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**Citation:**

CADET, Nichola (2021). An ageing client base: How can probation deliver support for older service users? *British Journal of Community Justice*, 17 (2), 119-133. [Article]

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## **AN AGEING CLIENT BASE: HOW CAN PROBATION DELIVER SUPPORT FOR OLDER SERVICE USERS?**

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### **Abstract**

This article explores how the increase of older people on probation caseloads across community orders, suspended sentences and supervision on licence will affect probation practice, alongside an ageing staff population. ‘Older’ service users are defined as those aged 50 and over, in keeping with the use of this definition by Her Majesty’s Prison and Probation Service (HMPPS). The increase in the ageing probation caseload is taking place against a backdrop of an ageing society which also includes probation staff. In probation services the increase is partly exacerbated by the increasing number of over 50s in the prison population, and in changes to legislation under the Offender Rehabilitation Act 2014. Drawing upon research, policy and practice from gerontology, the article identifies some synergies between criminological and gerontological perspectives, including acknowledgement of lived experience and strengths based approaches. However, the article also considers that ageist attitudes within society can lead to double discrimination of those on the caseload, for example, attitudes towards employment for older people. The article considers the extent to which reducing re-offending pathways can support this demographic, alongside consideration of individualised approaches to sentence planning and engagement, requiring both national, and local responses including appropriate training and support for probation staff.

**Keywords:** age ageing older workforce lived experience probation

### **Introduction**

Despite an increased focus in older people in some parts of the criminal justice system both in the UK and internationally, e.g. as victims (Policastro and Finn, 2017; Bows, 2017; 2019, HMICFRS, 2019; Brown and Gordon, 2020) and in particular older people being the fastest growing population in the prison system (Ministry of Justice, 2020a) scant attention has been paid within probation services in England and Wales to the different approaches which may need to be undertaken with older offenders either serving a community sentence, or being released from custody. This is despite over 25,000 people aged over 50 forming part of the probation caseload (Cadet, 2020). The increase takes place against a backdrop of a globally ageing population. By 2050, it is projected that there will be two billion people worldwide aged over 50 compared with one billion in 2020 (World Health Organisation (WHO), 2021). In the UK, the population aged over 65 is the fastest growing population. The projections are that by 2050 one in four people will be aged 65 or over, compared with one in five in 2018 (Office for National Statistics (ONS), 2019). In 2019, almost one in every 100 people (0.9%) in the UK were aged 90 years or over (ONS, 2020). This has policy implications for all organisations for both their workforce and the recipients of their services.

Reviewing the published articles for the ‘towards 2020’ special edition of the BJCJ, Oldfield (2016) cautions against practitioners looking for ‘easy wins’ and the need for new systems to be scrutinised for discrimination. Just as Oldfield criticised probation practice for developing ‘colour blind’ approaches, and lauded approaches towards meeting the diverse needs of women following the 2007 Corston review, the National Probation Service are in similar danger of not meeting the needs of older probation service users by not engaging with older people and their experiences as a matter of course. After more than two decades of researchers, inspectorates and policy campaigners calling for a national strategy for work with older people in prison (Her Majesty’s Inspectorate of Prisons, 2004; 2008; Hayes, Burns, Turnbull & Shaw, 2013; House of Commons Justice

Committee, 2013, 2014, 2020; Prison Reform Trust, 2008, 2016; Prisons & Probation Ombudsman, 2017), the Ministry of Justice has finally commissioned a strategy for older offenders (HM Government 2020). However, this is potentially a missed opportunity as the government response which announced this development was focused on the prison population. The only mention of probation was in respect of pre-release planning and face to face meetings with a responsible community offender manager.

Release planning and resettlement has received some attention from prison research. This has tended to be from experiences prior to release, which related to anxieties about resettlement for older prisoners. The main issues identified include anxieties about accommodation, social networks, concerns about physical safety for those convicted of sexual offences, and access to healthcare (Maschi et al 2014; Forsyth et al, 2015; Wyse, 2018). Forsyth et al (2015) followed up forty-five ex-prisoners following their release and found that release planning was non-existent, with a lack of tailoring of any pre-release support to the concerns of older prisoners. Although immediate health needs were addressed, in the form of continuity of medication, there were problems with registering with GPs following release. The discontinuity of care also extended to social care, with poor accommodation for those with social care needs, however for those moving to approved premises their pre-release fears were more unfounded than for those not being released to approved premises.

