**Inaugural Criminology Lecture,**

**Institute of Criminology, UCD**

**Response by Vivian Geiran, Probation Service Director, to Dr. Gwen Robinson’s Paper:**

**‘Patrolling the borders of risk: the new bifurcation of probation services in England & Wales’**

Friday, 23rd June 2017, University College Dublin

**Introduction.**

Colleagues, friends, ladies and gentlemen, good morning. I am honoured and delighted to have been invited here today, by Dr. Deirdre Healy, Director of the Institute of Criminology and Criminal Justice, to respond to Dr. Gwen Robinson’s excellent and thought-provoking paper, on recent developments regarding probation services in England and Wales. UCD is also my original *alma mater*, where I studied social science at undergraduate, and social work at masters level; so it is an additional honour and pleasure, for that reason, to be here. I am also particularly excited that probation – despite frequently being characterised as the ‘Cinderella’ of the justice system, has been selected as the topic for consideration in this inaugural criminology lecture.

**Response to Dr. Robinson’s Paper.**

The phrase *patrolling borders*, in the current and emerging political reality on these islands, may represent something of a potential journey ‘back to the future’ and a largely unwelcome post-BREXIT future; but I will leave such political considerations aside in my remarks today. Dr. Robinson outlines a scenario in Britain, where she describes probation, having been to the fore in practice and policy developments in risk assessment and management for example, contributing to politically important agendas and being at the forefront of multi-agency cooperation; being now, as a result of the *Transforming Rehabilitation* (TR) reorganisation, “fragmented almost beyond recognition and facing new threats to the legitimacy of its newly formed constituent parts;” those two component parts now comprising the National Probation Service (NPS) on one hand, and Community Rehabilitation Companies (CRCs) on the other. Gwen posits that probation in Britain, in relatively recent phases of its long history, has undergone significant changes, focusing particularly on the primacy of the rise of risk-based reasoning. Most significantly, Gwen hypothesises that risk has moved from underpinning the *ethos* of probation to now being used to justify its new *architecture*. She 2

goes on to explore this institutionalisation of risk under five headings: 1. Creation of new silos of thinking, 2. Construction of risk in a new framework, 3. Imbalance of power between the National Probation Service (NPS) and Community Rehabilitation Companies (CRCs), and 5. Possible bifurcation of the purposes of probation services in Britain.

Gwen acknowledges that the rise of risk-based reasoning encapsulated in the RNR (or Risk-Need-Responsivity) approach to offender assessment and management, was one of the most significant developments in probation’s long history. She also acknowledges the positive value of RNR and specifically the development of the *Offender Management Model* (OMM), which strongly operationalised RNR in Britain, developed from the mid-2000s onwards. She argues though, that this risk-based approach has now been subverted and institutionalised in Transforming Rehabilitation, resulting in the creation of “new silos of thinking.” I should say, that while it is difficult to argue with Gwen’s thesis on this issue, and I do agree with her point about the negative impact of increasing the *number* of silos, I do sometimes believe that silos have received a somewhat bad press - not entirely justified, in my view – in recent commentary, in a variety of fields. Gwen is right in what she says about the perils of silo thinking and silo isolation and defensiveness. Nevertheless, silos are a reality, often for good reasons, and while they should not obstruct cooperation, I do think we need to get our respective silos in order in the first instance, before we can really co-operate well with others, in theirs.

Similarly, what Gwen says about the new architecture of probation services in England and Wales appears, at this remove, to make sense. She is certainly far more qualified, as well as physically much closer, to comment on those organisational structures, and their implications, than I am. She seems for example to hit the nail on the head when she suggests that “a consequence of TR has been the construction of a new architecture of probation services.” I wonder though, if Gwen is completely accurate in her point that “the resources following risk mantra” has in fact been a key *driver* of TR, and explicitly, according to Gwen, “clearly influenced the decision to split probation services.” From where I view it, from this side of the Irish Sea, I wonder was the restructuring embodied in TR, in a similar way to other policy initiatives in Britain, not ideologically-driven, rather than being a consequence of anything probation ‘did’ or provoked. In terms of outcomes however, it is difficult to dispute the suggestion that the new probation architecture in Britain *has* “ruptured the systemic model of risk assessment,” creating new, static silos and new boundaries.

