

## Cultural Diversity and the Probation Service

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**Summary:** The changed and changing face of the population of Ireland is a key challenge to delivering an effective service within any public sector organisation. An effective response to this cultural diversity is crucial for moral, legislative and business reasons. As part of its ongoing commitment to inclusive practice, the Probation Service identified cultural diversity as one of its strategic goals for 2009 ('we will positively embrace cultural diversity and promote the development of cultural awareness and good practice throughout the Service' – Probation Service Strategy/Work Plan 2009, unpublished). This paper reviews the background against which this strategic goal was developed, describes the process that informed the road map for action, tracks the development and outcomes of particular key actions, summarises the learning, and considers the key messages at a time when society and communities are being further challenged to respond to ever more complex social, political and economic changes.

**Keywords:** Diversity, intercultural, anti-racism, Probation Service, criminal justice, minorities, training.

### Introduction

Ireland's population has changed from being mainly homogeneous to become a richer and more diverse society. A significant trend in recent years has been the increase in the number of migrants coming to Ireland from the rest of the world. As cultural and ethnic diversity in Ireland continues to broaden, particularly as a consequence of inward migration – albeit at a slower pace – there are challenges to ensure that such significant change is negotiated successfully.

In this paper, 'ethnic minorities' and 'foreign nationals' are used interchangeably to describe: migrants from EU countries; migrants from

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non-EU countries who have work permits, ‘illegals’ who do not have a valid work permit, and asylum seekers who are pursuing refugee status.

### **Political and demographic context**

An interdepartmental committee established in 1998 published a number of recommendations in relation to immigration, asylum and related matters. In order to progress these recommendations, the National Consultative Committee on Racism and Interculturalism (NCCRI)<sup>1</sup> was requested to carry out a full evaluation of how public opinion and debate could be better informed.

The proposals produced by the NCCRI formed a framework for the implementation of a three-year public awareness programme. In 2001 a high-level steering group was established to implement the National Anti-Racism Awareness Programme (**KNO W** Racism).

This energetic and very visible campaign, which ran from 2001 until 2004, developed a real momentum for addressing issues that were becoming increasingly relevant as the number of ethnic minorities expanded within a booming economy. The significance and relevance of the campaign were reinforced by census figures that revealed that between 2002 and 2006 the number of non-Irish nationals had increased from 224,000 to 420,000. Over the same period the number of Muslims, whose history of migration to Ireland dates back to the 1950s, had increased from 19,100 to 32,500. Figures from the Office of the Refugee Appeals Commission (ORAC) in relation to asylum seekers track the growth of applications from 3,883 in 1997 to 7,724 in 1999, to 11,634 in 2002.

The launch of the National Action Plan against Racism (NAPR) 2005–2008 represented the fulfilment of a commitment given by the government at the UN World Conference against Racism in Durban, 2001. This plan was designed ‘to provide strategic direction to combat racism and to develop a more inclusive, intercultural society in Ireland’.

<sup>1</sup> The National Consultative Committee on Racism and Interculturalism (NCCRI) was established in July 1998 by the Minister for Justice, Equality and Law Reform. The overall role of the Committee was to act in a policy advisory role and to contribute to the overall development of public policy in relation to racism and interculturalism, and to encourage integrated action towards acknowledging, understanding and celebrating cultural diversity in Ireland. NCCRI closed at the end of December 2008. Information and resources are available at [www.nccri.ie](http://www.nccri.ie)

## The Probation context

The Probation Service, an agency within the Department of Justice and Law Reform, has been sensitive to changes in the external environment when planning and delivering its frontline services on a national basis.

As the range of diversity increases, Probation Service personnel are meeting people from ethnic minorities as witnesses, victims or defendants in the criminal justice system. Referrals for pre-sanction reports, with the possibility of supervision following assessment, necessitate early responses and learning. The initial responses were practical in essence and focused on service delivery such as the provision of interpretation services and the translation of documentation.

In common with other public service bodies, the Probation Service recognised the need to address issues and set about delivering the actions identified in the NAPR. A working group<sup>2</sup> was established as part of the Service partnership programme for 2008 to consider the implications of multiculturalism for the Service.