This article will deploy gerontological perspectives alongside core probation practices and interventions to explore the extent to which 'active ageing' (WHO 2002:12) principles can support the development of interventions to meet the needs of older clients. The article will firstly define key concepts. This includes the contested notions of age and ageing within criminal justice settings, and ageism. The challenges of considering bespoke needs among a heterogenous cohort will then be explored, before outlining some gerontological theories which will help to situate ageing within a probation context. The theories will be explored in the context of changing probation delivery, including the reunification of probation and the need for workforce considerations around ageing to be considered within developing workforce strategies for the National Probation Service (NPS). The article will conclude that although ageism is pervasive in society, and that there are challenges in developing age-appropriate interventions for probation, a focus on individual need, strengths and lived experience will all foster improved outcomes for older probation service users in the future. This article thus serves as a useful introduction to concepts relating to gerontology, work with older service users, and will hopefully act as a springboard to further research, partnerships and interventions being developed.

### **Defining age and ageism**

Age is a protected characteristic under Equality Act 2010,. The legislation covers all ages from young to old, thus, the legislation does define what is meant by 'older age.' As with other protected characteristics, the four main types of age discrimination are direct and indirect discrimination, harassment, and victimisation. (Equality and Human Rights Commission, n.d.)

According to the British Society of Gerontology (2020), age is generally our 'chronological' age. However, as their statistics also remind us, older people are heterogenous population. For example, three hundred thousand people aged over 70 are in paid work, and a further 1.5 million volunteer in their communities. Thus, there is the danger of demarcating interventions on the basis of age, creating binary positions. For example, younger people maybe just as likely to experience loneliness and social isolation as older people with one in ten people aged 16-24 years being often lonely, compared to three per cent of people aged 65 and over (ONS, 2018). However, on their website response to covid-19, the BSG goes on to say:

'Given the diversity of older people, and the considerable social and spatial inequalities that characterise later life, broad-brush policy approaches based solely on chronological age are likely to disproportionately disadvantage some groups. They may also ignore the specific needs of marginalised groups of older people, including those who have particular health conditions, live in long-term care settings, are homeless, or are imprisoned.' (BSG, 2020).

In recognition of the fact that there are a variety of ways of defining ageing, gerontologists often use one of three methods: biological, chronological and functional (De Medeiros, 2017), all of which contribute to age (and ageing) being defined as a social construct (Senior et al, 2013) whereby age dependent events such as state retirement age may intersect with health conditions which may take place at different rates in different contexts. Biological, ageing is a process which moves from growth to decline, and ultimately death; secondly, chronological ageing is an arbitrary number prescribed a social meaning, a 'social or cultural construction, based

on the rules of society, rather than on the individual's ability to perform.' (De Medeiros, 2017:6.) Finally, functional age recognises both the effects of ageing, and the fact that this can take place at differing rates. Furthermore, gerontologists have identified a number of possibilities and challenges of approaches which may responsabilise citizens rather than society around the way in which these concepts are manifest. For example, successful ageing strategies (Rowe and Kahn, 1997) has been criticised for the emphasis on the actor who may not have control over the health outcomes which are contingent upon their interactions with other aspects of intersectionality (e.g. gender, race), class, income and genetics. Consequently, the World Health Organisation coined the term 'active ageing,' a term which can be used at individual, population and societal level. They define active ageing as 'the process of optimising opportunities for health, participation and security in order to enhance quality of life as people age' (WHO 2002:12).

Extending the WHO framework, Bowling (2008) identified the constituents of active ageing as including physical health and functioning; leisure; social contacts, mental activities; access to services and support; psychological resources; outlook and financial circumstances; productivity, empowerment, dignity, human rights and an enabling environment.

The WHO (2021) identifies three empirically tested theories for ageism. Terror management theories relate to individual fears about mortality and death, and that these fears manifest in the form of stereotypes, prejudice and discrimination against older people. Intergroup threat theory relates to the perception of 'in-groups' and 'out-groups' particularly where there are threats, perceived or otherwise, to power and resources. Inter-group perspectives are seen as a way to combat this. The final theory, stereotype embodiment theory posits that stigmatised groups assimilate stereotypes which leads to negative self-perceptions. Such stereotypes have been seen to be internalised from a young age, often operate unconsciously, yet become more manifest as particular milestones are approached. All three theories could have resonance with probation practice in terms of how staff and service users perceive and interact with notions associated with age and ageing. In the 2021 global report on ageism, the WHO states:

'Ageism arises when age is used to categorize and divide people in ways that lead to harm, disadvantage and injustice and erode solidarity across generations. Ageism takes on different forms across the life course' (p.15).