Similarly, Gwen makes a strong case about the potential harm around communication issues and other difficulties presented as a result of the TR divisions of responsibilities, and the implications of interagency power and motivation imbalances, and resource inflexibility, for practice effectiveness in general, as well as for service legitimacy and public protection outcomes that seem to arise. I am unapologetically committed to the concept or formula of resources following risk, as a positive and rational way of organising probation service delivery. And Gwen is absolutely right when she says that that formulation and organisation of service delivery “demands system flexibility.” She is also right when she points out that “risk-based reasoning did not necessarily dampen probation's rehabilitative efforts.” That has always been true, since probation's foundation. Growing interest in desistance-focused 3

practice has indeed also opened new avenues of thinking and doing. I would argue though, that since its foundation, probation has always faced, and negotiated, the age-old challenge (dare I say - bifurcation?) of care and control; risk management and rehabilitation. Indeed, I would argue that probation has always been concerned with risk, *and* with reducing risk of reoffending, as well as with rehabilitation. The structured risk assessment instruments that probation organisations across these islands have introduced and continue to use, over the past two decades, have simply served to formalise and structure what probation officers have always tried to do, by way of assessing who most needs our help to change. It would indeed be ironic and retrograde, if the CRCs were to exclusively reclaim the rehabilitation role, in Britain, while the NPS were left with public protection as its main or even sole concern or remit, simply “patrolling the borders of risk.”

One of the concerns that Probation Service staff sometimes raise with me, when for example we are introducing a new initiative, and particularly one already in use in Britain, is that we may be at risk of ‘going down the British path;’ a road often characterised as leading to certain perdition and a loss of everything good we have ever stood for. And Gwen has demonstrated very well that there *are* dangers in how probation services might be re-imagined, and reconstructed. If there is one thing I have learned though, from my contact with many other jurisdictions, in Europe and beyond, is that no probation service or justice system has everything sorted. We can and should learn from each other. Nevertheless, we do need to be able to observe and analyse what is going on in a critical way, and draw the necessary lessons; but not throw babies out with bath water. As Harald Føsker, a dear colleague and friend – indeed a legend – in the Norwegian Correctional Service commented recently: “We should always be proud [of what we do], but never be satisfied.” Whatever about the merits or otherwise of recent changes in probation in Britain, there – as everywhere – there are good probation people, steeped in our traditional values, committed to guiding their colleagues and service users to the best outcomes, for the good of their organisations and their clients.

We share a common history with probation in Britain. This is evidenced very clearly in that we continue to rely on the 1907 Probation of Offenders Act, one hundred and ten years after its enactment in Westminster. We have very positive and proactive relations with our European neighbours and colleagues, particularly with the probation and criminal justice social work agencies across these islands. Next week, the Irish Probation Service will host our joint executive leadership team meeting with the Probation Board for Northern Ireland (PBNI) in our Haymarket office. We also jointly – with PBNI – produce and publish the *Irish Probation Journal*, as well as collaborating on a range of practice initiatives on an ongoing basis. I chair the Council of Europe's Council for Penological Cooperation. Gerry McNally, one of my Assistant Directors, heads up the Confederation of European Probation (CEP). This type and level of international engagement is important for the ongoing development of probation, here and across Europe. That involvement is only possible because of the excellent team I have around me, many of whom are here today.

Criminal justice policy development in Ireland has sometimes been described as slow, or stop-start, often with long periods of inactivity, followed by bursts of activity. But some recent developments have given the lie to that reductionist view. The Strategic Review of Penal 4

Policy, whose report was published in 2014, set the policy agenda for criminal justice in Ireland for the foreseeable future. Its forty three recommendations could hardly have been more pro-probation, and incorporate explicit statements in favour of community sanctions, including probation and community service, and with custody as a last resort. This approach has been endorsed by successive Ministers, and by the Department of Justice and Equality.

