delivered to young offenders and in more rural areas.

As so often in Northern Ireland, however, the ‘What Works’ or effective practice initiative was implemented in a slightly different way than in England and Wales. There was less central control, less emphasis on measurement as opposed to action, and the work of probation was less likely to attract political comment or interference. Importantly, the strong link between PBNi and local communities extended to the delivery of programmes. In my experience, programmes were often co-facilitated by a Probation Officer and a worker from a community or voluntary organisation (such as the Northern Ireland Association for the Care and Resettlement of Offenders, NIACRO) and were more likely to be run in a church hall, health centre or community centre than a probation office. The use of local volunteers to transport clients to and from these sessions again reinforced the roots in the community and the impression that these programmes were a community-based resource rather than a criminal justice intervention.

Subsequent desistance research has shown that it is unrealistic to expect a programmatic intervention to end offending behaviour but that such approaches need to be offered alongside support in maintaining relationships, seeking employment and building community links (McNeill, 2006; Farrall and Calverley, 2006). Even at the height of the ‘What Works’ movement, the practice of PBNi maintained that important community element.

The maintenance of a community link, even when effective practice was a primary concern, could have contributed to the effectiveness of interventions but it might also provide a partial explanation as to why probation in Northern Ireland has taken such a different organisational trajectory to probation in England and Wales in the subsequent two
decades. In the 1990s, the work carried out by Probation Officers in Northern Ireland was essentially similar to that carried out in England and Wales (albeit in a very different context). Now, the policy and organisational context is almost unrecognisably different, to the extent that it is actually not permissible for a qualified and employed English Probation Officer to practise in Northern Ireland without further training.

In England and Wales the emphasis on effective practice contributed to the trajectory that led to the end of social work training as the pathway into probation practice, and then on to the creation of the National Offender Management Service (NOMS) and ultimately to the plans of the coalition government in 2013 to facilitate the widespread use of private providers to deliver probation services. In Northern Ireland, where effective practice research was interpreted in a community context, probation remains a public sector organisation, probation officers are still required to hold a social work qualification and PBNI focuses on building community links, rather than creating frameworks to facilitate private provision.

Probation culture, edgework and relationship to the community

Probation Officers in Northern Ireland in the 1990s worked in a distinct legislative, policy and community context, both prior to and following the ceasefires and the Good Friday Agreement of 1998. There were two major determinants of this distinct approach. Firstly, in the 1970s probation staff decided that they would not work with politically motivated offenders and would only assess and supervise non-political offenders. The process of this determination was as significant as the decision itself, as it was a rare example of a decision made initially by probation staff (under the auspices of NAPO) and later agreed to by management and by the courts (Carr and Maruna, 2012). Secondly, the Black Report of 1979 set the framework for probation policy for the two decades to follow. Juvenile justice was to be managed within the criminal justice system and probation practice was to be managed by a Probation Board, not directly by the civil service.

As Fulton (2008, p. 730) describes, a ‘paradoxical’ aspect of working in a civil conflict situation was that Probation Officers spent more time in communities and worked more closely with community groups. Almost 20% of PBN’s total budget was spent on community development, purchasing services such as hostels, training workshops and support for
prisoners’ families, and Probation Officers spent as much time engaging with community groups as they did engaging with other criminal justice agencies (O’Mahony and Chapman, 2007).

Probation Officers in the 1990s, therefore, benefited hugely from the courage and foresight of their predecessors and had achieved a neutral position and a professional status that gained respect from both the community and the criminal justice system. But what was it like to work in that way, in that context? It is common for people who lived in Northern Ireland during the Troubles firstly to speak modestly and reticently about their experience of violence, and secondly not to come to a full appreciation of the impact of living through civil conflict until they have left that environment. It is suggested that this is particularly true of probation staff.

