

The role of engagement for positive outcomes in probation

HM Inspectorate of Probation

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HM Inspectorate of Probation is committed to reviewing, developing and promoting the evidence base for high-quality probation and youth offending services. Our *Research & Analysis Bulletins* are aimed at all those with an interest in the quality of these services, presenting key findings to assist with informed debate and help drive improvement where it is required. The findings are used within the Inspectorate to develop our inspection programmes, guidance and position statements.

This bulletin was prepared by Dr Laura Buckley (Research Officer) from HM Inspectorate of Probation.

We would like to thank all those who participated in any way in our inspections. Without their help and cooperation, the collation of inspection data would not have been possible.

Please note that throughout the report the names in the quotes have been changed to prevent the individual's identity.

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HM Inspectorate of Probation
1st Floor Civil Justice Centre
1 Bridge Street West
Manchester
M3 3FX

The HM Inspectorate of Probation Research Team can be contacted via HMIProbationResearch@hmiprobation.gov.uk

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Executive summary

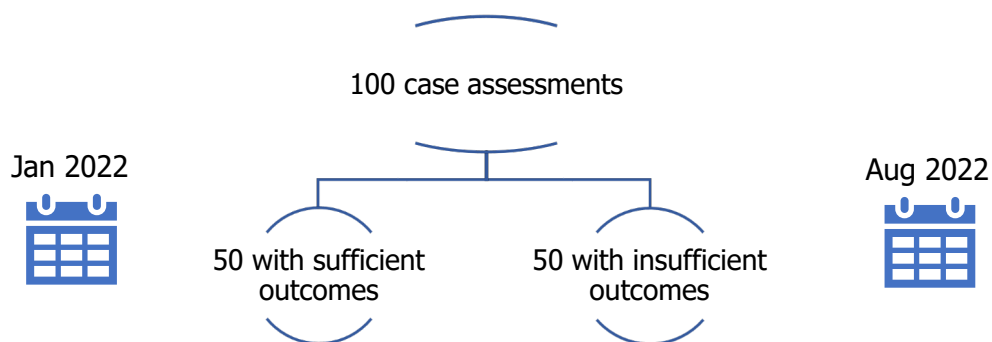
Context

The focus of this bulletin is upon the role which engagement can play in supporting positive outcomes for people on probation. Achieving positive outcomes provides a focus for probation work and includes a reduction – or ideally a cessation – in offending, alongside improving the life quality and chances of those under probation supervision. However, probation practitioners face a multitude of challenges, including working with individuals who can be mistrustful, unmotivated or resistant to change, and who may have significant needs such as homelessness, substance misuse and unemployment.

Engagement and the fostering of positive, trusting relationships are key components of probation practice, supported by the research literature. They necessitate the gaining of a good understanding of an individual's background, characteristics and lifestyle, an understanding of any enablers and barriers to compliance and sentence completion, and a focus upon ensuring that each person is treated as an individual, receiving a tailored approach.

Approach

The findings are based on a random sample of 100 cases inspected during 2022, where the summary judgements made by inspectors in relation to sufficiency of engagement were examined, alongside commentary to support judgements on the sufficiency of early outcomes. Half of the sampled cases were those where the inspector had judged that sufficient early outcomes had been achieved, whereas the other half were those where outcomes were deemed insufficient. Qualitative analysis of this data using NVivo led to the development of a number of key themes.



Key findings and implications

- In order for positive outcomes to be achieved, it is important that the probation practitioner works alongside the individual, ensuring that whenever possible work is done 'with' and not 'to' the person under their supervision. A 'one size fits all' approach is unlikely to be successful and work needs to be tailored to meet individual needs and be personally meaningful.
- Probation work is complex, and staff are required to utilise a significant number of skills in order to work with individuals, developing rapport, establishing a sense of trust, and maintaining an appropriate balance between encouragement and

'pushing'. Professional judgements need to be made, and inexperience and a lack of confidence can lead to decisions which, while possibly aligning with the wishes of an individual, undermine the likelihood of positive outcomes being achieved.

- Individuals may face a number of barriers to engagement. Where the probation practitioner engages fully with an individual through ongoing dialogue and is able to identify and remove any barriers, there is a greater likelihood of the person successfully completing their sentence and making positive progress. However, limited outcomes may still result in some cases due to the complex and traumatic backgrounds of many of those within the criminal justice system. There were instances where very few outcomes were achieved despite considerable engagement from the practitioner, person on probation, or both.
- Examples were also found where staff had missed opportunities to identify and/or remove barriers, meaning that positive outcomes could be much more difficult for the person on probation to achieve. One of the roles of the practitioner is to establish where an individual falls on the engagement continuum at the earliest opportunity; for those who are already experiencing low motivation and are at risk of non-compliance, any barriers can exacerbate negative behaviours. Furthermore, those who begin their sentence highly motivated can become demotivated if they feel that individual factors are not being taken into consideration.
- Probation practitioners are required to use their knowledge and experience to make professional judgements as to when flexibility is required to support an individual to remain compliant with their sentence. Factors such as physical and mental health, childcare and other personal characteristics/background circumstances should all be understood and taken into consideration, and any concerning issues should be addressed in a clear, honest and fair way. Examples were seen where flexibility was taken too far, and work with individuals was allowed to drift. When patterns of poor attendance and attitudes are tolerated without appropriate action, it can become much more challenging for an individual to move towards positive outcomes during their time on probation.
- Engagement and the development of rapport and trust is a complex process and cannot be rushed. Yet high workloads and other staffing problems can lead to staff being unable to give sufficient time and attention to individual cases, reducing the likelihood of positive outcomes.

1. Introduction

This bulletin focuses upon the role of engagement in achieving positive outcomes for people on probation. Engagement is a broad term and can cover a wide spectrum of activity. On one level, it can relate to motivating individuals to participate and attend interventions and can include identifying enablers and barriers and seeking to address these in order to support compliance. However, engagement can be much wider than this, and can involve securing the full participation of an individual, helping them to gain a strong sense of ownership for their progress, and encouraging them to play a central role in decisions around their goals and objectives (Hughes, 2011).

1.1 Summary of the research literature

As part of their core correctional practices model, Dowden and Andrews (2004) note that there is a need for 'open, warm, and enthusiastic communication' between a probation practitioner and the individual on probation, which can in turn facilitate the generation of respect. This is aligned to the view that probation should have a human service approach, based on personal relationships, rather than an administrative or bureaucratic one (Grapes, 2006). McNeill (2009) states that 'effective relationships lie at the crux of an effective practice approach'; personal and professional relationships are key to change, with individuals being influenced to change by those whose advice they respect and whose support they value. Desistance research further emphasises that people on probation need to be involved in the planning of their goals and that those set by probation need to be concurrent with their own in order for the work to truly support them to reduce or cease offending (McNeill and Weaver, 2010). Both parties are then engaged in the supervision process as 'active collaborators'.