The working group produced a report (unpublished) that identified the milestones to be achieved on the journey towards a model of service delivery that was inclusive of ethnic minorities. An Intercultural Steering Committee was established to oversee the implementation of the 13 recommendations contained in the report. This paper will focus on two key recommendations identified as central to informing and progressing the overall strategy.

It was reasonable to surmise, both from observation and from census data, that an increasing number of service users would be from different ethnic backgrounds. Figures from the 2006 census record that 63,276 Poles were living in Ireland, 90% of whom had arrived after 2004. The figure for Lithuanians had increased from 2,104 in 2002 to 24,628 in 2006. In the same period the number of Nigerians had almost doubled, as had the figure for Chinese people. What we did not know, other than anecdotally, was how these changing demographics applied, if at all, within the Probation context.

<sup>2</sup> The partnership group established in 2008 to consider the issue of multiculturalism in the Probation Service was subsequently replaced by the Service Intercultural Steering Committee, established in 2009. This group was tasked with leading the Service in meeting its commitments under the NAPR and in driving the relevant strategies.

The *first key* recommendation from the Partnership Report was that the Service collate relevant demographic data on service users from ethnic minority groups in order to inform decisions around service provision. This was prioritised for action by the Corporate Services Directorate.

The *second key* recommendation was that the Service should ensure that there was sufficient awareness among staff of the importance of promoting and embracing a best practice approach to cultural diversity in the workplace. The development and delivery of a customised training programme were prioritised for action by the Research, Training and Development Directorate.

### **Probation Service Snapshot Survey**

It was agreed that the data should be gathered by conducting a ‘snapshot survey’ to be completed by all community-based teams on a particular day. In line with commitments given in the all Ireland Public Protection Advisory Group (PPAG),<sup>3</sup> it was decided to conduct the survey in Northern Ireland and in the Republic using a common template on the agreed date.

The key objectives of the survey were:<sup>4</sup>

- to identify the number of foreign national offenders on Probation Service caseloads in the community
- to identify the main ethnic groups with a view to increasing Service awareness of the relevant issues that could impact on service delivery
- to clarify the geographical spread of these service users
- to identify the key languages required for interpretation services and other relevant materials (e.g. printed media) for service users.

<sup>3</sup> The Public Protection Advisory Group (PPAG) is a subgroup of the Intergovernmental Agreement Working Group.

<sup>4</sup> Findings of the Probation Board for Northern Ireland: 4,487 offenders (3,675 community-based and 812 in custody) were surveyed by the PBNI on 1 May 2009. Of these, 71 (1.6%) were foreign nationals. Cited in Appendix 3 of the Survey of Foreign National Offenders on Probation Service Caseload, 1 May 2009 (unpublished). Of those surveyed, most are from Lithuania at 28%, followed by Poland at 20%, then Portugal 17%, China 7% and Latvia 6%. 52% of foreign national offenders considered their level of fluency in English to be a barrier to engaging with the Probation Service.

For the purpose of the survey a ‘Foreign National’ was deemed to be any offender on a Probation Officer’s caseload in the community whose nationality and ethnic/cultural background was not of the Republic of Ireland or United Kingdom. Importantly, the survey was designed to elicit the responses of service users rather than those of the Probation Service staff. It was undertaken at 7 a.m. on Friday, 1 May 2009. This snapshot approach reduced uncertainty over inclusion of offenders who might come on to the caseloads later that day. Survey questions included those on nationality, ethnicity and first language.

The Traveller Community was not included in this survey because Travellers are included in Irish nationality.

### **Probation Service survey**

The survey was paper-based and organised through the Probation Service regional structure. Probation Officers completed returns on all relevant offenders and these returns were submitted through the line management structure. Regional executive officers entered data on to a spreadsheet for statistical analysis centrally. This method of collation worked extremely efficiently and there was a 100% response rate within the required timeframe.

There were 8,246 offenders on Probation Service caseloads in the community<sup>5</sup> on 1 May 2009, of whom 268 (3.26%) were foreign nationals. Of a total of 939 young offenders (under 18 years), 22 (2.34%) were foreign nationals.

