

Delivering Victim Services: An Overview of Practice in the Probation Board for Northern Ireland

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Summary: Everything Probation does is about preventing victims of crime. We work directly and indirectly with victims of crime. In supervising those who have offended we challenge them to look at the impact their crime has had. Pre-sentence reports and reports for the Parole Commissioners address the impact of the crime on the victims and the wider circles of victimisation. Many of our programmes challenge offending behaviour, often for the first time, confronting the individual who has offended with the impact of the harm that has been caused. Through schemes like community service, victims can have a say in what type of work an individual completes as part of their court order and we have developed a partnership with Victim Support Northern Ireland (VSNI) in relation to delivering a problem-solving approach to justice. Furthermore, the Probation Board for Northern Ireland (PBNI) has developed service user involvement forums that give victims a further voice. This paper considers the key developments in PBNI following the publication in 2015 of the PBNI Victims Policy. It considers the impact of those developments and whether the policy has resulted in victims' voices being more central to decision-making within Probation and more adequately represented within criminal justice.

Keywords: Victim, problem-solving justice, service user involvement, technology, scheme, information, community service.

Background

In 2011 the Criminal Justice Inspectorate Northern Ireland (CJINI) carried out a wide-ranging inspection of the care and treatment of witnesses in Northern Ireland. It made a number of recommendations to improve the treatment of victims and witnesses. The Chief Inspector, writing in 2011, said:

There is a core tension at the heart of the justice system and its interaction with victims and witnesses. The uncomfortable reality is that the goals of

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justice bodies do not have the needs of victims and witnesses at their centre. This arises from the fact that in an adversarial system victims cannot be 'at the heart of the system', as they have often been described. From the Police Officer who investigates a crime and prepares a file, to the evidence and public interest tests of the Public Prosecution Service (PPS), through to the effective administration of justice within the courts and the implementation of the rule of law, the needs of the victim can often appear tangential and secondary to the needs of the justice system and the requirement that justice is delivered for offenders. (Maguire, 2011)

The 2011 inspection report made specific recommendations for the Probation Board for Northern Ireland (PBNI) in relation to the amalgamation of the three Victim Information Schemes (VISs), which were accepted and implemented (Hunter, 2015).

Two years later, in 2013, then NI Justice Minister David Ford MLA elaborated:

How we treat those who have been harmed by crime, is the ultimate test of how our criminal justice system responds. Witnesses are needed at all stages of the process. This includes investigating crimes, taking forward prosecutions, testing the strength of evidence and making sure cases are dealt with quickly and effectively. For victims and witnesses to come forward in the first place, they must believe that what they have to say is important and will be taken into account. At the centre of all of this is that we treat victims and witnesses with dignity and respect and they are certain that their contribution, no matter how small, is valued. (Ford, 2013)

At this time the Minister launched a new Victim and Witnesses Strategy 2013–2018, which aimed to reshape the criminal justice system to build a safer Northern Ireland, with lower levels of crime, safer shared communities and improved access to justice for all. Specifically, the strategy aimed to provide better-quality services that respond to the needs of victims and witnesses, and secure a more positive experience for all those who have contact with the criminal justice system.

The Department of Justice Strategy 2013–18 also made recommendations that impacted on PBNI, particularly in regard to the Victim and Witness Unit working with the VISs. These key documents helped inform the PBNI Victims Policy 2015.

This paper considers events since the development of PBNI's policy on victims in 2015, building on the existing VIS. Importantly, it seeks to consider whether PBNI has been able to put the voice of victims at the centre of decision-making and information-sharing or whether the experience of victims and practitioners in PBNI is that victims remain on the periphery of the system.

PBNI developments since 2015

The development of PBNI's Victims Policy in 2015 and associated action plans marked a new approach to how the organisation dealt with victims. The policy and related plans covered a number of important areas, including:

- the use of new technologies to engage with victims
- the development of restorative practices as part of problem-solving justice
- the establishment of victims' user groups in 2018.

In a system where 'the needs of the victim can often appear tangential and secondary to the needs of the justice system and the requirement that justice is delivered for "offenders"' (Maguire, 2011), this paper considers each of the areas to determine what PBNI has achieved.

The development of new technologies to engage with victims

PBNI's VIS became operational in October 2005. It is a statutory scheme that seeks to ensure that victims receive information about what it means when someone is sentenced to an order or licence that PBNI has oversight of. As well as providing information, the trained Victim Liaison Officers (Probation Officers) listen to concerns raised by victims; if appropriate, these concerns are passed on to the Probation Officer who is working with the individual who has offended, which strengthens the supervision process.