My vision for the future of the Probation Service in Ireland is that we will be the best, and most effective probation service we can be. We have always been focused on our core task of offender rehabilitation but never been content to rest on our achievements. Our current strategy ‘bye-line’ is: “Safer communities through offender rehabilitation:” this in a time when some see the focus in probation work as being on the ‘bordering,’ ‘othering,’ and management of offenders as units within a risk population. Not on my watch! We have done much to develop our practice. There is still much we can and will do; virtually limitless opportunities for innovation, making every individual transaction all of our staff have, with all of our clients, partners and stakeholders as opportunities for real and positive transformation. We are increasingly proactive in communicating with all our stakeholders, while simultaneously building and developing our capacity to deliver great offender rehabilitation services.

Our Strategic Plan for 2018-2020, currently being generated, will build on previous developments and our achievements to date. It will be focused on what we already know about what works in reducing risk of reoffending, and putting in place what is required to implement the most effective practice, starting from a foundation of: One vision, One team, One standard – for all our staff, and for the partner organisations we fund, to provide services to assist us in our shared goals and tasks. Central to all this will be a focus on probation officers, community service supervisors, and all staff, working, in different ways, as the most effective change agents, and the most effective change team, that we can be.

If we accept, as I suggest, that the role of probation is offender rehabilitation, then everything we do, and specifically every action and interaction with our clients should be focused on our overarching goal of helping to reduce their risk of reoffending. We must target our resources and deliver our services, interventions and programmes, through qualified, trained and supported staff, in a structured way, based on evidence-informed approaches, consistently and in accordance with level of risk of reoffending and criminogenic need. Those of us working in probation need to unleash the tigers of leadership and change within us, individually and collectively. We will build a more comprehensive offender supervision framework, based on what works principles, and delivered through trained, skilled and supported staff, promoting the achievement of desistance from offending. In the medium to longer term, I want to see the Criminal Justice (Community Sanctions) Bill (2014) enacted. While the 1907 legislation has served us and our clients well for many years, it needs to be replaced, with legislation that reflects modern probation practice. As one of the provisions of that new legislation, I want to see social work formalised as the foundation of probation work in Ireland, as indeed it is already in legislation in Northern Ireland. All this only makes sense though, in the context of what we can and do achieve in our daily work with individual clients, their families and communities. 5

**Conclusion.**

In conclusion, I believe we in Probation in Ireland have little to fear, as long as we remain proud of what we do, but never satisfied; celebrate success and maintain our clarity about *why* we do what we do – to make a difference and create value for our clients and their communities. We are well placed to retain our destiny in our own hands, as long as we maintain both cutting edge effectiveness in what we do, and legitimacy and credibility among our stakeholders. I again applaud Dr. Deirdre Healy and her colleagues for inaugurating this lecture series by UCD Institute of Criminology and Criminal Justice. Again, I am delighted that probation was chosen as the topic for the inaugural lecture. Most of all, I commend Dr. Gwen Robinson on her thoughtful and excellent paper, reflecting on changes in probation policy and practice in Britain, the cradle of modern probation in these islands, and with whom we share so much. We need, more than ever, the spotlight that academic research, analysis and evaluation, which people like Gwen, and Deirdre, and their colleagues bring to the field of criminal justice. I really welcome the increasing academic and research focus on probation, as it helps inform policy and the development and implementation of evidence-informed practice. I can assure you all that whatever challenges – including bifurcation, old or new – that we face, our focus in Probation in Ireland has never been sharper, our commitment and passion stronger, and our determination greater, to do the best we can, to be the best we can be, to help offenders – our clients – to become ex-offenders and thereby to help create safer, fairer and more inclusive communities.

**References**

Robinson, G. (2016) ‘Patrolling the Borders of Risk: The New Bifurcation of Probation Services in England and Wales,’ in Bosworth, M., Hoyle, C. and Zedner, L. (Eds.) *Changing Contours of Criminal Justice*, Oxford: Oxford University Press.

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