

“It’s relentless”: the impact of working primarily with high risk offenders

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Introduction

On 23rd February 2016, in an article in *the Guardian* which describes the impact of Transforming Rehabilitation (TR) on community rehabilitation company (CRC) probation staff, reference was made to a report by Kirton which raised concerns about the welfare of National Probation Service (NPS) probation officers who now deal primarily with high risk cases (Kirton, 2015; Rutter, 2016). It is with this in mind that this article uses recently generated empirical data to consider the impact of TR on staff in the NPS in terms of almost exclusively dealing with high risk offenders. We argue the NPS needs to take steps to mitigate the consequences of primarily working with high risk which has the potential to increase the stress and intensity of the work which was described as 'relentless' by participants. However, there is also evidence to suggest that some practitioners see some positive aspects in this way of working.

One of the main elements of the TR agenda was the severing of high risk work from most of the low and medium risk work, with the latter primarily being supervised by CRCs which were subsequently contracted out to the private and voluntary sectors. Whilst 'risk' has become a key element of probation work over the last several decades (Fitzgibbon, 2007; Kemshall, 1998; 2003; Robinson, 2002) the newly formed NPS is an institution which has little precedence in England and Wales in that it has a particular focus on managing high risk offenders. The management of high risk offenders presents particular issues for practice in terms of assessment, management and rehabilitation (Kemshall, 2008). Moreover, the management of high risk offenders is liable to be at the centre of media, public and political attention if, or when, a serious further offence occurs (Kemshall, 2008). This clearly presents issues for the organisation in terms of how it manages public relations, holds staff, systems and management to account should things 'go wrong' as well as what it needs to do in order to prevent any such incidents in the first place.

This severing of high risk work from the 'rest' was of particular concern in the run up to the implementation of TR. Much of this focus was on the potential for the reforms to compromise public protection (Phillips 2014). It was argued by opponents to the reforms, that private companies would be unable to manage high risk offenders, due to a lack of expertise, authority, legitimacy (Allen 2013) or simply inclination stemming from a need to make a profit (Phillips 2014). More broadly, people raised concerns about the speed with which the reforms were 'untried, untested and rushed through at breakneck speed' (*HC Deb* 2015-16). Moreover, arguments were put forward in terms of the problems in even knowing who a high, medium or low risk offender might be and the implications this might have for probation officers (Kemshall, 2008; Napo, 2013). In short, concerns were raised about the perceived arbitrariness, and potential dangerousness of the reforms. However, many of these concerns were around the ability of CRCs to cope with supervising medium risk

offenders who present with a complex mix of risks and needs and pose a considerable risk of committing serious further offences whilst under probation supervision (Craissati and Sindall 2009). Moreover, Napo have argued, since the introduction of the reforms, that some of these have come to pass (Napo, 2015) and the first inspection following the implementation of TR raised concerns about the operational problems that stemmed from the speed of implementation (HMIP, 2015). It is fair to say that the vast majority of people with an interest in probation, with the exception of ministers who pushed the reforms through and those who served to profit financially from them, were opposed to TR with Napo organising several national strikes and mounting a relatively high profile media campaign (Phillips, 2014).

Interestingly, little was said about the impact that TR might have on those staff who 'ended up' in the NPS, especially in terms of how working almost exclusively with high risk offenders might take its toll. This is in spite of a considerable body of knowledge which points to the negative impact of similar work in disciplines such as child protection social work where burnout, anxiety, high job stress and low job satisfaction have been the subject of much academic and policy attention (Burns, 2012; Collins et al 2009; Collins et al 2010; Schraer, 2015). Whilst probation work is clearly separate to child protection, similarities have been drawn by Fitzgibbon (2012) between social work more generally and probation, particularly in the way in which such professions bear a responsibility for protecting people from potentially fatal incidents as well as the scrutiny they experience should things 'go wrong'. This article addresses this lack of attention by presenting data that were generated as part of a research project which looks at probation practice through the lens of emotional labour (Hochschild, 1983).

Before we discuss the research itself, it is worth providing a brief overview of the responsibility of a NPS probation officer. The NPS has responsibility for writing pre-sentence reports, assessing risk and allocating offenders to the NPS or CRC and supervising those who are assessed as posing a high risk of harm. Offenders are assessed as high risk where there are identifiable indicators of risk of harm and the potential event could happen at any time with serious consequences (Ministry of Justice, 2010). They are also responsible for supervising offenders who come under multi-agency public protection arrangements (MAPPA) as well as all foreign nationals (Ministry of Justice, 2013). Neither of these groups are necessarily high risk but it is fair to assume that TR would lead to a considerable increase in the volume of high risk offenders on NPS officers' caseloads when compared to pre-TR. It is the impact of this change in the caseload with which the article is concerned.