Furthermore, the World Health Organisation (2021:9) cites that 'ageism involves bias against a moving target' given the changing social and political contexts within which ageing takes place. Indeed, as Mann (2012) identifies in the context of older prisoners, each generation's life-course and frame of references changes. Thus, Crawley's (2005) work which identified coping mechanisms for older prisoners, may not be the same for the next generations of ageing people. For example, Crawley's participants cited the deprivations of post-second world war Britain and had experience of National Service. However, this also outlines the multiple generations which fall under 'older', given that older people in the criminal justice system are defined as 50, yet the data analysis of probation caseloads identified thirty seven service users on licence being aged over 90 (Cadet, 2020). This has led to distinctions in gerontological research between 'old' and 'elderly', which are also sometimes referred to in terms of 'maturity' around age 60, whereby people may still have high function and independence compared with entering 'old age' around 80, where there is often a decline in health and functioning, and greater dependence on others. These two phases have also been referred to as the 'third' and 'fourth' age, in a bid to move away from numerical definitions of ageing (Gileard and Higgs, 2013:368).

This heterogeneity is often used as a rationale for government policy inaction (House of Commons, 2013), despite strategies being developed for service users with other diverse protected characteristics, such as gender (Ministry of Justice, 2018). Additionally, issues relating to health, social functioning, and access to the labour market and family relationships are all exacerbated by ageing, and arguably ageism, and are important factors for people involved in the criminal justice system. Just as with other protected characteristics, there are dangers of 'whataboutery' in that many of these issues also affect younger probation clients, and an important need to consider intersectionality, not least to ensure that the needs of people with protected characteristics are not pitched against each other in a zero-sum game. Research has demonstrated that measures to improve equality have outcomes beyond specific populations (ECHR, 2020).

The United Nations decade of Healthy Ageing 2021-2030 website identifies a number of enablers including voice and engagement – seeing service users as agents of change as well as service beneficiaries. Central to this

approach is an appreciation of 'their inherent dignity and individual autonomy respected and their human right to participate fully in their societies promoted and protected.' This is complemented by leadership and capacity building which also includes connecting stakeholders and strengthening research, data and innovation. These appear to be suitable themes to address issues relating to age and ageing in probation practice and are perfectly timed to coincide with probation's re-unification.

### **Defining ageing in the criminal justice context**

Despite gerontology having a rich history of longitudinal studies, the English longitudinal study of ageing (Banks et al, 2019) makes no reference to any interactions with the criminal justice system, whether as a victim or offender, which immediately poses an important policy gap as questions are not being asked, let alone answered about older people's experiences with the criminal justice system.

Despite the relative invisibility of criminal justice issues in gerontological research, ageing in the criminal justice system is becoming a more pressing issue. Codd (2020) identifies that older people in the criminal justice system

'carry multiple marginalised identities linked to poverty, mental health, race and ethnicity, sexuality, illness and disability, and offence type. In developing further research, policy and practice it is important to recognise and unpack diversity within and between older people, and not to assume homogeneity on the basis of age. Ageing intersects with other factors including ethnicity, gender, sexuality, and socio-economic status, although the nuances of how these factors influence experiences of imprisonment and release from prison are under-researched' (Codd 2020:10).

Debates abound regarding how to define 'older' in both gerontological and penological literature. HMPPS defines 50 as 'older' in the context of people in prison. The rationale for this being that evidence shows that both the cumulative life experiences prior to prison for many prisoners, alongside the prison environment, means that people age ten years faster than their counterparts in the community (Loeb, Steffenseimer & Myco, 2007; NACRO, 2009; Maschi et al, 2011). Initially, there was a direction of travel towards using age 55. This benchmarked 65, the English and Welsh state retirement age. Further research identified that there was little physiological difference between those aged 55 and 50, and thus, 50 is increasingly used (Hayes et al, 2012) not least to aid statistical reporting and consistency (Wangmo et al, 2016). The variety in definition of 'older' across international settings and institutions also demonstrates that age is a social construct, and that experiences relating to ageing and ageism may differ. Regardless of how age and ageing are defined, there are common issues relating to how ageism may be manifest. For examples, perceptions about abilities to enter, and stay in the labour market, and access to health and social care for those with chronic health conditions. Within probation settings, there is no current statistical reporting nor requirements around age and need. Indeed, unlike regular data relating to the prison population, the author had to submit a freedom of information request to the Ministry of Justice to identify the number of older people on probation caseloads (Cadet, 2020).

