

TOWARDS A EUROPEAN APPROACH TO PROBATION EDUCATION AND TRAINING

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Abstract

The possibility of a consistent approach to the training of probation officers throughout Europe has been discussed for some time. A combination of factors has led to this idea being given increased attention recently; these include the adoption of the European Probation Rules, recent EU framework decisions and the agreement of the Stockholm programme promoting alternatives to prisons and the European Training Scheme. The promotion of a European approach was given new impetus by a conference in Agen, France in December 2009, organised by the European Organisation for Probation (CEP) with the aim of harmonising probation training in Europe, sharing good practice and highlighting new initiatives.

This article will outline the factors that influence the debate on European probation training and set out the arguments for adopting such an approach. It will also identify possible difficulties and obstacles that might hinder a curriculum development process. The article will conclude with some suggestions of a way forward in developing a European approach. It will be argued that a useful early project will be to set benchmarks for probation training throughout Europe.

Introduction

The project to develop a consistent approach to probation training in Europe was given recent impetus by the Conférence Permanente Européenne de la Probation (CEP) conference in December 2009, in Agen, France on the subject of 'Recruitment and Training of Probation Officers in Europe' (the Agen conference). This article will start by outlining the drivers for adopting a consistent approach to the training of probation officers across Europe including the European Probation Rules, European Union framework decisions and the Stockholm programme. It will go on to identify potential difficulties and obstacles with some suggestions as to how these might be overcome. The article will conclude by arguing that an appropriate first step toward developing a European approach could be the development and adoption of subject benchmarks for European probation training.

Drivers toward a European Approach

The main drivers toward the development of a European approach come from Europe-wide legislation, rules and framework decisions. Although there is little that specifically argues for a common curriculum, the emphasis is always in the direction of consistency throughout Europe. Three of these drivers will be discussed in this section: the European Probation Rules; European Union Framework decisions and the Stockholm programme.

European Probation Rules

On 20th January 2010, the Committee of Ministers of the Council of Europe adopted Recommendation CM/Rec (2010) to the member states on the Council of Europe Probation Rules. These Rules set out basic principles and draw out their implications for the organisation, policies and practices of probation. Since the Rules and Commentary have a great deal to say about the skills and knowledge that probation staff need to undertake their work, as well as the values that should guide it, they have many implications for European training curricula. Some Rules (#23 – 29) refer explicitly to training and stipulate that:

All staff shall have access to education and training at the appropriate level (#23)

All staff shall undertake initial training to impart the relevant skills, knowledge and values, their level of competence shall be properly assessed and validated with an appropriate qualification. (#24)

In-service training shall be available to all staff throughout their career to maintain and improve their knowledge and professional abilities. (#25)

Training shall enable staff to use judgement and discretion within the framework of 'law, ethics, organisational policy, up-to-date methodological standards and code of conduct'. (#26)

Specialised training shall be available for staff who work / are to work with offenders who have committed some specific offences (#27) The Commentary explains that this refers to staff who work with people 'who tend to commit particular kinds of offences (for example, sexual offences, violent offences) and / or whose offending behaviour is associated with persistent difficulties (for example, drug or alcohol misuse, offenders with mental health problems)'.

Training shall pay attention to offenders and, where applicable, victims who may be particularly vulnerable or have distinct needs. (#28)

These Rules set out some important principles to guide the development of training. They insist, for example, that the training needs of all staff must be met: while in some countries the training of probation officers has dominated this debate, probation agencies employ staff in an increasingly diverse range of roles and all of them should be appropriately trained for the work expected of them. Again, debate – certainly in England and Wales and perhaps in

other countries – has often concentrated on the nature of an appropriate initial training, but the Rules also encourage attention to continuing professional development. As the training debate continues, the European Probation Rules provide a common basis for discussion.

European Union Framework decisions

By December 2011, all member states of the European Union must have implemented Framework decision 2008/947/JHA 947 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions. This Framework will allow for the transfer, in certain circumstances, of probation supervision from one jurisdiction to another – typically where an offender convicted in another country is returned to their own country for supervision or in order to carry out a community sanction like community service.