In a range of surveys carried out with victims of crime in Northern Ireland, one of the biggest frustrations that they articulate is the absence of timely information throughout their involvement with the criminal justice system; the VIS seeks to address this. PBNI's VIS gives victims information and, for some, an associated level of 'control'. PBNI works closely with other criminal justice and victim organisations to provide a wide range of information and services to victims of crime at various stages of the criminal justice process. Through working with criminal justice partners including Northern Ireland Prison Service

and the Department of Justice, PBNI is able to ensure that the victim receives information at key points in the offender's sentence – home leave, temporary leave, Parole Commissioner hearings, release, changes to orders/licences, and breach and recall; this is information victims would otherwise not get.

However, the VIS is legislatively an 'opt-in' service – if victims do not register, PBNI cannot provide them with any information. From surveys conducted with victims, we know that many of them found the 'opt-in' system onerous. PBNI is of the opinion that this legislative position should change to an 'opt-out' scheme where the starting position is that victims will be provided with information, but can choose to 'opt out' if they wish. However, given that Northern Ireland is currently without a legislative assembly, any legislative change in the near future is unlikely.

Therefore, in order to further facilitate registrations to the scheme, in November 2017 PBNI launched the 'online registration' facility. For the first time, victims could register without having to fill out a paper-based 'application form' that was returned by post. The use of technology is increasing in all areas of life, and PBNI was proactive in ensuring that victims of crime had easy access to the registration process. The link to register is available not only on PBNI's website but also on the Northern Ireland Prison Service, Department of Justice and NI Direct websites. In the year following the launch of digital registration, there was an increase of 42% in new victims registering with the scheme.

Linked to the increasing use of technology is PBNI's *Changing Lives* app. Within the app there is a specific section for victims, which includes details of online registration and resources. The evaluation of the app showed that victims who used it found it very beneficial. Stakeholders also pointed to the importance of having victim-facing information in a readily available format. However, there is significant work to be done in the next phase of development of the app to provide further information and support for victims.

The victim perspective in problem-solving justice

Problem-solving justice is a new approach in Northern Ireland aimed at tackling the root causes of offending behaviour and reducing harmful behaviour within families and the community.

Within Northern Ireland, the Department of Justice leads on problem solving. Five problem-solving pilots are currently operating:

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- a substance misuse court
 - a domestic abuse programme
 - the Enhanced Combination Order (ECO)
 - support hubs
 - family drug and alcohol court.

PBNI leads on the first three initiatives. The principles of problem-solving justice include greater judicial oversight and accountability, collaboration, community engagement, enhanced information, individualised justice and outcomes (O'Hare, 2018).

The Chief Executive of Victim Support NI, Geraldine Hanna, argues that the problem-solving justice approach can benefit victims by enabling their voice to be heard.

From a victim's perspective it can be perceived as a soft option. Again this is often due to a lack of understanding as to what is involved. For victims that do engage with some of that reparatory work with offenders there is a sense they are getting their voice heard in a way that the traditional criminal justice system doesn't enable them to, particularly in restorative practices where there is a face-to-face meeting. Victims who engage in this report to having a more positive experience. Whilst not everything is made better as such, they have had an opportunity to explain the impact and to look the offender in the eye and hear an apology – whether they accept that or not, they have had the opportunity to put forward the impact of the crime on them.¹

The Enhanced Combination Order

One strand of the problem-solving approach which PBNI leads on is the ECO. This order provides an alternative community sentencing option instead of a short custodial sentence (Hamilton, 2016) and contains a restorative element which has been evaluated.

Those subject to an ECO participate in victim-focused work and, where possible, a restorative intervention is an enhancement to this order. The first evaluation of ECO, carried out in 2017, outlines that restorative work had been completed, was ongoing or was due to start for approximately

¹ <https://www.agendani.com/in-discussion/>. PBNI hosted a discussion on the strategic role of Probation in the rehabilitation of offenders through problem-solving justice and how community sentences can lead to less reoffending.

three-fifths of cases. Under a tenth of participants either were not ready to commence restorative work yet or the emphasis was on other aspects such as parenting and addictions. The remaining cases had either breached or had no restorative work recorded.

A restorative approach in problem-solving justice

Restorative work was undertaken through partnerships with organisations such as Community Restorative Justice Ireland (CRJI) and Northern Ireland Alternatives (NIA) as well as by Probation Officers who have completed training in restorative work through Ulster University. While supporting participants, CRJI applied restorative practice, values and processes and assisted participants to make good in the community. NIA helped participants develop a restorative plan and provided victim awareness. A key focus of their work was to help to integrate participants in positive ways into community life through volunteering and training.