Within inspection regimes, Her Majesty's Inspectorate of Prisons (2017) include age within their expectations, following a number of thematic inspections where the overarching conclusion, and the title of their 2004 inspection report being 'No problems: old and quiet.' (2004). There is no such similar approach for the probation inspectorate. This also means that there is less emphasis placed on the issue within probation settings. Despite a 'children first' approach being advocated in youth justice settings (Haines and Case, 2018), and a greater emphasis on the need to consider transitions into adult probation settings, a similar approach has not been advocated at the other side of the spectrum, despite a long history of probation considering the processes by which people may 'age out of crime'. (Hampson, 2018). This begs the question of what needs to happen to those who have not aged out of crime, or who find themselves involved in the criminal justice system for the first time later in life?

Cadet (2020) identified that during 2018/2019, 14% (n=26830) of probation caseloads were people aged over 50. This has implications for the delivery of all probation activities, from pre-sentence report to resettlement, particularly as the data also depicted a greater proportion of older service users experiencing post-release supervision than older people in prison. This article therefore uses points in probation interactions to consider the efficacy of current support for older probationers, framed using the World Health Organisation 'healthy ageing' approach.

## **Issues relating to age and ageing in Her Majesty's Prison and Probation Service workforce**

A further area for consideration is that of age and ageing within the workforce. Our ageing society has implications for workloads, retirement age, caring responsibilities, and succession planning for the 'sandwich generation' (de Medeiros, 2017) where staff care for both children and their ageing family members, while also possibly grappling with issues relating to their own ageing too.

A Government commissioned foresight report into the impact of an ageing population (Government Office for Science, 2016) recognised that as a consequence of the rise in the state pension age, and the increased ageing population, particularly as the 'baby boomers' meet the older age threshold, considerations around learning and training will increase. Tuckett and McAuley (2005, cited in Government Office for Science, 2016:43) also identified that participation in lifelong learning facilitates making informed choices, especially during periods of 'crisis and transition.' This has particular contemporary resonance for changes to the probation workforce.

HMPPS has an ageing workforce. 2019/20 equalities data (Ministry of Justice, 2020b) showed that the 50-59 age group had the largest proportion of staff. Over one in four staff were aged within that bracket (n=14175), and that this proportion had increased since the last report. The same report also showed that appraisal outcomes were worse for those aged over 60, including fewer staff aged over 60 receiving outstanding appraisal ratings. Staff aged over 60 were also the least likely to receive bonus payments. The rate of grievances also increased with age - 1 percent for staff aged under 30 compared with 2 percent 100 staff for staff aged over 60. These findings point towards a need to consider staff experiences around age and ageism in the NPS workplace and how this could also translate into discriminatory practice when working with older clients.

The HMPPS equality strategy also fails to consider age, despite the interactions of age, length of service and succession planning. Additionally, an ageing population also means that staff are more likely to have caring responsibilities for parents, in addition to age-related conditions associated with biological age. Her Majesty's Inspectorate of Probation's (2021) thematic report around race equality is a welcome example of hearing first-hand about the lived experiences of both staff and service users. Such an approach to considering ageing, and by extension, ageism would be a welcome development, not least as the HMPPS data do not include staff who have been employed by CRCs. Research specifically relating to NPS staff would aid in establishing the extent to which differential outcomes are manifest, possible explanations for disparities, and measures to tackle ageist practices which result in ageist outcomes.

The ACAS guide to employer obligations (ACAS, n.d.) includes taking action where staff make ageist remarks; reduce age discrimination in recruitment and performance processes, including making assumptions about capability and behaviours on the basis of age; base pay and benefits on the job and skills rather than age; ensure accessibility of training for staff of all ages; and ensure policies do not cause indirect discrimination. As policy harmonisation takes place through the reunification of probation, this is an ideal opportunity to ensure that policies are not directly or indirectly ageist in the probation workforce. Issues relating to indirect discrimination relate as much to the client group as it does to staff. For example, as seen in prison literature, activities and interventions which are ostensibly available to all, but 'defacto they cannot access.' (Crawley, 2005:356).