Within the Risk-Need-Responsivity model (Bonta and Andrews, 2007), the responsivity principle highlights the need to consider motivation, while the organisational staffing principle characterises quality relationships as respectful, caring, enthusiastic and collaborative. In a review of the literature examining the relationship between recidivism and the supervision skills used by probation officers, Trotter (2013) emphasises the importance of both motivation and problem solving, while Maguire and Raynor (2006) underline the importance of empathic support to sustain motivation, particularly in the face of setbacks. In our [Academic Insights paper 2020/03](#), it is highlighted that 'displaying empathy was one of the most commonly cited examples of emotional work' undertaken by interviewed officers (Phillips et al., 2020).

Many of these points align to those studies which have explored the views of people with lived experience of probation supervision. Those on probation have highlighted the importance of the skills and attributes of their practitioners for high-quality supervision, with the strongest emerging theme being the importance which individuals place on the relationship they have with their supervising officer (User Voice, 2015; Barry, 2000; Rex, 1999). Developing a rapport is seen to be key (Nahouli et al., 2022), and to facilitate this, having a consistent relationship with the same officer has been deemed to be important (Robinson, 2005; Rex, 1999). In research undertaken by User Voice (2015), it was reported that more than 40 per cent of the sample had experienced two or more probation officers, with a small number having experienced five or more. The negative consequences were an

undermining of trust, the need to repeat information, and the lack of a shared understanding. Similarly, Maguire and Raynor note that trust is personal and people do not like telling their troubles to a succession of strangers (2006), while Robinson (2005) has argued against 'pass-the-parcel' case management.

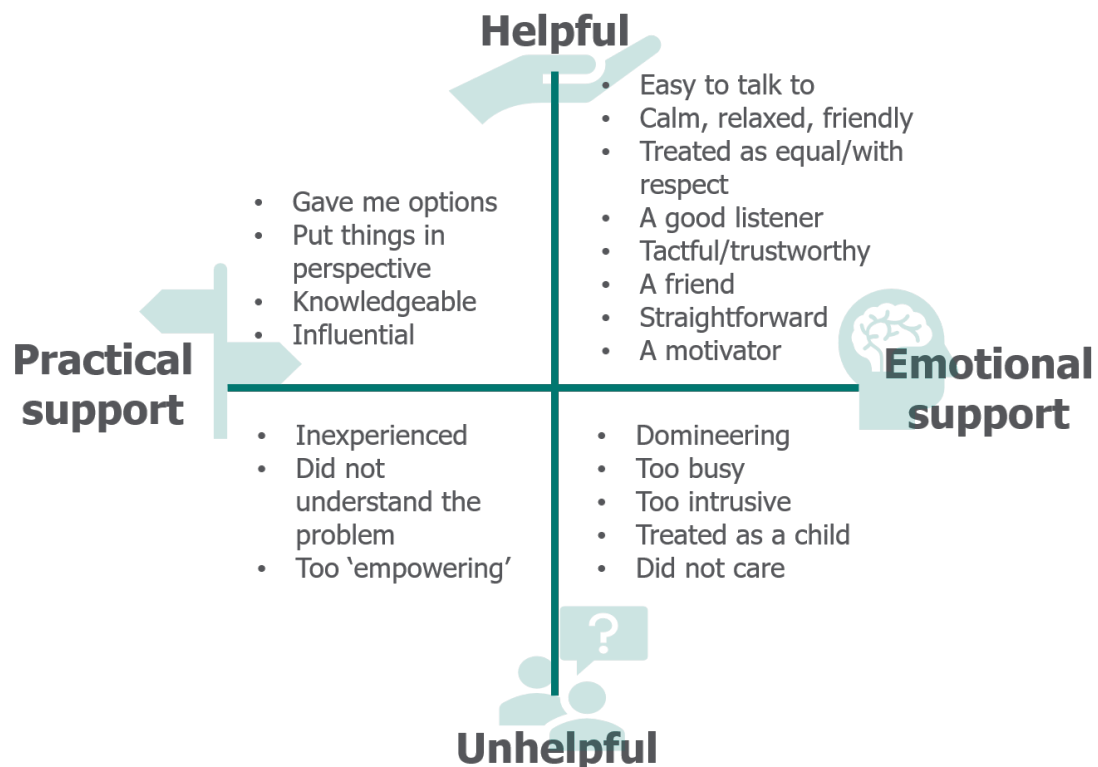
Those on probation have also reported that having a positive relationship with their probation officer can lead to reduced levels of recidivism (Chamberlain et al., 2018). Feelings of personal loyalty towards an individual practitioner can make them feel more accountable for their actions, and thus less likely to violate their probation conditions. It can also lead to them being more willing to confide and communicate treatment needs (Robinson, 2005).

In a 2011 study, Hughes undertook interviews with 12 members of probation staff (six probation officers and six probation services officers) as well as 12 individuals who had recently received community orders. The staff frequently identified relationship skills as most important for establishing engagement and supporting compliance; more specifically, being open, showing empathy, respect, understanding and listening. Those on probation likewise emphasised the centrality of the relationship with their probation officer to their probation experience; they stressed the importance of having a non-judgemental approach, respect, openness, fairness and being listened to.

Similar points have been identified in the wider literature which has included the views of those on probation. Individuals have stated that they prefer officers who are experienced, respectful, non-judgemental, trustworthy, reliable, flexible, honest, supportive, and encouraging (Appleton, 2010). Rex (1999) reported that those who perceived their probation officer as reasonable, knowledgeable, and empathic were more inclined to attribute positive change in behaviour to probation supervision; while User Voice (2015) found that individuals respected the relationship with their probation officer when staff were consistent, fair, and accountable. Conversely, instances in which probation officers were late, rushed tasks, seemed uncaring, or mistrusted individuals on probation were cited as examples which led to feelings of being "*processed*" or "*managed*" (Appleton, 2010). Rex (1999) also found that those individuals whose officers appeared only to be monitoring them were likely to be negative about their experience.