Additionally, victim-led restorative engagement is possible through PBNI's Victim Information Unit. Where a victim is registered with PBNI's VIS and wishes to participate in a restorative conference, appropriately trained staff are available to support the victim and the individual who has offended.

An additional feature, developed to increase victim input in the ECO, was designed in conjunction with Victim Support NI. PBNI was very keen to include the views of victims at the earliest stage of the process, but has no legislative authority to contact victims of offences prior to the individual who has offended being sentenced at court. Therefore, in partnership with Victim Support NI, PBNI is able to gain the views of victims by Probation Officers making referrals to Victim Support NI at the pre-sentence stage in cases where an ECO is being recommended as a sentence (where there is an identifiable victim). Victims are then contacted by Victim Support NI, with which in many cases they already have a working relationship, the content of the order is explained and their views on a potential sentence in their case are sought. Furthermore, victims are asked for their input regarding the type of community service the person who has offended should complete and if they would be interested in working restoratively with them.

While the number of initial referrals to Victim Support NI remains modest, there are valid reasons for this including a significant number of cases where there is no identifiable victim. Offences for which ECOs are imposed are often repeat 'lower level' offences, i.e. public order. In the 2017 evaluation of

ECOs, all but one of the victims contacted supported an ECO as a sentencing option and said they would be willing to work restoratively with their offender.

Restorative work with those subject to ECOs continues to increase. While the benefits of face-to-face restorative conferences should not be underestimated, PBNI is realistic about the number of conferences that will take place during the ECO. It is not possible or indeed appropriate to use this approach in every case, but all those who have offended are encouraged to reflect on the impact of their offence on victims and encouraged to write a 'reflective letter' to their victim. Geraldine Hanna points out that the ECO has led to more collaboration and Victim Support NI has been closely involved with the scheme. There is however significantly more work to do.

The Gillen Report 2019

The Gillen Review Report² into the law and procedures in serious sexual offences in Northern Ireland, published in May 2019, cites the restorative aspect of ECOs and considers whether restorative interventions could apply in cases of sexual offences. Sir John Gillen recommends that restorative justice should be invoked as a possibility where the offender has pleaded guilty and the victim has indicated a desire to avail of restorative justice, and the offender agrees also. He states that the Department of Justice should also give careful consideration to restorative facilitators being available in an alternative process to resolve certain serious sexual offences outside the criminal justice system, where the complainant does not wish to report the matter to the police and the alleged offender agrees to participate. In this regard he notes the work carried out through ECO and the qualified staff that are based within Probation. Therefore there are opportunities to further develop restorative interventions through the problem-solving justice model, which is being led by the Department of Justice in Northern Ireland.

The establishment of victims' user groups in 2018

The establishment of a Service User Forum that incorporates the perspectives of victims as well as those who have offended is further evidence of PBNI's commitment to engaging more effectively with victims.

² <https://www.justice-ni.gov.uk/publications/gillen-review-report-law-and-procedures-serious-sexual-offences-ni>. The NI Criminal Justice Board, which exists to oversee reform, change and openness in the criminal justice system, commissioned the Gillen Review on 24 April 2018 as an independent review of arrangements around delivery of justice in serious sexual offences.

The benefits of service user involvement are well documented, and include promoting social inclusion and ensuring that services better meet the needs of those who use them (Scottish Executive, 2006). However, despite these benefits, while some areas of service user involvement appear to be relatively well advanced, others, such as in the field of criminal justice, are underdeveloped (Duffy, 2008: 12). One of the difficulties often mooted about service user involvement within criminal justice is that tensions and contradictions are inherent in working with involuntary service users (Smith *et al.*, 2010). 'Such clients, if consulted about their views, might well express the wish that social workers simply leave them alone' (Gallagher and Smith, 2010: 8). Involuntary clients do not freely enter into the working relationship and many are mandated by law to do so. McLaughlin (2009: 1109) identifies the central issue: 'there is a point where the social worker is expected to act on their own professional assessment of the situation, informed by agency policy, legal mandates and research, irrespective of what the service user's choices or views are'. Against this background, PBNI launched the Service User Strategy in 2017, which recognises that service user involvement can play an important role in the delivery of its services. This strategy sets out the framework for future service user involvement within PBNI.

There is much theoretical evidence (Barr and Montgomery, 2016) as to the benefits of service user involvement. It supports desistance; it increases effectiveness, compliance, credibility and legitimacy of services; and it promotes a sense of social justice consistent with social work values.