PBNI was, and is, a relatively closed organisation – it is a small organisation with a limited turnover of specialist staff and a senior management group that is largely promoted from within – so perhaps it has not fully appreciated how unusual a context it has been operating in. In addition, Probation Officers have always been acutely conscious of the fact that any threat or inconvenience that we endured paled in comparison to the impact that the Troubles had on the offenders, victims and families we worked with and our professional colleagues in the police, prison service, judiciary and wider legal profession.

Considered from a distance – both in time and in geography – the Troubles were ever present in the day-to-day work of probation. To take my personal experience, I worked in a rural area team, Armagh and South Down, covering four courthouses and four probation offices, and within the space of a few years two of the courthouses (Newry and Armagh) and two of the offices (Banbridge and Portadown) were destroyed or seriously damaged in bomb explosions. Probation Officers worked alongside criminal justice professionals who were targeted by paramilitary organisations, at the same time as working in communities with close ties to paramilitary groups. The riots associated with the Drumcree parade disputes dominated the atmosphere of all areas for weeks every summer, and Probation Officers could find themselves running activities with a group of young probationers some of whom had been throwing stones at each other a few nights previously. It is worth noting that at no point did PBNI or any of its community partners run ‘single identity’ groups but always expected offenders from both Northern Ireland communities to interact. All Probation Officers and youth justice workers work with
young people who have difficult and dangerous lives, but the impact of the Troubles brought an extra dimension of risk to those young people.

Probation Officers, and their community partners, worked with young people who were threatened and assaulted by paramilitary groups and sometimes excluded from the areas where they lived. A number of those young people were later killed in violence related to the civil conflict, and some died in the most horrific circumstances. The practice of Probation Officers to work in the community and to visit clients in their homes made the impact of this violence more present and relevant: I have a vivid memory of visiting a young man in his home the day after he had received a paramilitary ‘punishment beating’ and being able to observe not just his injuries but his blood still drying on the walls.

My experience of working in probation at that time was not in any way unusual or extreme but, rather, ordinary and unremarkable. Stories similar to mine could be told by any Probation Officer who worked in Northern Ireland at that time. Understandably, this context had a considerable impact on probation practice and the culture of the organisation. Mawby and Worrall (2013) recently carried out research into probation culture, and many aspects of their analysis of occupational culture in England in the 21st century shed light on the culture of PBNI in the 1990s. Their concept of probation as ‘edgework’ has particular relevance to probation practice in that context. The authors describe edgework in probation practice as comprising voluntary risk-taking and working close to the boundary between control and chaos.

In recent years the practice of Probation Officers of spending much of their working lives in offices in front of computers has taken them away from this edge, but the nature of Northern Irish society and the role played by Probation Officers in the 1990s meant that their practice could be more commonly described as edgework. One aspect of edgework is the ‘bridging’ role played by probation, exemplified by officers who can sit with judges and shake hands with offenders (respondent to Mawby and Worrall, 2013). In Northern Ireland during the Troubles, the division between offenders on one hand and police and judiciary on the other was greatly exacerbated by the civil conflict, and the bridging role of Probation Officers extended to visiting homes in areas where police officers would not venture without armed support. The bridging role extended across the community; officers could visit communities a few miles apart on the same morning, visiting individuals who would never feel safe to venture to the other estate.
As discussed above, it was PBNI’s neutral role and its decision not to work with politically motivated offenders that gave the organisation, and the individuals within it, the legitimacy to work across the community (Carr and Maruna, 2012). However, as Carr and Maruna (2012) rightly state, the line between politically and non-politically motivated offences was not always an easy one to draw. By the 1990s, this division was becoming increasingly blurred due to two main factors. Firstly, new legislation, led by the Criminal Justice (Northern Ireland) Order 1996, meant that Probation Officers were expected to write reports on all offenders, including those convicted of serious offences, and that brought a larger group of more serious offenders into PBNI’s ambit (Fulton, 2008). Secondly, the substantial overlap between offenders involved in paramilitary activity and those involved in the drug trade, particularly young men from loyalist communities, meant that many paramilitary offenders could also be brought into contact with the criminal justice system for offences of drugs and violence.