Individuals tend to report that they value being listened to, and for their probation officer to take the time to recognise them as an individual and show a genuine concern for their wellbeing (Appleton, 2010; Healy and O'Donnell, 2008; Rex, 1999; Broussine and Wakefield, 1997). In a study involving 60 people on probation (Rex, 1999), most referred to the need for probation officers to demonstrate empathy, and approximately two in three commented that their supervisor's ability to listen, and to show interest and understanding, enabled them to talk. Where officers did not display these skills, it could reduce the impact of supervision; for example, Shapland and Bottoms (2010) found that those on probation believed they would have found their experience of probation more helpful if staff had listened more to what they were really saying. Where individuals reported not getting on well with their officer, the consequences included not turning up to appointments or refusing to engage in any meaningful way (Barry, 2000).

Aligned to many of these findings, the following diagram has been produced to illustrate the perceptions held by people on probation regarding the helpful and unhelpful approaches adopted by practitioners (McIvor and Barry, 1998).



A challenge which staff can experience is the lack of motivation shown by those on probation (Hughes, 2011), and they have emphasised that applying a single model of practice with all of those under their supervision is clearly not viable, recognising individual's different levels of commitment, their attitudes to probation, as well as their personal characteristics and diversity needs. Staff have also highlighted the need to be supported in using dynamic approaches which relate to the motivations of each individual. For example, for those who have a very hostile attitude towards probation services and authority more widely, facilitating a positive, non-confrontational dialogue can be seen as important progress.

Having a motivated probation officer who makes you "*want to change*" has been noted as having value by those on probation (Shapland and Bottoms, 2010). Officers seen as "*pushy*", i.e. those who consistently demand real effort and change, can be viewed as showing genuine interest and concern, which helps create and maintain motivation (Rex, 1999; Ditton and Ford, 1994). In contrast, officers who simply focus on "*just general stuff*" and do not explore deeper have been deemed to be unhelpful (Shapland and Bottoms, 2010). Practitioners should be persistent and find out the reasons behind an individual's offending. Rex (1999) has noted, however, that there is a need to create a balance between encouragement or "*pushing*" whilst maintaining due regard for an individual's autonomy. Those interviewed in her study were wary of officers becoming over-directing or authoritarian, as this had the potential to instigate suspicion or conflict.

Finally, staff in the Hughes (2011) study identified that while they had been given training in terms of assessing needs and setting objectives, much less emphasis had been placed on softer skills and especially on how to engage those under their supervision. They did, however, praise the training that they had received on motivational skills, based on the work of Miller and Rollnick (2013). Those who felt that they did have the necessary skills spoke

about how these had often been gained from training received outside the context of their probation roles, such as those who had previously worked in counselling.

The importance of both relationship skills and structuring skills for probation practitioners has been highlighted within the core correctional practices literature.

Relationship skills

Engaging service users in relationships which are respectful, caring, enthusiastic, collaborative, motivational and which value personal autonomy.

Structuring skills

Facilitating changes in attitudes and behaviour through prosocial modelling, effective reinforcement and disapproval, skill building, cognitive restructuring, problem solving, effective use of authority and advocacy-brokerage.

1.2 Our inspections of probation services

Our current inspections of probation services are underpinned by standards which are grounded in evidence, learning and experience (from research and inspection). In developing the standards framework, we worked constructively with providers and others to build a common view of high-quality probation services and what should be expected. To provide evidence for our Probation Delivery Unit (PDU) standards, individual cases are inspected and judgements made against the following key questions applicable to engagement and early outcomes.¹

2.2 Assessment

2.2.1 Does assessment focus sufficiently on engaging the person on probation?

2.3 Planning

2.3.1 Does planning focus sufficiently on engaging the person on probation?

2.4 Implementation and delivery

2.4.1 Is the sentence or post-custody period implemented effectively with a focus on engaging the person on probation?

2.5 Reviewing

2.5.1 Does reviewing focus sufficiently on supporting the compliance and engagement of the person on probation?

2.6 Outcomes

2.6.1 Do early outcomes demonstrate that reasonable progress has been made, in line with the personalised needs of the person on probation?

For the engagement questions across the four aspects of case management – assessment, planning, implementation and delivery, and reviewing – inspectors consider whether the following factors are taken into consideration to support the individual to engage and comply with the sentence:

- motivation and readiness
- the impact of diversity/protected characteristics/personal circumstances
- meaningful involvement in aspects of case management, with the individual's views taken into consideration
- sufficient level, pattern, and type of contact (including a proportionate level of contact pre-release where applicable)
- an effective working relationship with the person on probation
- efforts made to enable the individual to complete their sentence, including flexibility
- risks of non-compliance identified and addressed to reduce enforcement action (with enforcement taken where appropriate)

¹ The current full standards framework can be found here:
<https://www.justiceinspectorates.gov.uk/hmiprobation/about-our-work/our-standards-and-ratings>.

- efforts made to re-engage the individual after enforcement actions or recall.

In making an overall judgement on the sufficiency of early outcomes, inspectors consider progress in the following areas:

- factors relating to offending
- strengths and protective factors
- risk of harm to others
- sufficiency of compliance
- reductions in offending.

When making judgements in relation to outcomes, inspectors consider the extent of progress that has been made during the period being inspected, taking into account evidence from the case file and an interview with the relevant probation practitioner. Judgements of sufficiency consider the needs of the individual person on probation, the nature of the sentence, and what progress is reasonable to expect by the time of inspection. The inspected cases all commenced supervision within the community six to seven months previously, either at the start of a community sentence or following release from custody.

Many of the individuals who come into contact with the probation service have a range of complex needs, often resulting from traumatic life experiences. One of the key points set out within the desistance literature is the need for realism, recognising that desistance can be a difficult and complex process, particularly for people who have been involved in persistent offending, and it can involve lapses and relapses. It may take considerable time for supervision and support to change entrenched behaviours and the problems that underlie them. Building upon his research findings, Farrall (2012) argues that 'probation can assist even the most entrenched of offenders to stop offending, BUT that the 'unfolding' of the effects of probation supervision can take very many years (so NOT like an aspirin: accumulative not dissipative).'