More detailed analysis produced the following *key findings*.

- 42 countries are represented among the foreign nationals on the Probation Service caseloads.
- Of these, most are from Romania at 20%, closely followed by Poland at 19%, then Latvia 9%, Lithuania 8%, and Nigeria 5%.
- Most foreign national offenders are concentrated in the Dublin area,<sup>6</sup> followed by the Midlands/South East region.<sup>7</sup>

<sup>5</sup> This included the five adult community-based regions and Young Persons’ Probation (YPP).

<sup>6</sup> Dublin North & North East includes Dublin North, Dublin West, Dublin North Central, Louth, Meath, and Intensive Probation Bridge. Dublin South and Wicklow includes Dublin South, Dublin South Central, Wicklow, Homeless Offenders Team and Court Liaison Team.

<sup>7</sup> Midlands & South East includes Waterford, Wexford, Laois/Offaly, Carlow/Kilkenny, Tipperary and Kildare. South West includes Cork, Limerick, Clare and Kerry. West, North West and Westmeath includes Sligo/Mayo, Donegal, Cavan/Monaghan/Leitrim, Galway, Longford/Westmeath and Roscommon. YPP represents Young Persons’ Probation nationwide.

- Polish nationals make up a significant proportion of the foreign national caseload in the South West region.
- Romanians represent the highest percentage of foreign nationals in dedicated youth offender caseloads.
- The gender breakdown of the overall adult population reveals 90% male and 10% female. In the case of youth offenders the breakdown is 59% male and 41% female.
- Consistent with the nationality breakdown, the majority of these offenders are white European.
- Polish and Romanian are the first languages of the highest percentage of foreign national offenders, with 23% speaking Polish as their first language and 22% speaking Romanian.
- 36% of foreign national offenders considered their level of fluency in English to be a barrier in engaging with the Probation Service.
- A total of 44% of the overall Probation Service workload was subject to assessment for reports on 1 May. This was broken down into the following categories: 30% for pre-sanction report; 13% for community service report; 1% for other reports. 56% were on Probation supervision in the community. Of these, 33% were on Probation-type supervision orders; 22% on community service orders; 1% on supervision following release from custody.

### **Organisational ethos**

The baseline information obtained from this survey was critical to both informing and validating a strategy for the development of a 'whole organisation' approach that values and embraces cultural diversity. Clearly a focus on service delivery is integral to the 'whole organisation' approach but underpinning that is another key element, the ethos of the organisation. The organisational ethos may be defined as 'the dominant value system that underpins the way an organisation works, the way staff relate to each other within the organisation and the way the organisation relates to its customers and service users' (NCCRI, 2003).

Awareness and anti-racism training is an important tool in promoting an inclusive organisational ethos that takes account of the cultural diversity of staff in the workplace and of service users. The NCCRI (2003) identifies anti-racism and intercultural training as having three key purposes:

- to challenge and change racist attitudes, beliefs and behaviour
- to contribute to a broader range of policies and strategies to address racism and/or promote equality in the whole organisation
- to promote the positive inclusion of minority ethnic groups and inter-cultural interaction between ethnic groups based on the principles of equality, cultural awareness and respect.

It was important that the organisation put in place a training programme that would challenge participants to reflect on their values and attitudes but would also translate into action at levels of practice and behaviour.

### **Preparation for training**

The Service had previously given some consideration to contracting external trainers to provide a programme of cultural diversity training for staff. The need to revisit this approach stemmed partly from budgetary constraints but also from the need to develop a level of confidence and competence within our Research, Training and Development Directorate. This would underpin not only this initiative but future programmes, which would be delivered in an incremental and targeted way.

The NCCRI had, as part of its remit, provided direct training to a wide range of statutory bodies. In addition it had developed a 'Train the Trainers' programme that could be delivered effectively to groups of up to 10 potential trainers. Four members of staff from the Probation Service Training and Development team were identified to deliver this programme.