It is important to make the distinction that although PBNI continued to refuse to work with paramilitary offences, it did still work with many offenders connected with paramilitary groups. It was this work that most closely fits the definition of edgework, not just because of the intensity and element of danger but also because of the creativity required to work effectively with these clients – to find a way to challenge offending behaviour while steering away from any discussion that might be considered political.

An important aspect of PBNI’s community partnership and its occupational culture was its partnership policy and its deliberate blurring of the boundaries between the statutory and voluntary sectors and even between workers and clients. As previously discussed, groupwork was often run jointly with community and voluntary groups, and community leaders and representatives also played a role in other sentences and interventions, particularly community service. Community service has always contained elements of punishment, reparation and rehabilitation (Mair and Canton, 2007), but managing the order within a context of links between PBNI and the community meant that reintegration was a primary goal. Community service placements were just one aspect of the relationship between probation and community groups.

I worked with a young woman who carried out her community service at a local church and was introduced by the priest as a ‘volunteer helper’. When her hours were completed, the young woman was given a box of chocolates by some grateful women from the congregation. When she
later related the story to me she was visibly moved, and described it as the first time in her life anyone had ever thanked her for anything. The contrast between this experience and the recent English political rhetoric of ‘visible punishment’ could not be greater, and should not simply be explained away as one positive experience, created by one kindly priest. The legislative, policy and relational context ensured that community service was conceptualised as someone carrying out a service for the community that they belonged to, so it was much more common for those who underwent community service to experience it as reintegrative. Crucially, community service was often hosted by agencies that had other associations with PBNI as well, through either the receipt of funding or other partnership work.

One final policy from that time that facilitated community links, promoted neutrality and reflected the unusual context of the work was the ‘new careerist’ scheme to employ ex-offenders, including ex-paramilitary offenders. The employment of ‘ex-combatants’ to facilitate the move to a post-conflict state is an important aspect of transitional justice (McEvoy and Eriksson, 2007), but this initiative also had an impact on PBNI’s occupational culture. Unlike other plans to mentor or to employ ex-offenders, the new careerist scheme was based on a full integration of those employed in that way into the organisation. They had desks and offices, co-worked cases, attended team meetings, led residential workshops and participated in the organisation’s social and sporting activities. PBNI facilitated those who wished to achieve social work or other qualifications to do so. This approach was entirely congruent with the values of PBNI and the porous boundaries between the organisation and the community. Its significance can now be seen in insights from the desistance research; important though it is for ex-offenders to be given training and employment opportunities, it is vital that this be facilitated in a manner that also allows them to move beyond the label of an ‘ex-offender’ (Maruna, 2012).

The wider application of Northern Irish probation practice

This concluding section will suggest that there are insights from the 1990s Northern Ireland probation experience that have wider relevance and that speak to the nature of work with offenders in the community. These insights particularly relate to restorative justice, desistance and links to the community.
The important aspect of introducing restorative justice to a criminal justice jurisdiction is the promotion of restorative values, not merely the adoption of conferencing techniques. The focus on these values from the very introduction of restorative justice to the criminal justice sector by PBNI in the 1990s has carried through into the Youth Justice Agency, and the values of that agency have significantly influenced the positive evaluations that its restorative justice work has received.

The integrated approach to restorative justice in Northern Ireland contrasts with some of the patterns elsewhere, such as in South Africa, where restorative justice is targeted primarily at young, low-risk, first-time offenders and processes can become separated from wider debates about justice and social equality (Clamp and Doak, 2012). In England and Wales, the Labour government adopted restorative justice as a technique or process without real engagement with its values (Stout and Goodman, 2008) and the coalition government is now able to consider restorative conferencing in isolation from its wider social values and to introduce restorative conferences for some offenders while simultaneously advocating greater punitiveness in community sentences and dismantling the Probation Service (Ministry of Justice, 2012).