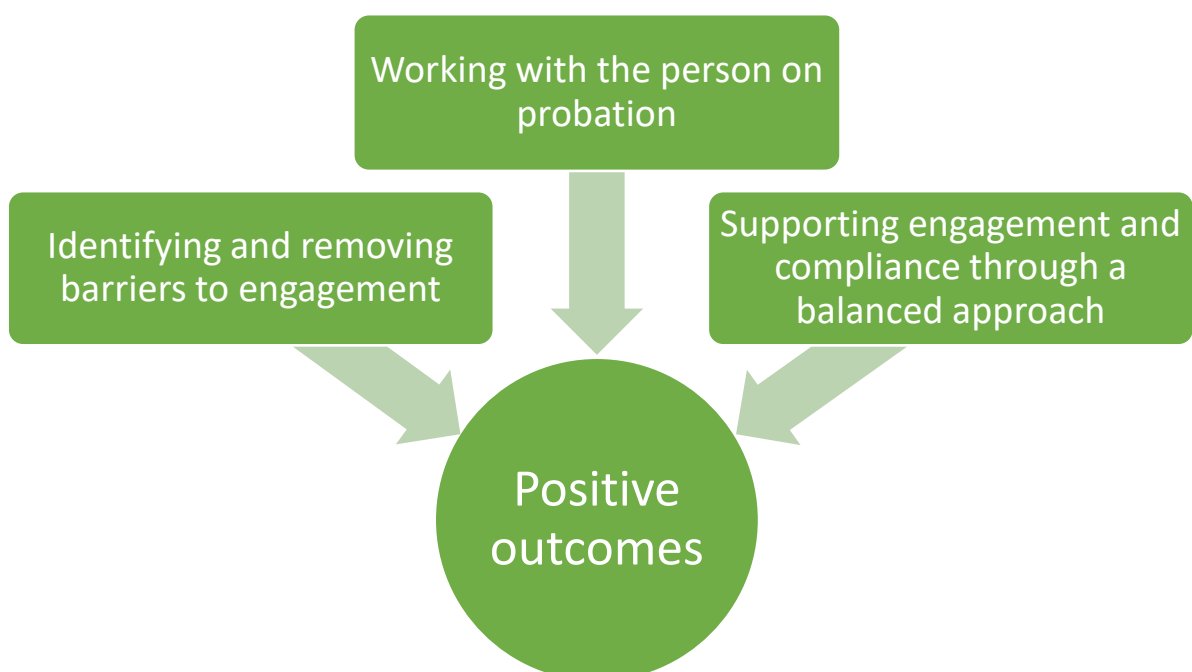
Inspectors are especially mindful of this when making their judgements and appreciate that what may seem like small progress within a file record can actually be significant progress for an individual, and that, for some, behaviour and life challenges are so deeply embedded that positive outcomes can take considerable time to achieve. Individuals may also not be in a place where they feel willing or able to make changes to their lives; they may have prior negative (perceived or actual) experiences of the criminal justice system and may be experiencing a lack of trust or respect which limits the extent to which they will engage. It is thus recognised that for some people on probation, sufficiency at the six to seven month point may be about maintaining stability, with planning in place to then start moving forward.

2. Findings

A sample of 100 case narratives were explored: half of these were cases where early outcomes were deemed by inspectors to be sufficient; and half where the outcomes were deemed insufficient. For each of these cases, the inspectors' commentaries in relation to engagement were examined; see Annex A for further information about the methodology. Quotes from the commentaries are set out in the following sub-sections, illustrating how engagement appears to have played a role in supporting outcomes, while a lack of engagement could have an undermining effect. This qualitative analysis supplements the quantitative analysis in our [Research & Analysis Bulletins 2023/03 and 2023/04](#) where we explored relationships between the inspectors' yes/no judgements regarding the quality of delivery and early outcomes/sentence completion/proven reoffending measures.

It is important to note that when reading the inspectors' narratives, there was not always a clear relationship between the quality of engagement and the early outcomes achieved. There were cases where engagement was poor but reasonable outcomes were seen, and there were other cases where extensive effort was made by either the practitioner, the person on probation, or both, yet little progress was made. Some of the potential reasons for this have been explored in the background section. This does not, however, undermine the fact that probation practitioners should always strive to develop positive relationships with those under their supervision and to engage them to support beneficial changes in their lives.

As set out in the following sections, three overarching themes emerged from the analysis of the recorded textual information:



2.1 Working with the individual

One of the key approaches for engaging the person on probation, and enhancing the likelihood of positive outcomes, is by working 'with' or 'alongside' that individual, rather than doing work 'to' them. When people are working towards goals which they find personally meaningful, they are more likely to be motivated to engage and comply. This, of course, has to be in line with supporting desistance and managing any safety concerns and will be far from straightforward in many cases. Individuals may have low motivation and belief in their ability to change and may also hold unfavourable attitudes towards criminal justice staff. As such, probation practitioners are required to draw upon their professional skills and experience to find the most appropriate and supportive way to build a relationship.

2.1.1 Tailoring work to meet individual needs

Carefully tailoring work and seeking to establish a rapport with the person on probation can significantly influence the quality and outcome of the supervision experience. Working with an individual to identify, plan and deliver work which addresses pressing needs and personal goals, can lead to the person on probation feeling heard and valued. This in turn can foster greater rapport and levels of trust, which can result in the individual feeling more comfortable in disclosing more challenging or personal aspects of their lives. When these too are addressed, this can lead to a positive cycle. Conversely, where an individual does not feel that they have been fully heard and planning has not been tailored appropriately, the consequences can include a lack of trust, less disclosure, and ultimately poorer outcomes.

Tailoring work to the individual includes considering the sequencing in which interventions are undertaken. In some cases, there will inevitably be urgent needs and safety concerns which must be addressed first, regardless of whether or not these are the wishes of the person on probation. However, where possible, allowing the individual to identify their priorities and to focus on these near the start of their sentence can pave the way for more challenging work to be undertaken later on. This is shown in the case of Derek:

"Conversations with Derek revealed that his priority appeared to be on completing the unpaid work element of his sentence and the practitioner is pro-active in supporting this. The unpaid work assessment was completed promptly, and his existing commitments were fully considered. In interview, the practitioner identified that although work needed to be done in relation to his risks around relationships and thinking skills, sequencing these later in the sentence was a conscious decision based on undertaking more challenging work once a rapport had been established. The practitioner has since been addressing these appropriately using RAR days to complete toolkit work. There has been a shift in responsibility accepted by Derek for his behaviour and views, and his protective factors – ETE and accommodation – have improved even further by his own actions. At the time of inspection, there has been no evidence of further offending."

In addition to addressing offending-related needs and areas of risk, developing and sustaining protective factors in an individual's life has increasingly been recognised as important for supporting positive outcomes (as illustrated by [Research & Analysis Bulletin 2023/04](#)). Therefore, when Jez highlighted barriers to accessing an important source of support, the practitioner took appropriate action:

“Jez was released to out of area accommodation that he feels will be detrimental to his engagement with his licence due to the lack of access to the support of family and friends. Given his emotional wellbeing needs, efforts are made to secure more appropriate accommodation to support effective engagement, and he is able to move closer to his support network. Despite the fact that his Prison Offender Manager (POM) identified Jez as lacking in motivation to comply, the fact that he feels his probation officer is listening to his needs has helped the development of a positive working relationship. Good outcomes were seen in this case and Jez has made progress in accommodation and employment and there is no evidence of substance misuse which was a significant risk factor.”