A joint application with the Office of the Refugee Appeals Commission (ORAC) was made for the delivery of a 'Train the Trainers' programme to a total of 10 staff. The programme provided a range of resource materials that would be customised to meet the needs of all staff: administrative, Community Service Supervisors and Probation Officers.

### **The training plan**

A number of approaches have been used by cultural diversity trainers, including the didactic/information and the confrontational/drama type approaches. While both of these have advantages, experience has shown that learning will be inhibited if there is either an over- or an under-focus on the individual within the training arena. The use of an 'experiential'

approach was promoted by the NCCRI, and fitted well with the trainers' own ethos and practice base.

The experiential approach balances the didactic inputs with exercises that promote self-interrogation in order to:

- provide participants with knowledge around ethnic-related issues
- create scenarios that allow participants to discuss the issues
- relate the issues to the organisation and the job it does
- facilitate the shift from learning to behavioural change.

### **The training programme**

The programme was facilitated by two co-trainers working to the following objectives:

- raise awareness of issues relating to cultural diversity and racism
- provide a forum for open, professional discussion
- develop critical knowledge, dialogue, thinking in this area.

The target group was all Probation Service staff, from frontline staff to administrative staff and managers. Given that this training was a foundation measure in an overall package of measures to promote the inclusion of ethnic minorities, it was crucial that the training groups be mixed to include all grades. The dialogue within these groupings was to be open to all views and concerns, respectful but not unquestioning. The training was to take place over one day, using a structure that contained four distinct but related modules.

The programme commenced with an overview of the background to the training. It located the Service goals within the wider context of national and international initiatives. This didactic piece was followed by an exercise to reveal the diversity of origins within a seemingly homogeneous group. Building on this concept of difference, a slide show illustrated the 'changes' that have taken place in Ireland over the past 20 years. That module was completed with a statistical input on the demographic changes over the past 10 years.

The second module, through the use of small group exercises, highlighted the challenge of recognising and managing prejudice and discrimination and facilitated participants to reflect on their own experiences. These concepts were then linked to 'power' and the responsibilities and choices that come with the exercise of power.

Racism and ethnicity provided the focus for the third module. The material outlined the moral, political, legal and economic imperatives to address this issue. A number of scripted scenarios from a DVD, focused on intercultural issues in the European workplace, were used to inform and stimulate debate.

The final module provided a legislative and historic perspective on approaches that have been adopted to respond to the issue of managing diversity. Before closing there was a review of the topics covered and the learning outcomes for the day.

### **Evaluation of training**

Twenty-three training events were provided, across four locations, over a six-month period; 361 staff participated, with an average attendance of 15 per group.

The principal findings from evaluation were as follows.

1. *Expectations of training:* In response to a direct question, approximately 80% of respondents felt that their expectations had been met. Narrative feedback included:
  - ‘Foundation day very good, this needs to be rolled out in training I think every 12 months’
  - ‘I recognise that this was an awareness course but I would hope that it will be followed up by practical workshops for working with ethnic minorities’
  - ‘Lots of information to cover in one day training – but got there’.
2. *Delivery and content:* Respondents gave this an average of 7 out of 10.
3. *Most/least useful aspects of training:* It was interesting but not entirely unexpected that what was identified by some as most useful was described by others as least useful. This was true particularly in relation to the inputs on the background to the training, legislation, exercises on prejudice and discrimination, DVD scenarios and the more didactic section on models for managing diversity. Feedback from respondents included:
  - ‘It was useful when I was required to look honestly at myself and my own incidents of discrimination/ prejudice.’
  - ‘Given the depth of the issue I became somewhat unfocused – may have been useful to keep relating back to the issue in the Probation Service.’

4. *Subjects to be covered in further training:* There was a comprehensive response to this question in all sessions. The feedback ranged from participants' acknowledgement of the need for more self-directed learning on the subject to requests for further training that had a very specific knowledge and skills focus. Requests included:
  - 'Specific training on ethnic groups and beliefs; practical workshops with ethnic minorities; more on causes of racism and how it can be tackled and challenged; understanding foreign national clients' value systems; working with interpreters in the assessment and supervision of our work; working with the client with entrenched and violent racist views.'
5. *How the Probation Service needs to change:* There was a real recognition of the significance of the actions undertaken to date and this was balanced with the expectation that the Service would further develop its capacity to work within an intercultural context.