The significance for probation of this agreement goes even beyond the very important specific problems that it seeks to address. There is a long history of sharing ideas about probation practice internationally (Vanstone, 2008): in Europe, this has taken place mainly through the Council of Europe, the CEP, and through academic exchange. But the Framework calls for more than an exchange of ideas. If it is to achieve its potential, the member states of the EU will gradually need to learn much more about each other's probation practices. Whether or not this will, in time, lead to greater assimilation in practice and, indeed, whether this is necessarily a desirable thing are interesting questions. For now, it must be recognised that this measure can only succeed if it is accompanied by greater understanding of and confidence in the probation practices of other countries. An established educational standard seems one component of this.

Stockholm Programme

The Stockholm Programme (EU, 2009) was agreed and publicised in December 2009 and sets out the EU's priorities in criminal justice from 2010 – 2014. The CEP had been advocating for this programme to give attention to probation and welcomed the, albeit limited, attention that the programme gave to the development of alternative, non-custodial sanctions (CEP, 2009). With regard to training, the Stockholm programme stated that EU should support the establishment of training and exchange programmes for professionals who work in the cross-border criminal justice. Although probation training is not mentioned specifically (although arguably, probation officers could be included within 'judicial staff'), the encouragement to ensure that a number of professionals will have participated in a European Training Scheme by 2015 does give impetus to greater European cooperation in probation training. In addition, the programme states that training curricula should include coverage of EU and international cooperation.

Opportunities

A comparison of the first and second editions of *Probation in Europe* (van Kalmthout and Durnescu, 2008) suggests that there is an increasing harmonisation of probation practice across the continent: the tasks and responsibilities of probation agencies are becoming more alike. One stimulus to these developments has been policy transfer. For example, assessment instruments – especially the LSI-R and OASys – have been widely taken up in many countries and sometimes adapted to meet the requirements of local practice. Twinning projects and other alliances, for example through EU PHARE projects, have also been the occasion for policy and practice transfer (Canton, 2009a). The Strengthening Transnational Approaches to Reducing Re-offending (STARR) project (London Probation Area, 2009) is another recent initiative to enable effective practice to be taken from one country to another.

A table in *Probation in Europe* (van Kalmthout and Durnescu, 2008: 19-20) identifies 33 specific tasks undertaken by probation staff across Europe. Some of these are common to almost all of the 33 countries covered (e.g. preparing a pre-sentence report is a probation task in all but four countries; community service in all but one). Some others are undertaken in just a few countries, while others again ('mediation / victim support') are undertaken in several countries but not in several others.

A large number of these tasks are various forms of supervision. It is certainly possible to identify a set of skills and values that are necessary for some of these tasks. For example:

- to write a pre-sentence report calls for skills like the gathering and interpretation of information (including interviewing and eliciting information from people who may not be very forthcoming), analysis, judgement and written communication. It also requires much specific local knowledge – about sentencing practices that will vary from country to country with different institutions and legal frameworks. But the skills are by and large general ones.
- to supervise people in the community calls for skills of engagement, interviewing, securing cooperation and compliance. Again, knowledge may be different and jurisdiction-specific – at least to some extent – but the skills and the values that should guide practice are generic to all countries.

The concept of transferable skills is also valuable here. Even if tasks are not quite the same, there may be some general skills that can be applied from one activity to another. This has relevance not only for the feasibility of a common curriculum, but also for the level at which it may be taught. Students must acquire the habit of regarding their own experience as a first resource and to identify possibilities of transferring their skills, taking due account of the ways in which the new challenge is alike – but also different from – their past experiences.