From the outset, PBNI was committed to involving 'victims' as well as 'offenders'. It was not deemed appropriate or indeed ethical to have service user groups composed of both those who have been offended against and those who have offended, so the decision was taken to have separate 'victim' and 'offender' groups. All those registered with PBNI's VIS were invited to join a victim service user group; there are two such active groups across Northern Ireland. The service user groups enable victims of crime to have a say in how services are delivered. It is absolutely essential that victims' voices are heard and that we want victims to be able to tell us how services can be improved. We know that being listened to and contributing to a more effective system can be valuable to the rehabilitation process and, for victims, can give back an element of control.

There were a number of drivers to the development of this strategy within PBNI, as follows.

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- PBNI's commitment to service user engagement is reflected in the 2017/18 Business Plan, where it is stated that 'Service users will be involved from the outset in the planning and delivery of new/revised services in PBNI'.
 - *Improving and Safeguarding Social Wellbeing: A Strategy for Social Work in Northern Ireland 2012–2020* (Department of Health, Social Services and Public Safety, 2012) identifies service user engagement as one of the key principles.
 - The *Social Work Research and Continuous Improvement Strategy 2015–2020* (Health and Social Care Board, 2015) includes specific reference to service user engagement.
 - Section 75 of the Northern Ireland Act outlines that public bodies such as PBNI should consult with people directly affected by their policies and who will be affected by any change to service delivery.
 - CJINI (2009) suggested that more focused and targeted consultation with service users was necessary.

By enhancing the involvement of service users in the planning, development and evaluation of services, the following can be achieved:

- increased ownership and commitment by individuals and communities to identifying ways to address offending behaviour
- increased sense of ownership and responsibility among service users
- responsive and appropriate services that are needs-led and influenced by service users
- help in priority setting and decision-making across competing priorities
- increased efficiency
- improved compliance by service users with community supervision
- reduction in reoffending, reduction in number of victims and safer communities
- reduction in number of complaints.

The 'victim' service user group meets on a monthly basis and is facilitated by a Victim Liaison Officer and a Probation Officer who works with those who have offended; this ensures that the 'victims' are fully supported and any issues raised can be followed up. The focus of the victim groups is different, but equally important. PBNI is one of the first Probation Services to have included victims in service-user involvement and co-production; and service

users, those who have offended and victims were involved in the recent review of PBNI's Victim Awareness Intervention. Service users who have offended will complete this intervention during their order or licence – they will have to look at their offending behaviour, the harm that was caused and the impact of their offence for victims and society. Therefore, having victims involved in the review of the intervention was of the utmost importance to PBNI. The victim group has also been actively involved in the design of PBNI's mobile phone app *Changing Lives*.

The impact of having victims involved in the design of interventions has been positively noted by both victims and practitioners. It is an area of work that PBNI should seek to develop further in improving service delivery.

Conclusion and next steps

PBNI has commenced work on its Corporate Plan for 2020–2023. The new Probation Board appointed in December 2018 has already indicated its desire to see victims' issues at the centre of decision-making and effective practice. The first Board seminar, held in March 2019, focused on the area of victims and made clear that the Board intends to focus on consulting and engaging with victims and their representatives during its tenure of office. Therefore it is important that the forthcoming Corporate Plan includes a strategic theme that incorporates PBNI developing its work with victims.

Further, as problem-solving justice continues to develop through the Department of Justice, there is a significant education and awareness work to carry out on explaining to victims the impact and value of problem-solving and, in particular, restorative elements of problem-solving. The Department of Justice's communication and engagement strategy should prioritise these elements. PBNI should also consider how its trained restorative practitioners can expand their remit and potentially deliver restorative interventions as set out in Sir John Gillen's report.

PBNI should seek to influence future legislative change both in regard to making the Victim Information Scheme 'opt-out' rather than 'opt-in' and in regard to having an onus on providing adult restorative interventions in appropriate circumstances. Finally, there is a need for technology to be continually updated to assist in PBNI's engagement with victims. Over the next year the PBNI app will be updated and it should develop in particular its section on victims.

These recommendations will help to ensure that victims' voices are central to policy, practice and decision-making within PBNI.

This paper has outlined the current context in relation to victim involvement in PBNi. The needs of victims are considered in every part of PBNi's work and are increasingly involved in PBNi practice – from directly inputting into where an individual who has offended against them completes community service, to consultation on interventions such as the Victim Awareness Intervention, and the opportunity of providing direct feedback and helping to shape the services that PBNi delivers. This paper has outlined significant progress over recent years; PBNi is committed to turning the curve and placing the needs of victims at the centre of our practice.

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