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# THE PROBATION SERVICE, AN OVERVIEW

- **HER MAJESTY'S PRISON AND PROBATION SERVICE**
- **MINISTRY OF JUSTICE**
- **CIVIL SERVICE**

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## A brief history

**1876 Frederick Rainer**, a volunteer with Church of England, writes to the Temperance Society regarding concern about lack of help for people before the Courts and initiates a fund for practical aid for those appearing in Police Courts. His letter and 5 shillings commences the Fund and the pathway for Probation

**1880 London -8 Full time missionaries** are placed in homes and shelters and provides vocational training to offenders

**1886 The Probation First Time Offenders Act** enables Courts to appoint missionaries to deliver aid and support, very few take this up

**Initiated in 1907 by the Probation of Offenders Act** – *‘Officers of the Court’* appointed for those given an Order of 1-3 years

**1913** First National Association of Probation Officers AGM

**1918** Probation is directed to commence work with youth offenders in Borstal and Reformatory schools

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**1938 Reform and modernisation** including extending services into working with young mothers and child victims of sexual abuse

**1948 Pivotal** – Criminal Justice Act -Introduction of attendance centres and detention centres; Probation's objective is cemented as being to 'Advise, Assist, Befriend'

**1970s-80s** – Introduction of 'Probation Orders', assessment tools to indicate 'risk of custody' 'risk of reconviction'

**2000 Criminal Justice and Court Services Act** – forms National Probation Service for England and Wales, replacing 54 probation committees with 42 local Probation Boards. Home Office now funds Probation 100%

**2004 Formation of National Offender Management Service** introduces commissioning to extend services available

**2014 Privatisation;** Offender Rehabilitation Act spearheaded by Lord Justice Grayling, sees the Probation Service compartmentalised. The National Probation Service is formed (Civil Service) to work with offenders assessed as high/very high risk of serious harm (to public etc) including all registered sex offenders. The formation of Community Rehabilitation Companies (CRCs) signals the management of thousands of low and medium risk of serious harm offenders within the private sector, with thousands of Probation staff tupeed.

**2021 Unification** – The Probation Service is reformed, wholly within the Civil Service, embarks upon an extensive programme of training and realignment of job roles

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**The Probation Service manages people convicted of community sentences via the Magistrates and Crown Courts in England and Wales, as well as those subject to licence supervision following the imposition of a custodial sentence**

**There are approximately 224,000 people serving such sentences (as at Dec 2020)\***

**In 2020 there female offenders represented 12.3% of this number**

**\*Offender Management Statistics Bulletin 29 April 2021**

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## Roles

Director/Deputy

Head of Service

Deputy Head of Service

Senior Probation Officer

Probation Officer

Probation Service Officer

Senior/Case Administrator

Practice Tutor Assessor – Trainee Programmes

Programmes Facilitator/Treatment Manager

Unpaid Work Supervisors

Approved Premise Keyworkers

**ACROSS: Prison Estate, Community Offices, Courts, Youth Justice Service, Approved Premise ('hostels')**

### **PROBATION OFFICER 'Specialisms'**

Programmes Facilitator

Prison Offender Manager

Personality Disorder Probation Officer Specialism

Court Duty Officers

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**Sentences**  
**Victims**  
**Safeguarding**  
**Court Reports**  
**Parole Reports**  
**Risk Assessment**  
**Risk Management**  
**Sentence Plan**  
**Implementation**  
**Reviewing**  
**Terminating**  
**Multi-agency working**  
**Stakeholders & Partnerships**

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**Community sentences and licence periods offer the resources and legal powers to:**

- **Rehabilitate, support and guide**
- **Control, intervene and monitor**

**The measures employed need to be –**

- **Justified**
- **Legal**
- **Proportionate**

**The overarching objectives - Reduction of reoffending, contribute to**

- **reduced risk of serious harm to public, known adults, children, staff**

## FEMALE OFFENDER STRATEGY

**The strategy was published on 27 June 2018. Its three priorities are: 1) earlier intervention; 2) an emphasis on community-based solutions; and 3) an aim to make custody as effective and decent as possible for those women who do have to be there**



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**‘Women in prison often have traumatic histories of sexual and physical abuse, domestic violence, trafficking, exploitation, institutional care, periods of homelessness, racism, substance misuse, mental illness and self-harm. These experiences of trauma also inform women’s response to imprisonment; the Strategy itself recognises that “[t]he prevalence of anxiety and self-harm incidents is greater than for male prisoners.” The poverty and inequality which underpins women’s offending demand redress through properly funded community services such as refuges and rape crisis centres, gender appropriate community schemes like Women’s Centres and drug and alcohol services.’**

**Centre for Womens’ Justice**

Whilst women are a minority in the CJS, those in contact often have complex needs that criminal justice agencies cannot tackle alone.