Personal characteristics and diversity needs should also be identified and taken into account when planning work. The case of Stephen illustrates that the initial lack of analysis in relation to his mental health meant that it was not appropriately considered at the implementation/delivery stage. It was only after Stephen received a second conviction for domestic abuse that a different practitioner facilitated positive results by working alongside Stephen and his diversity needs:

“The new practitioner established a good rapport with Stephen and ensured that his personal circumstances were taken into account when delivering work. A full review of OASys² took place which incorporated Stephen’s views and the practitioner continually reviewed barriers to engagement and made adjustments. This included working appointments around Stephen’s employment and tailoring RAR work to be sensitive to Post-Traumatic Stress Disorder (PTSD) and mental health issues. The new practitioner has worked hard to deliver meaningful work aimed at reducing relevant risks of harm. Stephen appears to have adopted more pro-social coping strategies and now feels comfortable disclosing problems to his practitioner for support.”

However, when the views of the person on probation are not taken into consideration, and sentence planning is not tailored to their needs, the likelihood of positive outcomes being achieved can be severely hindered, especially if the individual feels that their sense of safety is being compromised as in the case of Jess:

“Although a prompt start is made with unpaid work, Jess reports feeling intimidated by a male only unpaid work group. However, alternative unpaid work is not sought or discussed with her. There is also no record of any information obtained in relation to specific female interventions that she could take part in. Very little progress has subsequently been made on this case.”

Finally, where the person on probation identifies both a need as well as a solution to factors which are having a detrimental impact on their lives, it is imperative that the practitioner takes steps to hold them to account – with an appropriate balance between encouragement and ‘pushing’. Where such steps are not taken, this can lead an individual to feel unsupported which can in turn lead to disillusionment at solutions which may otherwise have been helpful. Although an extreme example, the case of Reese demonstrates the hurt and frustration which can result:

² OASys is the Offender Assessment System used across prisons and the probation service.

“Reese requests a ‘sobriety tag’ as a community order requirement and is motivated to engage with it. It takes five days for the tag to be fitted and after his induction appointment, Reese is not seen for three weeks. When he relapses into alcohol use and does not hear from his probation practitioner as he expects, he attends his next appointment with a steak knife which he uses to cut off his tag before leaving the officer. Breach is initiated but no attempts are made to contact or re-engage him.”

2.1.2 Utilising practitioner skills

Many of those in contact with the criminal justice system have experienced some, possibly considerable, trauma and adversity in their lives which is likely to manifest in behaviours which are not only criminal but which can make working with them and achieving positive outcomes especially challenging. Probation practitioners come from a wide range of backgrounds and, building upon their formal probation training, they often bring skills which are invaluable in looking below the surface of non-compliant behaviour in order to motivate people on probation and give them the confidence in their ability to change.

A multitude of practitioner skills, and the value that they added, were clearly evident in the inspectors’ commentaries. For example, inspectors praised the work of one practitioner who provided highly effective supervision to Aaron through all areas of case management, despite the fact this was a challenging case:

“The practitioner’s knowledge and understanding of Aaron and his circumstances, Aaron’s views and offending behaviours and patterns are clearly evidenced. There is clear evidence that Aaron is fully involved in discussions around each element of supervision. Communications between the practitioner and Aaron around enforcement decisions are clear and direct, and additional steps are taken by the practitioner to facilitate successful supervision. Reviews clearly evidence reflection on the part of the practitioner as to Aaron’s engagement and areas of concern requiring additional focus. Compliance has been positive despite a chaotic lifestyle and this can be partly attributed to the commitment of the practitioner.”

Prior life experiences lead to some of those on probation having a distrustful attitude towards those in authority. Establishing a sense of trust is one of the key factors in a successful supervisory relationship, enabling an individual to feel safe enough to be open and honest about their needs, circumstances and experiences. All aspects of case management are made considerably harder without this trust and having challenging conversations can be especially daunting. However, when a practitioner addresses behaviours in a clear, honest and fair way, this can aid positive outcomes even where there is some resistance from the person on probation. So, when Zion’s practitioner became aware that he had breached his licence conditions by having contact with a 13-year-old girl, the resulting conversation was handled well and the practitioner continued to work in ways to try to establish trust and a positive relationship with Zion:

“Once recalled it is very positive that contact is made with Zion and the recall is discussed in detail, and despite him becoming aggressive, the discussion and required work are not avoided. Numerous ways are used to try and build rapport – keeping in contact, changing appointments, helping with issues, keeping appointments short.

This was a very difficult case to manage, however, positive management was undertaken of risk to children and current safeguarding issues have improved.”

The experience of being on probation can be overwhelming for some, especially if the first time in the criminal justice system. But where a practitioner works sensitively and openly with the person under their supervision using a range of practitioner skills, they can have a positive impact on any negative or unhelpful underlying thoughts, feelings and behaviours:

“This was Nigel’s first experience of being on probation, and it was therefore good to see this being acknowledged by the practitioner and time was taken to ensure understanding of expectations and offer reassurances. The practitioner also took a strengths-based approach to the early discussions and encouraged Nigel to consider how he can move forward rather than dwelling on what he viewed as his failures. It was good to see the practitioner engaging Nigel in review discussions after the emotional wellbeing work was completed and providing positive reinforcements of the progress he had made so far, as well as identifying new goals for continued progression. This all led to considerable improvements in this case.”

Practitioner skills are important when making decisions which are not in line with the wishes of the person on probation but are the most appropriate for making progress. Case-by-case and instance-by-instance consideration is required, weighing up the potential undermining impact upon the building of rapport alongside the effect it could have on completing the necessary work and activities:

“Jan’s first language is Polish, and he is not fluent in English. There are some concerns that his appointments are conducted without an interpreter and there are differing descriptions of his ability to understand the English language. Jan stated that he would prefer to do this without an interpreter to improve his English, however this is not suitable as it has resulted in very little work being completed.”

In another case, the inspector judged that the practitioner’s lack of experience meant that they had not felt able to take the necessary appropriate action in their management of Suhel:

“I would consider that the practitioner was too flexible with the repeated attendance at probation under the influence of alcohol, particularly on the day when his presentation was hostile. This has been discussed with the practitioner and is seemingly a confidence and knowledge issue, given that they are a new member of staff.”