Research Method

The research took the form of semi-structured interviews conducted by the authors. This method of data collection, while not being broad in its approach, and therefore not generalisable, was chosen for the rich data produced which would allow an in

depth understanding of the everyday practice of probation officers (Creswell, 2012; Denscombe, 2014; Stake, 1995).

A purposive sampling technique was used of which the only criterion was that participants worked in the NPS. Following approval for the research being granted by the National Research Committee of the National Offender Management Service, practitioners were invited to take part by responding to an advert sent out on our behalf by a research officer in the NPS. We had intended to interview both POs and PSOs, but only POs responded to the call for participants. Thus, the sample was self-selecting. This holds the potential for skewed data in that those who had something to say would have been more likely to volunteer. That said, several participants knew very little about the research before the interviews commenced and had volunteered purely out of interest. The study is geographically bounded in that probation workers were recruited for interview from one division of the NPS. In total 17 probation officers agreed to be interviewed, and the sample consisted of 12 women and 5 men. Experience as a qualified probation officer ranged from less than 1 year to 29 years. Participants' ages ranged from 30 to 64 and all bar one described themselves as white british with the remaining participant describing their ethnicity as mixed. We were given access to 6 Local Delivery Units which employ around 240 probation officers (Ministry of Justice, 2015c). Therefore we interviewed circa 8% of probation officers. The majority of participants were 'generic' probation officers but we also interviewed three court liaison officers as well as some participants who had specialist roles working with particular clients such as women, or sex offenders.

The data has been collected for a project focusing on emotional labour. However, during the fieldwork, we noted that participants often discussed the impact of having caseloads which were primarily high risk and so we decided to investigate this further through a more structured analysis. The data were analysed by one of the primary researchers using thematic analysis, a flexible approach to data analysis which allows the identification and analysis of themes that relate to a specific research question (Braun & Clarke, 2006).

Findings

Positive aspects

We had hypothesised that this change in practitioners' caseloads would result in the potential for additional pressure on staff and this was evident in the data. However, it is worth pointing out that a high risk caseload was not seen as wholly negative by all of our participants. Two probation officers interviewed openly acknowledged that they prefer to manage high risk offenders. As one probation officer explains, she works with high risk offenders because she likes the 'challenges that that brings most of the time' (Probation Officer 15), whilst another said:

...I would not be happy, I know I wouldn't, working with the chaos and the drugs and the alcohol and all of that stuff that you get over there, in larger

quantities. It's just not what I like. So yeah, I only ever wanted NPS...[TR] It's guaranteed me high risk. (Probation Officer 14)

Relatedly, Probation Officer 11 referred to the idea that low risk offenders are, in fact, harder to manage because they can be '...so difficult to manage because they wouldn't turn up'. Whilst two participants had found, slightly unexpectedly, that they had ended up with a more stable caseload in spite of its high risk nature:

I found a lot of the frustrating clients that are actually the lower risk people who were [...] not compliant at all, [...] So actually the frustrating people to some degree have gone. (Probation Officer 20)

[...] so I've lost a few more chaotic people. The majority of the people on my caseload are quite stable characters. (Probation Officer 13)

This suggests that high risk work has its benefits but, primarily, in the perception that high risk offenders are more stable and easier to manage. There are several possible explanations for this. Firstly, high risk offenders tend to be older and a proportion of them are lifers or sex offenders who are less likely to have significant and multiple social needs e.g. homeless young drug user (Ministry of Justice 2015a). Secondly, it could be down to stricter constraints (such as MAPPAs, licence conditions, polygraph testing for sex offenders, or residential requirements) placed upon them in the first place is something which needs considering in more detail especially in the context of austerity and future cuts to services which could, in theory, reduce the number of controls that are in place.

Negative aspects

The previous section suggests that the high risk work which is now inherent to practice in the NPS has more positive aspects than one might expect. However, while Probation Officer 20 highlights this, he is also mindful of the added pressure brought about as a result of the changes introduced through TR:

To some extent you do because it's kind of relentless if you know what I mean. Every sort of person you're looking at is, has got fairly serious potential to do something serious to somebody. So there's, I suppose, maybe more, I don't know if worry is the right word, but, you know, obviously there's concern. It plays on your mind and you need to make sure you've done what you can do. (Probation Officer 20)

This opinion is shared by another five probation officers, who refer to their work using words such as 'urgent' (Probation Officer 10), 'no more dilution' (Probation Officer 12), 'nothing that isn't really risky to dilute the intensity of what we do' (Probation Officer 14), 'intensive' (Probation Officer 2) 'unrelenting' (Probation Officers 2 and 6) and 'relentless' (Probation Officer 20) when describing having to

work primarily with high risk offenders. Indeed, this relentlessness was one of the key themes to arise in conversations about the makeup of caseloads post-TR.