Almost **60%** of **women** in custody and supervised in the community have experienced **domestic violence**\*.



Women under community supervision and in custody with an assessment are **twice** as likely to have a **mental health** need than men\*.

\*of those with an assessment, 30 June 2017



An estimated **24 -31%** of female offenders have **dependent children** (Women cautioned or convicted in 2012)



Almost **half** (48%) of female prisoners said they committed their offence to **support the drug** use of someone else compared with **22% of male** prisoners. (2005/06 prisoner survey)

**Black, Asian and Minority Ethnic (BAME) women** are over-represented in the CJS and experience even worse outcomes than those for other women; a 'double disadvantage'.

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## Funding

Funding provided to develop provision for women with an experience of domestic abuse, to maintain and develop community services for women, and to support local support services

Given the overrepresentation of Black, Asian, and minority ethnic (BAME) women in the CJS, funding used to address the needs of this BAME female offenders

£1.5 million capital funding to support the development of community-based provision for female offenders.

£20 million in funding was announced by the Prime Minister in the Spring Budget 2017 to tackle domestic abuse, of which £2 million has been dedicated to female offenders. The consultation sought views on how we can work better with female offenders and vulnerable women at risk of offending identify their domestic abuse earlier.

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## Diverting offenders from the CJS, where it is appropriate to do so, and addressing their needs to prevent reoffending

**NHS-commissioned Liaison and Diversion (L&D) services are on the frontline of the effort to divert women from the CJS. Place clinical staff at police stations/courts across England to provide assessments and referrals to treatment and support. Offenders may be diverted away from the CJS altogether, away from charge, or to a community sentence with a treatment requirement.**

**Services will be most effective when they can respond to women in a gender-informed way, as many women struggle to disclose details about their circumstances. They often fear the negative consequences of any admissions of mental health problems or substance misuse issues, particularly if they have dependents or are in an abusive relationship. NHS England are currently enhancing ‘women’s pathways’ across all L&D services, with a women’s lead appointed in each service to lead this work.**

**These pathways are being co-designed with women with lived experience of the CJS. Services will allow women coming into police custody to choose the gender of their practitioner, offer gender-sensitive tools for screening and provide effective onward referrals to gender-informed services. Consideration will also be given to addressing the barriers that particular groups, such as sex workers and foreign national women, face in accessing services.**

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## Improving Out of Court Disposals

Once women come into contact with the police, an Out of Court Disposal (OCD) can be administered to deal proportionately with low level offending without recourse to the courts. Whilst this could be an effective tool for maintaining women in the community, under the existing system, too many disposals are simply warnings not to reoffend and fail to address underlying causes of the offending behaviour through attaching conditions. This is not sufficient if we are to provide the holistic support that will effectively divert women from the CJS in the long-term

Various pilots undertaken to better understand the specific patterns, circumstances and factors underlying trends in female offending. One such pilot explores diverting women caught shoplifting to their local women's centre or women's service rather than to the CJS

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**Seeks to support a greater proportion of women to serve their sentence in the community successfully, reduce serving short custodial sentences by:**

- Ensuring courts have more comprehensive information about female offenders to inform sentencing decisions
- Engaging with Courts
- Improving Pre-Sentence Reports

**Developing more options for managing women in the community by:**

- Piloting Residential Women's Centres
- Improving Accommodation Provision
- Increasing use of Community Sentence Treatment Requirements
- Piloting Electronic Monitoring, including new technologies such as location monitoring

**Providing more support for those offenders managed in the community by:**

- Developing a more gender-informed Probation service

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## **Female Offender Strategy - Probation**

Spotting and acting on Domestic Abuse concerns – with the victims, with the perpetrators

Trauma Informed Practice, including inter-generational trauma – training: to identify, sensitively support, appropriately assess, and signpost

Reflective Practice for practitioners– the impact of working in safeguarding, strengthening resilience, knowledge and skills

MARAC/DV forums/partnership working (Refuge)  
Disclosure Schemes (Claire's Law)

Supporting alongside signposting – agencies/charities/mentoring – finances, counselling, parenting, accommodation etc

Allocating Female Probation Officer/Probation Service Officer to supervise Female offenders

Advising the Courts via PSRs - Improving the time allocated to, and quality of assessments and sentence recommendations