2.2 Addressing barriers to engagement

Without the engagement of the person on probation, the likelihood of achieving successful outcomes is considerably diminished. The continuum of engagement spans from individuals who are extremely resistant and unmotivated to change to those who are very willing and eager to work with their practitioner to achieve meaningful and positive outcomes. Skilled probation staff can and should seek to engage with those who show little to no motivation or who have a history of non-compliance. One of the roles of the practitioner is to establish where the individual falls on the engagement continuum at the earliest opportunity. For those who are at risk of disengagement, it is imperative that barriers are identified, with

plans made to remove or at least reduce these barriers. Conversely, where the person on probation is showing high levels of engagement, this should be nurtured to help with its maintenance when any challenging work is undertaken.

2.2.1 Identifying and removing barriers

In order to support the individual on probation make the necessary progress and achieve positive outcomes, practitioners need to identify any factors which may act as a barrier to engagement with the supervision process. This could include mental and physical health issues, existing employment and childcare commitments, and/or a lack of motivation and willingness to change, including evidence of previous non-compliance with probation or other services. At the assessment stage, the role of the practitioner is to identify any of these factors before seeking ways to mitigate them.

One of the main approaches for identifying potential barriers is to work closely with the individual person on probation, as they can have important insights to share into their behaviour. For example, through conversations in his supervision, a number of barriers were raised by Tyler which could have potentially undermined his ability to successfully complete the required intervention. Similarly, Bête informed his officer of needs which would need to be addressed in order to support the likelihood of positive outcomes:

“Tyler shared his concerns about attending the Thinking Skills Programme (TSP) due to clashes with his childcare commitments and this leads the practitioner supporting a discussion with providers where adjustments are made. Further, when Tyler shared anxieties about group working, the officer conveys this to the provider who assured him that he will be fully supported. He successfully completed the TSP and appears able to reflect on decision making skills.”

“At the start of the order, Bête identified alcohol and mental health as the main factors linked to his offending and referrals were made to appropriate services. The practitioner has confirmed he has engaged well with both Change Grow Live and a dual diagnosis worker, and that his consumption of alcohol has significantly reduced. He accepts he requires further wellbeing support and has now agreed to work with a relevant organisation.”

As noted earlier, it may not always be possible to adhere to the wishes of the person on probation, and even when potential barriers to engagement are raised, the practitioner must apply professional judgement – considering the available evidence – to assess whether or not a particular action would be appropriate and helpful:

“Martin raised that he was uncomfortable with a female officer as a consequence of his offence [sexual assault]. While the practitioner did consider this as a potential barrier, he was not offered a male instead due to the fact that his prison keyworker was female, and he will be working with female staff from a range of other agencies. This was, however, set to be reviewed at regular intervals. Martin appears to have engaged well with his order.”

It is important to recognise that although engagement is a central factor in supporting positive outcomes, the progress which can be made during the period of supervision may be limited by the complex and traumatic backgrounds of many on probation, even where steps have been taken to identify and remove any barriers, as in the case of Roz:

“Assessment draws on past records to analyse Roz’s motivation and barriers to engagement, both during her time in custody and as part of a post-release discussion. Analysis includes Roz’s drug use and the impacts of this on potential non-engagement, identifying that she would struggle to attend the office and to finance this travel. Planning takes into account Roz’s struggle with managing drug use and unrealistic attendance at an office, therefore arranging home visits.....While her accommodation situation is improved and her financial support is in a better position, the dependency she has to substances which is indicative of the level of trauma she has experienced does limit the outcomes achieved in this area.”

It should also be recognised that tackling poor levels of motivation can be extremely difficult. Jay, for example, was found to have a “*poor record of compliance*” which was identified at an early stage, and the practitioner explored a number of ways to make it as easy as possible for him to attend his appointments which initially appeared to be successful. Unfortunately, this did not last long and a further offence was committed by Jay during his time on probation:

“Jay has a poor history of compliance and efforts were made to engage him including providing bus fare, arranging his brother’s appointments on the same day, habitual reporting (same day/time every week), flexibility in reporting (office visits and telephone calls), and the initial support to remove barriers to attendance (help with benefits). Although he attended three of his first four appointments, he quickly disengaged. Jay reoffended and received a suspended sentence order.”

2.2.2 Missed opportunities

In the examples above, practitioners worked proactively with the individual person on probation – with varying degrees of success – to remove barriers to engagement. But inspectors’ commentaries also revealed that, in some instances, practitioners had missed opportunities to sufficiently consider key barriers. Unfortunately in the case of Remy, the extent to which he may be impacted by past traumatic experiences at different times of the year was overlooked:

“Remy’s experience of loss and resulting depression are analysed as potentially impacting future engagement, but this area would have been enhanced by the practitioner identifying the dates of Remy’s loss of his brother and son given the contribution these experiences had on his mental health and the potential for these dates to be taken into account when scheduling Remy’s attendance.”

In the case of Adeel, previous behaviour indicated the potential for non-compliance with his current order. As such, a reasonable expectation is that steps would have been taken to consider both those factors which may undermine as well as those which could support successful outcomes. However, relevant factors were not fully considered:

“There is recognition that Adeel is employed but wants to further improve his employability skills. However, assessment does not consider how his past non-engagement with substance misuse services might be an indicator of non-compliance with probation. Nor does it recognise how Adeel’s employment hours might impact on his ability to engage with all the elements of his order nor how his desire to improve

his employability skills can be used to increase his engagement. Adeel twice requested forklift truck training but is not referred either as part of supervision or his unpaid work hours.”

Adeel did in fact comply well with his order, but the inspector noted that this was “*despite the fact that there was very little of substance being delivered to engage him*”.

Even when key factors are identified at the assessment stage, if these are not properly analysed and potential barriers properly considered, then the work undertaken is less likely to be of value, as in the case of Dwayne and Rene. In the latter case, it felt to a certain extent that the individual was being set up to fail:

“The assessment identified that Dwayne has a complete lack of motivation to change and a history of non-compliance. However, there is no identification or analysis of what the barriers are. There is mention that Dwayne suffers with depression, anxiety and ADHD, but there is no recognition of how these issues may impact on his ability to engage and comply. While contact has been fairly consistent, it is lacking in exploration and professional curiosity, and no actions were taken to address substance misuse and mental health issues. Further offending has taken place and Dwayne was given a six-month custodial sentence for assaulting a police officer. He is also awaiting completion of a pre-sentence report for burglary of a dwelling.”

“The assessment identified early signs of non-compliance with unpaid work. However, it fails to link protective characteristics and personal circumstances, including Rene’s mental health and the process of adopting her youngest child, and how this acts as a barrier to engagement. Had this been considered, the practitioner would have identified very early on that 150 hours of unpaid work for a female with a chaotic lifestyle and mental health issues was not suitable. Rene disengaged very early in the sentence and there is little evidence of a review of how to engage her. The order was eventually revoked, and Rene was reconvicted for common assault on a friend.”