## **The potential interactions between gerontology and probation practice**

In addition to the policy areas identified above spearheaded by the World Health Organisation this next section identifies a number of theoretical developments within gerontology over the past twenty years. A short article cannot give justice to the range and depth of research undertaken in these fields, however the overview is intended to identify elements of probation practice which may have resonance with these perspectives. Many of these ideas will be familiar to probation practitioners and researchers alike. This means that there are potential benefits to a more in-depth exploration of these approaches and application to probation contexts.

Life course perspectives, alongside narrative gerontology (Becker, 1997, Settersten, 1999) aid to shape the generation of knowledge from lived experience of service users as they age. Of course, the orienting frame by which service users are asked about their experiences is vital. A one-off assessment interview will not garner the same insight as an on-going dialogue where service users are invested in the outcomes of those discussions. As with any interview process, principles of reflexivity require that the interviewee considers whether the 'stories people tell about themselves' are as much a recounting of their experience or a moderated version of

events based on how the questions were posed and what the expectations of those posing the questions are. Within the development of narrative criminology, Maruna and Liem (2020:3) professes a 'clarion call for criminology to take stories seriously in our study of human lives,' and by doing so, 'the story becomes interesting therefore not because of what truths it can tell us about a person's past but rather what it might say about the person's future' and is thus vital in the development of desistance perspectives. Methodologies such as life history calendars, life story interviews, documentary analysis and ethnographic approaches have synergies in both criminological and gerontological research. Similar approaches outlined in the photovoice project (Fitzgibbon, 2016) is another perspective which can draw upon the creativity of service users to adopt 'whole person' approaches.

Within gerontology, life course perspectives have moved on from the original work of Elder (1975) which tended to focus more on individualised perspectives. Increasingly, interactions with social networks – friends and families, and social contexts – institutions and social conventions are key to exploring lifecourse perspectives (Komp and Johansson, 2016). These facilitate the consideration of cumulative disadvantage, alongside cumulative inequality. Bartley et al (1997, in Blane 2006), also highlights the significance of life-course perspectives on the nature of transitions, in that the accumulative nature of each transition influences the extent to which future transitions results in unfavourable outcomes. Therefore it is not the fact that a specific issue exists which affects an individual, but the building up of that disadvantage or inequality over a period of time, often decades, means that older people from poorer backgrounds may find themselves at a disadvantage as they age. This is also important for probation service users, given the range of social exclusion that they face. (Social Exclusion Unit, 2002). The social exclusion faced by people in the criminal justice system are the same issues that disproportionately face older people in society.

Generativity is identified as an important concept for older people as they age, (Erikson and Erikson, 1997) which of course forms a component of the Good Lives Model (Ward and Brown, 2004). This is important because this helps people to lessen anxieties about their future by recognising the meaning that their life can, and does, have. Therefore, probation practices which are aligned with the good lives model will find that there are possibilities for applying the principles to an older cohort too.

More recently, there has been an attempt to re-frame 'successful ageing' for older people in prison through processes of empowerment and meaning. (Avieli, 2021). This may also relate to opportunities in probation settings to work effectively with people. For example, participants seeing opportunities to act as mentors to younger prisoners, acting as role models and mastery of new skills, including learning to cook and opportunities to undertake creative hobbies.

As cautioned throughout this article, although there are dangers in homogenising the experiences of older people, nonetheless, there are 'pains of probation' (Durnescu, 2010) practice which may affect older service users disproportionately and it is important not to make assumptions (positively or negatively) on the basis of age. Of course, it is vital to reiterate the intersections of age and race, gender, ableism, and sexuality<sup>1</sup>, all of which are beyond the scope of this article but are worthy of future investigation. Research has also shown that ageism is more pervasive across Europe than racism or sexism (Ayalon, 2014). Therefore, it is important that the experiences, both as a service user and as an older citizen are factored into service design and delivery.

### **Exploring probation reunification and a focus on age**

The nature of probation delivery has adapted. During the 1990's there was a reconfiguration of probation in terms of community justice, defined by Canton (2011:192) as

'a framework within which a number of other concepts may be located social inclusion, reintegration, restorative justice, belief in the possibility of change, the role of social capital in desistance that constitutes many of the values of probation'.

As Senior (2013) attests, the somewhat faltering orientation towards community justice included movements towards multi-agency working, victim work, restorative justice and reparation. Senior branded developments as more of a community liaison role than community engagement.

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<sup>1</sup> See WHO (2021) Global Report on Ageism for an overview.