Probation Officer 20 encapsulates well his reasons for feeling this way. He recognises that, as a result of TR, NPS probation officers are under increasing pressure as a result of having to manage more high risk offenders. He suggests this is because these offenders have potential to commit serious harm and it is the job of the probation officer to put measures in place to ensure this does not happen.

Moreover a consequence of having to manage more high risk offenders has led to one probation officer conceding that she has been comparing high risk offenders on her case load with each other, to determine who will be prioritised:

Everything's high risk now or, so everything's urgent, everything has to do be done now or yesterday. (Probation Officer 10)

And we now find that where you used to have say 5 high risk offenders you've now got 15...because when we were as a Trust those 5 got the vast majority of your time and, you know, you were more careful about what you did and how you did it. But whereas now you've 15 and you can't do it and] you sort of grade the high risk; it's grades within that. And so some of people who are high risk and you would know were previously getting more of your time are not getting it anymore because they can't, we haven't got the time. (Probation Officer 6)

Probation Officer 6 highlights the lack of time she has to manage high risk offenders properly, leading to coping mechanisms being implemented whereby high risk cases are being graded in order to complete the allocated work. The 'resource follows risk' tiering guidance (NOMS, 2006) to prioritise work is now obsolete, in the NPS, when every case is high risk.

Therefore, the pressure is on probation officers to use their professional judgement to decide which high risk offenders receive less intensive forms of supervision and support because they are at the lower end of the high risk continuum. It is worth pointing out that this may have occurred prior to the reforms, and that as HMIP (2015) has highlighted, TR has simply worked to 'expose pre-existing flaws'. National Standards (Ministry of Justice, 2015b) suggest that practitioners should use professional judgement when allocating resources. Importantly, it appears that practitioners do not have an appropriate framework with which to do this. The long term implications of this are considerable, particularly in terms of the development of non-standardised practice which national standards were introduced to combat in the first instance. One might go so far to say that the tiering system no longer has relevance.

Probation Officer 8 even predicts that in the future 'it's going to be like child protection social workers...the social workers that are in child protection are just, just

a constant stress'. When asked to explain how this might affect probation officers emotionally, Probation Officer 8 states:

you're going to be left with domestic violence cases who are manipulative, aggressive and controlling, you're going to be left with sex offenders who just, the nature of the work can just be distressing and violent offenders who are quite possibly going to be kind of aggressive towards you. Plus underlying all that is the terrifying thought that one of them is going to go and do something really serious and you're going to have a big case review and investigation into how good or bad you are as a probation officer. Plus, just the thought of one of your cases committing a really serious offence and harming somebody is just horrible. (Probation Officer 8)

Some participants appeared to be feeling the stress of having to deal with high risk cases and there is the risk that people are constrained from working as effectively as they otherwise might. There is, therefore, the potential that this new way of working puts staff under considerable pressure and holds significant potential to increase stress levels within the organisation and, in turn, impact upon staff wellbeing. This is clearly something that the organisation needs to consider in the long term, especially in light of how staff described their attempts to cope with such pressures, as discussed in the following section.

Coping with the negative aspects

It was clear that our participants were struggling, to varying degrees, to cope with the added pressure of having an increased volume of high risk cases. One probation officer described the way in which he coped with this as back covering:

...so that's probably focussed my attention on all of my cases at the moment to sort of think "right what could go really wrong in this case? And have I done enough to show that I've done all I could've done to prevent that as much as I can?" I think I'm quite selfish maybe. I mean I'm prioritising myself and making sure that I'm, it's a horrible phrase isn't it, back covering but that feels like what the job is becoming more and more. (Probation Officer 3)

This points to the existence of *defensive* rather than *defensible* decision making upon which public protection depends (Kemshall, 2003; Ministry of Justice, 2012). Such practise can lead to practitioners losing sight of the individual, becoming over concerned with numerical targets and, as Probation Officer 3 suggests, being more concerned with how their work is judged rather than how effective it might be. Pre-TR Deering (2011) suggested that a negative outcome of back covering was up-tariffing offenders, not so that they received a more comprehensive form of supervision, but purely as a proxy measure of performance. If this is the case, and back covering becomes common place amongst the organisation, this particular view

raises concerns around the extent to which the service will continue to cope should up-tariffing become endemic. Moreover, structural up-tariffing is likely to lead to CRCs receiving less work because more offenders will be considered too high risk for supervision by the CRC. It has already been noted by Napo (2014) that less work has gone to the CRC than had been predicted by the Government and, should this happen, there will come a point at which providers become concerned about the lack of demand for their services.