Obi was described by inspectors as presenting as “*remorseful and very motivated to engage and comply*”. However, very little work was undertaken by the practitioner to identify potentially undermining factors, meaning that he failed to stay on track with the requirements of his sentence:

“No diversity monitoring form was completed either at pre-sentence stage at court or by the probation practitioner at allocation. And while assessment did identify Obi’s employment commitments, it did not analyse how these may be a barrier to his ability to comply with unpaid work hours. Obi’s views were not recorded, resulting in insufficient evidence of focus on engagement. Due to a lack of focus by the practitioner on engaging Obi, there has been drift in the completion of unpaid work hours.”

2.3 A balanced approach

Probation practitioners need to pay attention to the requirement for people on probation to comply with their orders alongside making positive progress towards addressing needs and building protective factors. Across the inspected cases, it was clear that practitioners regularly use their skills and experience to make professional judgements, treating those

under their supervision as unique individuals, some of whom require greater leniency in order to move towards positive outcomes. Generally speaking, the more regular the supervision sessions, particularly when of a reasonable length and quality, then the greater the likelihood of establishing trust, rapport and positive progress. The cases also illustrated that when engagement was allowed to 'drift', either as a result of irregular and/or poor-quality appointments or a lack of timely follow up, then this lack of an established pattern could ultimately be detrimental.

2.3.1 Using professional judgement to allow flexibility

When practitioners take the time to build a rounded understanding of an individual, they are more likely to recognise complex underlying reasons to what on the surface looks like poor compliance. As such, a degree of flexibility in approach can be important. Inspectors' commentaries show that for this flexibility to be successful, both the practitioner and the person under supervision needs to be actively involved, with an ongoing dialogue and constant review of the situation being essential. In the examples of Martin and Isaac, their health conditions were seen as paramount and in need of support:

"Martin appears to have engaged well and when he hasn't been able to attend in person due to medical issues, he has ensured he has called to discuss this with his practitioner. The officer is aware that he has episodes of low mood and had adapted her response on occasion when he has presented in such a way, such as adjusting to phone so that regular reporting could be maintained. Martin has engaged well with services to support both his mental health and substance misuse, and his consumption of alcohol has significantly reduced. He is thinking into the future and has agreed to start applying for volunteering work. Looking at his previous records, being in some form of employment – paid or unpaid – appears to be a factor which strongly supports his desistance. At the point of inspection, Martin had not reoffended."

"It is acknowledged that Isaac has cancer, and this is incorporated in the plan. Appointments are adapted to suit his needs. There are times when he does not feel well or has a doctor's appointment, and this is supported by changing appointments. His engagement and compliance are frequently reviewed. He is still reporting on a weekly basis which is a positive given his risk factors and general hostility to the criminal justice system."

Alongside health issues, practitioners need to pay attention to potential logistical issues, e.g. where the individual is residing, as well as general engagement levels. Once again, flexibility can be employed to ensure that the individual is given the best opportunity to comply with their sentence:

"Because Kieran was living in a remote rural rehabilitation facility after release, telephone contact was all that was possible and that was managed appropriately. He has a long history of being difficult to engage, and the practitioner was appropriately flexible to avoid knee-jerk enforcement. For periods when he was out of contact, the practitioner made appropriate contact with other agencies working with him, to check where he was and what he was doing. This is a complex case, with a very long

history of offending and non-compliance. However, this has been judged to be positive in terms of outcomes due to the fact that Kieran has moved from unsuitable housing and is currently experiencing a period of stability in bed and breakfast accommodation. This is considered to be reasonable progress."

Making the right judgement as to whether or not to take breach action requires a thorough understanding of the risks involved, including those from returning an individual to court or custody. For example, Carrie had experienced trauma in her life, the impacts of which continued to manifest, requiring the practitioner to consider the risks Carrie posed to herself alongside those to the public:

"Assessment reveals that Carrie has needs related to trauma, emotional wellbeing, alcohol use and abusive relationships, all of which could impact on her ability to comply and engage with the order, as well as the risks she poses to herself. As such, the practitioner maintains regular contact and provides flexibility when Carrie self-harms and attempts suicide. She also liaises with her leaving-care worker when compliance concerns arise. While there are recording inconsistencies around enforcement, the practitioner has been right not to take breach action due to Carrie's mental health and the complexities of the case, as well as the fact that she has memory issues. Carrie has engaged with an ETE intervention and gained employment. This is a positive step forward and can be built on to improve her self-esteem and help her develop positive associates."

2.3.2 'Drift' can lead to poor outcomes

A clear distinction needs to be made between allowances based on genuine personal circumstances and simply allowing compliance to 'drift'. The latter is much more likely to undermine rather than support future compliance and ultimately the progress towards positive outcomes for the person on probation. Where there is a history of poor compliance and/or the person displays low levels of engagement, a clear and consistent pattern of quality supervision sessions is particularly important. At the same time, any lack of compliance should be addressed swiftly and effectively.

Ethan's records showed that he had an established pattern of poor engagement, and the practitioner should thus have focused upon trying to ensure that this pattern would not be repeated. However, the inspector's commentary showed that only minimal efforts had been made in supporting Ethan to attend his required appointments and to obtain the necessary support:

"Early in the court order, contact is made with the Alcohol Treatment Requirement (ATR) provider to check attendance at his initial treatment appointment, but no further contact is made with them. Other than sending warning letters, next appointment letters and initiating breach, no other efforts are made to try to engage him. The letters themselves are not motivational and do not encourage engagement. The case record suggests that Ethan does not stay at his sisters (which is his mailing address) but letters keep being sent there not knowing whether he is receiving them. During the period of the community order, Ethan did not attend any appointments or engage with the order. No services were delivered in the community and he reoffended and received a custodial sentence."

Where the person on probation appears to be motivated, this should not be taken for granted and it is essential that the practitioner pays attention to its maintenance. Appointments which are of insufficient length and/or insufficiently frequent can have an undermining impact and be detrimental to an individual's progress:

"Despite the fact that Tommy appeared compliant and willing to engage, he did not appear to have much involvement with individual planning. In addition, there was considerable drift with regards to delivery of what was planned and following induction, Tommy was advised that his appointments would only be monthly. This was insufficient to engage him or build an effective working relationship. While Covid restrictions initially limited contact to the telephone, when face-to-face contact was enabled this was only for 15 minutes at a time which was again, insufficient. While a verbal warning was given to encourage compliance, a pattern of limited required engagement has already been established at this time. While Tommy has not been charged with further offending, there has been little progress in terms of the underlying thinking and attitudes which enable his offending behaviour."