The evaluation process was important not just in ascertaining whether the training had delivered on its objectives but also in providing a timely opportunity to harness the views of staff in relation to future developments.

### **The learning**

The National Action Plan Against Racism provided a framework that public services could adopt in order to systematise and improve their engagement with minority ethnic groups. Within the Probation Service, partnership between management and staff played a key role in adopting and implementing this approach. The principle of working through existing structures and harnessing the skills of staff from all grades was established from the outset in the form of the Intercultural Steering Committee, in the collation of data and in the delivery of training. The benefits were twofold: a wide variety of experience to inform the actions and an early 'buy in' across the organisation to promote and publicise those actions.

Any organisation that aims to develop and maintain an inclusive organisational ethos recognises the role of leadership in accelerating this process. The inclusion of an Intercultural Strategic Goal in the 2009 Service work plan signalled commitment and introduced interculturalism into the 'currency' of the Probation Service. Related strategic

objectives provided clarity and coherence about the work to be undertaken.

Staff responded promptly to the 'snapshot survey' and this positive momentum was reinforced by the prompt collation and publication of the survey findings. The exercise demonstrated the importance of generating relevant and timely data to underpin the rationale for action.

Accurate statistical data and an awareness and understanding of intercultural issues among staff provide the foundation to inform and guide the development of tailored and targeted service provision for ethnic minority groups.

The timing of the awareness training, which was delivered shortly after the completion of the survey, provided staff with the opportunity to reflect on the findings and discuss their implications for probation practice at a local and national level.

The training evaluation underlined the importance of 'awareness' training as an ongoing process central to professional competence and not just a 'once off' event. Further knowledge- and skills-based workshops are required to increase staff confidence and competence in addressing criminogenic need and risk with offenders from ethnic minority backgrounds.

### **Key messages/questions**

The ongoing collation of data is central to developing and sustaining best practice. A further snapshot survey will be conducted to identify the numbers of foreign national offenders on Service community caseloads on an agreed date in early 2011.

The data gathered should identify the need for local targeted initiatives. Such programmes, responding to areas of particular criminogenic need such as addiction or social skills deficits, will be developed in a culturally sensitive manner and in partnership with key ethnic minority support/expert groups.

When data are generated, the analysis of this data will provide answers but invariably raises further questions. What are the messages from a finding that, of a population of 8,246 offenders engaged with the Service, 268 are foreign nationals? Do these apparently low figures accurately reflect the level of criminality, or is it that fewer foreign nationals are considered for probation (either by the judiciary or by the Service itself?) And, if so, why? Is there an over-reliance on fines, suspended sentences

or custody? Or is there a lack of confidence or understanding on the part of the Judiciary about the Probation Service's capacity to intervene effectively with this group?

The ongoing collection of data will answer questions about ethnic minorities, but what of the need for data on attitudes, values and ethnic representation within the Service itself?

It is important that the organisation, through leadership, modelling and training, continues to promote a climate and ethos that challenge discriminatory or racist attitudes and practice. To quote Daniel Holder, 'It is highly problematic that when discussing barriers to public services there is often denial that racism is a problem. Policy makers can feel more comfortable discussing areas such as the language barrier and leave racism undiscussed.'

Organisations must decide whether cultural diversity is to be embedded within a wider diversity strategy that builds on a continuous improvement cycle. 'Similar to some other concepts ... such as empowerment, *diversity can gain acceptance without understanding, and in doing so the real power of the concept can pass people by*' (MacPherson, 1999; emphasis added).

A whole-organisation approach is a common-sense approach to addressing racism and supporting inclusive intercultural strategies within an organisation. It seeks to take account of organisational values, cultural diversity in the workplace and interaction between staff, and cultural diversity among the customer base/service users of an organisation.

To be successful in this approach, organisations need to answer the fundamental question. Is cultural diversity about ensuring people are treated the same or is it about celebrating difference?

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