Gerontological research and policy fields surrounding age and ageing, (e.g. age-friendly cities), and criminal justice perspectives (e.g. around older prisoners) have evolved largely separately (Codd, 2020). This is important, as probation services have historically been rooted in their community contexts. As Bottoms (2008) identified, the development of civil renewal via community engagement models took place at the very point at which there was retrenchment of probation officers from the communities they serve. This despite community links forged by offenders being seen to be worthwhile, entailing feelings of legitimacy and reciprocity. Codd's (2020:1) research outlines possibilities associated with prisons and this agenda whereby age friendly cities 'are promoted as spaces, places, and communities where people of all ages are valued, engaged, and facilitated to live active lives.' Thus, this should encapsulate the experiences of all older citizens, including those involved in the criminal justice system. This paper argues that the discussion should be extended beyond prisons to include probation settings and service users to ensure that indirect discrimination does not emanate from decisions around the location of probation services for older service users, alongside opportunities to consider how to create opportunities for social participation, respect and social inclusion, two of the domains of an age-friendly city (WHO, 2007). Community reintegration, a vital component of desistance, will therefore be difficult to achieve if older service users feel disenfranchised from both their community contexts and the sites where probation interventions take place.

Over the last decade in particular, arguably accelerated by Transforming Rehabilitation, the physical location and architecture of probation space has been as much influenced by marketisation of criminal justice as a commitment to the local communities within which service users reside, despite probation always being delivered at a community level (Senior et al, 2016). One response to this issue has been the development of community hubs. As Phillips et al (2020: 265) argue, community hubs 'enable people subject to probation supervision to benefit from a multi-agency approach while meeting the requirements of their court order or licence.' Furthermore, they outline that a community hub approach has the potential to extend beyond the actual court order or licence, promoting desistance. Establishing community hubs may aid with ameliorating some of the pains of probation associated with the time and expense of travelling to probation premises (Durnescu, 2010). This also has resonance with gerontological research which identifies the importance of autonomy and independence, and the need for older people, many of whom are living alone, to remain living independently in their communities. (Olsberg and Winters, 2005).

Senior et al (2016) identified a number of dimensions for probation practice, all of which interact with issues relating to age and criminal justice: probation workers delivering corrections; voluntary sector agencies supporting a range of needs, both criminogenic and non-criminogenic and facilitating community engagement; and public health functions, usually in the guise of drug and alcohol treatment. Within the Target Operating Model (HMPPS, 2021) for probation services, references to diversity are couched within the context of race, ethnicity, gender and younger adults, with no mention of the needs of older clients. However, the model does outline standards of excellence for service user involvement and engagement which state that service users should be involved in key stages of service design, development and delivery. Therefore, there is scope within a regionally managed structure, for the needs of older service users to be identified and met through co-design and ongoing consultation. However, without formal performance measures relating to age, it is likely that these needs will not be prioritised. A useful starting point for this work is Weaver *et al's* (2019) guide to service user involvement in community justice, which outlines six principles for informing co-productive policies, all mapping onto the experiences and strengths of older clients: an asset based approach; building on capabilities; reciprocity and mutuality; peer support; blurring distinctions between professionals and recipients and facilitating, rather than delivering. The results of which have been found to support desistance; promote citizenship and increases compliance and legitimacy.

As probation moves towards a single service, a system to rectify the under-representation of voluntary and community sector organisations through Transforming Rehabilitation (Her Majesty's Inspectorate of Probation, 2018) has been implemented. Through the 'dynamic purchasing system' local, regional and national organisations have been invited onto a framework to deliver future interventions and services for probation clients. However, this was a missed opportunity to consider age in the dynamic purchasing framework agreement. The emphasis within the framework is on specific criminogenic need, e.g. accommodation, finance, employment, training and education, dependency and recovery, families, lifestyles and associates. Additional, cohort based interventions can be procured, but these are based on gender, 'black, asian, minority ethnic' cohorts, and young adults. There is no such focus at the other side of the age spectrum. This is important, as there are a number of voluntary sector organisations (e.g. RECOOP, Help the Aged, NACRO and the Safer Living

Foundation) who have all worked with service users in prison contexts and could support service users either on release from prison and/or serving community sentences. However, as Tomczak and Thompson (2019) identify in the context of penal voluntary sector organisations (i.e. organisations whose principal purpose is working with service users in the criminal justice system), it is important to identify potential exclusionary processes, particularly around control and the capacity for the carceral net to be expanded. However, as Clinks (2019:21) note, for commissioners across health and justice, “good outcomes for this group are wider than reducing reoffending and should also focus upon health and wellbeing, dignity and end of life care.” This means that there should be commitment to local investment in organisations whose work may transcend traditional commissioning boundaries, to ensure that the flexibility of voluntary sector organisations is maximised.