The long Australian tradition of restorative justice has provided a greater connection between those processes and wider debates and social justice concerns as well as a greater ambition as to which offenders and offences are considered appropriate for restorative justice. However, recent research by the New South Wales Bureau of Crime Statistics and Research (BOCSAR) has posed challenges to Australian restorative justice advocates, finding that Youth Justice Conferences were no more effective in reducing reoffending than the Children’s Court (BOCSAR, 2012a). In the accompanying press release, the researchers suggested that simply using conferences, without addressing the underlying causes of offending, led to this absence of significant impact (BOCSAR, 2012b). The practice of PBNI in the 1990s demonstrates that it is possible to promote restorative justice values in a way that includes all offenders and builds links both to the wider criminal justice system and to the local community.

The values of an organisation are also demonstrated through its occupational culture. Mawby and Worrall (2013) introduce their research by describing probation occupational culture as less well understood than in other criminal justice occupations, and this remains the case – there is little published on the subject beyond Mawby and Worrall’s own work.
Working for PBNI in the 1990s very clearly fitted the definition of edgework, in that it was exciting, sometimes risky and it encouraged creativity. In a similar way to social workers in Northern Ireland (see Heenan and Birrell, 2011), Probation Officers became very skilled practitioners in working with violence and trauma. It led to the creation of an occupational culture that was characterised by a strong professional identity, personal commitment to the work and a high level of peer support. Further research on the occupational culture of various probation organisations, particularly in widely different policy contexts, would be highly beneficial to a wider understanding of probation practice. In both South Africa and Australia, corrections and probation agencies are made up of a wide range of staff with varying backgrounds and training, who practise in settings ranging from busy urban centres to dispersed rural communities. Research into the occupational culture in those organisations could bring fascinating insights into how probation culture varies in different contexts.

Finally, it is the community-based nature of probation services in 1990s Northern Ireland that now appears most striking and so different from current probation practice, particularly in England and Wales. The very location of probation conversations – in homes, cars or community locations as opposed to behind security barricades in distant offices – creates a context and an atmosphere in which to engage with individuals. The move to increase the use of private providers in delivering probation services in England only serves to increase the distance between workers and the community that they serve. The experience of PBNI demonstrates that building community links and trust can be a long and pain-taking process but, unfortunately, experiences elsewhere demonstrate that those links can be broken easily and quickly.

A strong link with the community is vitally important to the process of reintegration. Ex-offenders must be provided with a pathway that takes them away from being labelled as offenders or as ex-offenders. In both Northern Ireland and South Africa, the transition from conflict into a peaceful, democratic state provided a model for offenders moving into playing a full role in society. As ex-combatants could be seen to take on high-profile leadership positions, it was easier to see how those with offending backgrounds could be fully integrated into society. Unfortunately, the reverse is also true: a discourse that emphasises risk and treats any attempt to change with caution, or even scepticism, makes it difficult for those who have offended to forge a new identity.
Probation services are a product of their time and their culture. Although there is much to be gained by studying probation practice in different times and different jurisdictions, a probation service reflects the society within which it exists, so it would be wrong to suggest that the work of PBNI in the 1990s could simply be translated to another time and place, but it is still worth paying particular attention to the organisation’s relationship with the community. Over the past two decades, across the world a more punitive approach has been taken to offenders and a greater distance established between state organisations and the communities they serve.

In his novel *The Truth Commissioner*, Northern Irish novelist David Park (2008) uses the analogy of shark cage divers in the ocean to characterise the relationship between his fictional commission and the community: within it, but separate and protected. Modern probation practice, existing in ‘security conscious ... anonymous public sector offices ... on industrial estates or technology parks and away from where offenders live’ (Mawby and Worrall, 2013, p. 14) is now separated by this metaphorical cage. My experience of probation work in Northern Ireland was of practice in the community without barriers.

References