Two other closely related coping mechanisms arose during the course of the interviews. The first revolves around formal supervision. Two participants who were on the personality disorder pathway training programme were in receipt of clinical supervision which, in the words of Probation Officer 9 allowed them to 'offload' some of the anxieties that come from working with high risk cases. She strongly advocated more provision of this kind across the NPS, as has also been suggested by Schraer (2015) in the context of social work. On the other hand, the majority of participants suggested that the level of supervision they received was inadequate because it was far too managerial with a focus on the caseload, rather than the cases and there was little in the way of reflective supervision which was piloted as part of the Offender Engagement Programme (Copsey, 2011).

The second coping mechanism stems, in part from the previous point. In the absence of formal substantive supervision, participants talked at length about how colleagues were key sources of support when it came to dealing with the stresses of their work in the same way that Korczynski (2003) identified communities of coping in call centres. There are some clear implications here for the NPS and its development, not least because there is the risk that colleagues provide inappropriate forms of emotional and practical support which could, in theory lead, to poor decisions. Furthermore, Korczynski (2003) identifies the ways in which different forms of communities of coping are critical in the formation of particular cultures which, in turn, holds implications for the future development and management of a service. This represents, therefore, an important area for future research and analysis. Nevertheless, it is fair to say that based on this research participants felt unsupported when it came to dealing with some of the pressures that emanate from holding high risk caseloads and that there was a desire from most (but not all) that this was an area that was in need of attention in the aftermath of the original reforms.

Conclusion

When we initially began thinking about the impact of probation officers holding primarily high risk caseloads we expected to hear almost wholly negative accounts. However, as we have seen, this was not the case. Rather, some participants found that an increased number of high risk cases had led to a more stable caseload and that this made management of their cases more straightforward, although we should remember to put their comments into context. It may be, for example, that participants highlighted the more stable cases simply because they provided some

respite from the high pressure and relentless work which otherwise dominated our discussions on this topic. Indeed, participants presented serious concerns about the impact of the changes on their work with an acute sense of anxiety about the intensification and volume of cases who pose a high risk of harm. The high risk of serious harm and the imminence of that harm being committed by offenders on the caseload in combination with the volume of cases is clearly putting a strain on the wellbeing of NPS probation officers. Although our participants were coping reasonably well, the implications for the future are concerning. The most common reason for stress in a survey by community care of 2,000 social workers was the 'heavy and increasingly complex caseloads.' (Schraer, 2015) and it would appear that this situation is being replicated in the NPS. We would therefore suggest that the situation is untenable in the long term and should be a priority area for the organisation in terms of supporting its staff. A workforce that suffers from high levels of stress, and that is not supported sufficiently is unlikely to be able to deliver the high quality work that is required of them. This is especially important when one considers the high risk nature of the offenders with whom our participants are working.

It is important to highlight the fact that some of these implications of TR can be mitigated: firstly, the NPS should be wary about imposing ever more managerial controls on practitioners as the risk of up-tariffing becomes more acute. Rather, the organisation should consider how best to support practitioners in prioritising the cases who pose an imminent risk of serious harm and present with the greatest need. We would recommend the implementation of something akin to the NOMS tiering model which reflects the nature of the work in the NPS. Second, there is clearly scope for more effective supervision of practitioners. Some practitioners may not want to take the service up on this offer, but many said that it would be of benefit. Third, and this is perhaps the most difficult, it seemed to us that one source of the stress was the sheer volume of high risk offenders that participants were working with and so something needs to be done about high caseloads. We need only to look to social work to see the risks of not doing so – the things that went wrong in cases such as Baby P and Victoria Climbié seem to be increasingly present in the context of the National Probation Service: inadequate supervision, high caseloads and risky work. What we are seeing here are the consequences of wholesale reforms which were implemented very quickly, with no piloting and little consideration of the consequences, despite many opponents to the reforms raising them during the consultation period. It is clear that the NPS has its work cut out in terms of overcoming the challenges posed by the reforms and that frontline staff, many of whom opposed the reforms (Deering and Feilzer, 2015; Kirton, 2015), are bearing the brunt of the reforms in terms of their workload and wellbeing.

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