### **Delivering interventions with older clients**

At an interventions level, there are a number of factors which need to be taken into account for older service users. On the one hand, age is considered to be a static risk factor in terms of chronological age, however the ageing processes, and individual and societal attitudes towards age and ageing may mean that age should be considered as a dynamic risk factor as a person progresses through their engagement with the NPS. As has been seen with the sentencing of women (Heidensohn and Silvestri 2012) there is also the danger that the tropes associated with ageing means that older people who do not fit the stereotypical view of an older person could be subject to harsher sentencing practices. Of course the opposite is also true. Age is a mitigating factor at sentence, (Sentencing Council, 2021) where age has affected the responsibility of the individual defendant (this could be the case where there is evidence of cognitive decline, for example).

Wong and Horan (2021:7) argues that ‘the integration of strengths-based approaches with empirically evidenced RNR principles has a theoretical base and offers a way of achieving better rehabilitative outcomes for people with convictions’. They explore the feasibility of integrating risk, needs, responsivity models with good lives model and desistance perspectives, while cautioning against dilution. Within probation settings, there will be diverse experiences of probation and the criminal justice system among older service users. As demarcated in prison environments, there may be a need to segment older populations based on their experiences. (Wahidin, 2006). There will be ‘neophyte’ first time older offenders, who may well not have experienced the same cumulative disadvantage of repeat offenders who have aged through the system. They may well be more educated, have a lengthy career history and could also be in better health than their recidivist counterparts. For such people, issues may arise in terms of legitimacy for that individual, and substantive compliance, as research around older prisoners has shown neutralisation techniques being deployed in their engagement with programmes (Mann, 2012) and cognitive distortions (Blagden and Pemberton, 2010). Furthermore, despite age being a consistent variable explored around desistance processes Sampson and Laub, 1993, Maruna, 2001), relatively little attention has been paid on the meaning ascribed to individuals as they age through the criminal justice process. Sparks and Day (2016) identified a number of themes relating to the embodiment of age, including notions of ambiguity, with participants stating that their maturational age was lower than their chronological age, partly due to the notion of ‘time standing still’ while serving custodial sentences, and partially due to the distortions of time due to substance use. Participants also identified crime as a ‘young person’s game’ and the weariness associated with criminal careers, particularly as they were surrounded by younger people in the context of street crime. These are important processes as they may contribute to motivations to change behaviour, as part of a process of ‘winding down’, which could serve as a useful ‘hook for change’ (Giordano *et al* 2002:12).

### **Addressing criminogenic needs with older clients**

Equally, there will be older service users whose cumulative disadvantages throughout their life course means that they are not ‘ageing well.’ Their experiences may be bound in poor mental and physical health, precarious financial situations and unstable accommodation, which will continue to shape their health and wellbeing as they age (Falkingham *et al*, 2020). According to the Centre for Ageing Better (2020:5), more than two million people aged 55 or over are living in accommodation that ‘endangers their health or wellbeing.’ These factors have also been seen to influence the increased risk of both depression and suicide risk which increase with age (Falkingham *et al*, 2019).

A further association with depression is substance misuse. The generation of drug users first introduced to heroin as teenagers and young adults in the nineteen eighties are now in their fifties and sixties. As Moxon and Waters (2016) identify, the same issues around ‘ageing out’ of crime were deemed to apply to those using drugs,

and therefore there was little focus on the experiences of older drug users. They also cite Home Office data from 2015 which notes a statistically significant increase in the proportion of adults aged between 45-54 who used class A drugs in the previous year. For those accessing treatment for substance misuse issues, more than half of those in treatment were aged over 40 (54%). For those using heroin, 69% said they first used heroin before 2001. (Public Health England 2019). Alcohol issues among older adults are also increasing; the average age of people in treatment for alcohol issues is 46 (Public Health England 2019). Despite this, older adults are less likely to be able to access residential treatment due to arbitrary age criteria (Drink Wise, Age Well, 2017).

Although health is included as a measure in OASys, the health needs of probation clients per se are not embedded within probation practice (Brooker, 2015). This may result in further unmet needs of older clients, which may also have an impact on their ability to comply with their sentence plan or licence conditions, particularly if they are faced with physical health conditions which includes long-term conditions (such as diabetes, asthma, heart disease), frailty, malnutrition, and dementia (Association of Directors of Public Health 2019).