Another factor found too commonly in probation practice has been the lack of continuity in relation to the practitioner undertaking supervision for an individual throughout their sentence. This is illustrated in the case of Greg, where having multiple officers had led to a lack of monitoring of his attendance:

"Assessment is mindful that Greg is released post recall, has a poor record of compliance, and although he always maintains that he will comply, seems unable to do so. Although he attended three of his first four appointments, he quickly disengaged. However, nothing was done for almost two months. Few efforts have been made to engage Greg. This is in part due to the fact that he had three supervising officers in six months and was out of touch for long periods before anyone noticed. The probation practitioner who was interviewed has only recently taken over the case and could not explain why this had happened. Greg reoffended three times since his initial release and has received two further custodial sentences, a conditional discharge, and two community sentences."

'Drift' can also occur where an individual is being supervised by a 'caretaker' practitioner, with no probation area appearing to take ultimate accountability for the person under supervision:

"Dom was released from custody to a new location with his mother and a case transfer request was made to another office. Based on the undue lengthy caretaking arrangements of over six months, there is confusion around the role of the home practitioner and the caretaking practitioner. Engagement with Dom delivered by the caretaking practitioner appears surface level, partly due to the fact that the case is in a current caretaking arrangement. There is some non-engagement that is unenforced or explored due to the absence of the practitioner, but also as a result of some apparent communication difficulties between the caretaking and host areas. The practitioner did not consider a formal review was necessary despite new reporting arrangements, arrest, some non-compliance and positive substance misuse tests."

3. Conclusion

Many of the individuals under probation supervision have a range of needs, often resulting from trauma and other adversity, which will not only have contributed towards their offending behaviour, but which can complicate engagement and the achievement of positive outcomes. While probation has the opportunity to make significant, positive impacts in the lives of these individuals, it is necessary in some cases to be realistic in terms of what can be achieved without considerable time and energy. As such, when making judgements as to whether sufficient progress has been made in individual cases, inspectors take into account what is reasonable to expect after approximately six to seven months of probation contact. Due to challenges such as homelessness, substance misuse, unemployment and unhealthy relationships, what appears to be relatively small steps forward can, for some individuals, represent considerable progress.

The focus of this bulletin has been upon the role of engagement in achieving positive early outcomes for people on probation. One of the key tasks for probation practitioners is to find a way in which to try to engage with an individual, forming a level of rapport and trust, even when the individual may be extremely reluctant to comply with the process. The views of both staff and those on probation have frequently cited positive relationships as a key component for successful supervision, with the extent to which it is established significantly supporting or undermining the progress that an individual is able to achieve. The importance of engagement is further illustrated by our [Research & Analysis Bulletins 2023/03 and 2023/04](#) where we examined the relationships between the inspectors' yes/no judgements regarding the quality of delivery and early outcomes/sentence completion/proven reoffending measures.

In this bulletin, the analysis of inspectors' commentaries in relation to engagement across the four aspects of case management – assessment, planning, implementation and delivery, and reviewing – revealed the following three overarching themes:

- (i) working with the person on probation
- (ii) identifying and removing barriers to engagement
- (iii) supporting engagement and compliance through a balanced approach.

Ensuring that the work is tailored to meet the needs of the person on probation is important for achieving positive outcomes. Where individuals feel that they are being heard through ongoing two-way dialogue and that their needs are being appropriately addressed, rapport and trust can be built and maintained. Conversely, where an individual feels that they are not being heard, disengagement is more likely. In some cases, it requires more than identifying appropriate interventions and services to build productive relationships, and probation practitioners need to draw on their full range of skills and experiences, maintaining an appropriate balance between encouragement and 'pushing'. Staff who lack the required skills and experience may find themselves making decisions with the best of intentions, but which are not the optimum ones for supporting successful outcomes.

People approach their time on probation with very different attitudes and some will have a degree of unwillingness to engage with the process, especially those elements designed to punish, restrict and/or ask them to address deep-seated issues. Before any work can be successfully undertaken, practitioners need to understand where an individual falls on the

engagement continuum and they need to identify potential barriers and take whatever steps possible to remove these. Where this does not happen, the likelihood of sufficient outcomes is diminished.

A balance is required between supporting the individual and managing compliance in order to give the person on probation the best possible chance to complete their sentence and make positive progress. Once again, practitioner skills are key and when utilised in combination with all the available information, appropriate professional judgements can be exercised as to whether or not enforcement actions should be taken. The examples highlighted in this bulletin show that, in some cases, practitioners allowed cases to 'drift', with very little appropriate monitoring or action being taken in instances of non-compliance. Once this pattern has been established, it can be challenging to turn it around.

Finally, the findings in this bulletin demonstrate that in order for those under probation supervision to have the best chance of achieving positive outcomes, it is essential that practitioners have:

- the time to work with individuals in a comprehensive way
- the necessary skills to deal with challenging behaviour
- the space to reflect on their practice.

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Annex A: Methodology

The case sample

The findings presented in this bulletin are based on a random sample of 100 cases inspected during 2022; approximately a fifth of all the cases (n=516) available by the end of August of that year. Fifty of the cases were selected from those where inspectors had judged that the early outcomes in the case were sufficient, and 50 were where outcomes were deemed insufficient. Table A1 below provides a breakdown of the overall case sample in relation to gender, likelihood of reoffending, and risk of serious harm.

Table A1: Breakdown of case sample

		Outcome sufficient	Outcome insufficient
Gender	Male	40	42
	Female	7	7
	Not clearly recorded	3	1
Likelihood of Reoffending	Low	38	24
	Medium	7	14
	High/Very high	3	11
	Not clearly recorded	2	1
Risk of Serious Harm	Low	12	14
	Medium	27	25
	High/Very high	5	8
	Not clearly recorded	6	3

Narrative components

A narrative was produced for each case which included inspectors' commentaries for their summary judgements on the engagement standards across the case management stages – assessment, planning, implementation and delivery, reviewing – and for outcomes. The associated summary for each case was also included which contained other pertinent information such as the index offence and sentence type.

Theme development and reporting

Two separate Word files were uploaded into the qualitative software programme NVivo, one containing those narratives where inspectors deemed the early outcomes to be sufficient, and the other where these were judged as insufficient.

Each file was read thoroughly before any analysis was undertaken to obtain a good overall sense of the data. A number of themes emerged, which were then further refined into a smaller number of higher-level themes. The analysis and final write up was facilitated by the data being uploaded in two separate files, allowing for the outcome judgement (sufficient or insufficient) to be instantly recognisable within each theme. Importantly, all names included in the report are pseudonyms, and care was taken to ensure that any other identifying information was removed.