Older service users are likely to face double discrimination in the employment market, due to a criminal record and discrimination in the labour market. The Centre for Ageing Better (2020:12) identified that this has also been exacerbated by the pandemic.

‘Prior to COVID-19, there were nearly 800,000 people aged 50-64 who were out of work, but wanted a job. They were kept out of the job market by a range of barriers – ageism in recruitment, lack of flexibility, insufficient support for their health conditions and managing caring responsibilities – but there were at least jobs to be filled.’

Furthermore, state retirement ages, alongside difficulties in accessing a full state pensions for people who have been in prison due to a lack of national insurance contributions (Unlock n.d.) means that the poverty experienced by many older people is likely to be even worse for those involved in the criminal justice system. Opportunities for volunteering may be restricted by their criminal record, and for those convicted of sex offences, informal care giving for grandchildren may be proscribed. Therefore, exploring creative opportunities for social participation, which have been shown to increase social capital, quality of life outcomes, connectedness and lessen social exclusion (Poulsen et al 2011; Buffel et al 2013; Goll et al, 2015) may form an important part of a probation officer’s toolkit when working with older service users.

Accommodation is an issue facing many people as they leave prison, however there are particular issues for older ex-prisoners compared with their younger counterparts. As Codd (2020) highlights in the context of ex-prisoners, pertinent issues for older people around accessing accommodation includes the possibilities of changing relationships as partners age (and possibly die) alongside children having grown up and left home for those serving longer sentences. About a third of men aged 80 and over are single, divorced or widowed, but this is the case for 70 per cent of women in this age group (British Society of Gerontology 2020).

Despite an assumption that older ex-offenders being released from prison will be sex offenders, the majority of older prisoners have not been convicted of a sex offence. However sex offences do constitute the largest proportion of offences at 45 percent. Twenty five percent have been convicted of violence against the person offences, and the third highest category is drugs offences. (House of Lords, 2020). For those who have been convicted of a sex offence, there will be additional considerations relating to risk, licence conditions, and accommodation in approved premises (Reeves, 2013).

For those with long term health and social care needs, the ability to access residential care homes maybe compromised by their criminal record (Bows and Westmarland, 2018). In approved premises, more than twenty percent are over aged over 50, and of the over 50 population, 11% are aged over 70 (Cadet, 2020). This means that there is the possibility of increasing issues relating to increasing health and social care needs, and the adaptations necessary to enable independence. Additionally, concerns about the possibilities for bullying and harassment where younger service users also reside. Thus, the liminality associated with being unable to access social housing or approved premises is greater for older service users. This may also have consequences for those who are subject to parole proceedings, where release will be contingent on appropriate accommodation being found. There are further implications for those who maybe subject to MAPPA processes and other risk management approaches following release.

## **Conclusion**

This article has provided an overview of some of the issues that the National Probation Service need to consider to ensure that both the criminogenic and non-criminogenic needs of older probation service users are not only identified, but systematically met. For this to happen, there must be commitment to both top-down and bottom-up approaches to ensure that the institutional thoughtlessness identified in prison literature around older prisoners (Crawley, 2005) does not translate into probation practice (Cadet, 2020), and that opportunities for co-production can be realised for this cohort. This will emphasise participants assets and strengths, alongside an appreciation of whether someone has had protracted engagement with the criminal justice system or is a 'neophyte.' Doing so will support the development of systemic as well as individual approaches.

A range of policy perspectives advocated by the WHO provide a useful starting point for discussions relating to the needs of older probation service users. These include active ageing, and healthy cities. The reunification of probation services, the development of an older offenders strategy by the Ministry of Justice, and universal action advocated through the United Nations decade of Healthy Ageing all demonstrate that there are timely opportunities to improve outcomes for older people in the criminal justice system, and that this includes staff and service users alike. Increasing voice and engagement to ensure that interventions are tailored to individual contexts; building capacity within the voluntary sector through flexible commissioning, and a commitment to strengthening research and data in this field are all identified as enablers to support healthy ageing and map perfectly to contemporary probation practice. However, further research is needed, particularly in terms of the lived experience, and in ensuring the diverse experiences of older people are captured. Strength, asset-based approaches and moves towards individualised needs are all methods by which skilled probation officers engage with their service users and can be usefully developed with this population. Celebrating the rich life experiences of older service users and staff is the epitome of 'experts by experience' and forms ideal basis upon which to build for the future.

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