Starting with the skills, knowledge and values that staff need to undertake their work offers a different perspective on some potential obstacles. For example, while it has been said that there is a trend in probation in many European countries away from social work and towards public protection and management of risk (Walters, 2003) what this amounts to at the level of curriculum is less clear. While the changes may be more than discursive or political, it remains the case that social workers and probation staff have many skills in common – personal engagement, interviewing, recording, working with involuntary clients, case management. In England and Wales, while social work was rejected with some vehemence as a characterisation of probation work, Smith has persuasively argued that:

...for all the rhetoric of punishment and public protection, risk management and enforcement, when practitioners decide what they are actually going to do to engage and motivate clients, help them access resources and convey a sense of hope in the possibility of constructive change, they will find themselves using ideas and skills that have emerged from social work theory and research. (2005: 634)

The idea of relationship skills should perhaps be emphasised especially here. The very first Basic Principle in the EPR states 'Probation agencies shall aim to reduce reoffending by establishing positive relationships with offenders ...'. The RNR model (Andrews and Bonta, 2010) has come to emphasise the importance of the relationship in effecting change. Some of its more recent emphasis came from the meta-analysis which identified 'relationship factors' as arguably the most important of core correctional principles (Dowden and Andrews, 2004). Meanwhile, the Good Lives Model (Ward and Maruna, 2007) has also set relationship skills at the centre of the work of rehabilitation. McNeill et al. summarise this well:

The supervision process begins with the establishment of relationships and the effectiveness of every subsequent part of the process will depend in part on the quality of the relationship, though good relationships alone will not be enough to bring about change. (2005: 39)

So while there are differences of philosophy and emphasis among competing conceptions of best practice, there does seem to be a consensus that relationship skills are a crucial part of the professional probation worker's skills set.

Difficulties and Obstacles

Despite these strong drivers toward a European approach to probation training, the process of achieving this has barely begun, and it appears to be low on the list of priorities for European probation services. In this section, some of the main obstacles and difficulties that are faced by this project are outlined.

Variation in structure and discipline of training

Contemporary probation training arrangements have developed separately in all European countries, and there is substantial variation both in the location and organisation of probation tasks, and the related training regimes. These can best be highlighted in the form of four key questions that will need to be addressed:

Is probation part of social work?

While we have tried to reframe this question, the extent to which probation officers and social workers should share a curriculum of professional training is salient in many countries. The disparities in training approach that flow from the question are apparent even within the United Kingdom. Probation officers in England and Wales have their own training regime, while those in Scotland and Northern Ireland undertake social work training. This means that probation officers who have trained in England and Wales are not qualified to practice in Northern Ireland or Scotland (Stout and Thompson, 2008). Looking Europe wide, some nations (including Austria, Ireland and the Netherlands) require probation officers to be qualified social workers so training encompasses skills and knowledge beyond criminal justice (Koss, 2008; O'Donovan, 2008; van Kalmthout and Tigges, 2008).

The question of whether probation is part of social work relates to the breadth of the curriculum, and how much training beyond core probation tasks is required. It also relates to the question of probation values; where probation is part of social work, social work values provide a basis for training, but in other jurisdictions those values are derived elsewhere. The recent adoption by the CEP of core probation values provides a strong foundation for values training in a probation training curriculum (CEP, 2010), while the European Rules also emphasise values in the work of probation.

What is the relationship between the probation and prison?

Those familiar with the progression of probation work in England and Wales over the last two decades might be tempted to consider the debate over the identity of probation as a continuum with social work at one end, associated with a liberal approach, and prison at the other, associated with a punitive approach. This is a crude, and arguably inaccurate, way to characterise probation training arrangements in England and Wales, and the more complex European probation training arrangements highlight this. In some countries, such as Slovenia, there is a blurring of roles with some probation tasks undertaken by prison officers, and others by social workers (Novak, 2008). In some other countries, probation work is strongly associated with prison. As well as the National Offender Management Service (NOMS) in England and Wales, this is particularly true in France and in Lithuania, where probation training takes place at the Prison Training Centre in each country (Pelissier and Perrier, 2008; Deveikyte, 2008).

The issues regarding the relationship with prisons are similar to those regarding the relationship with social work. It needs to be determined what training, beyond core probation tasks, is required. The issue of values remains important, in most instances the process of training prison officers in values has been very different to that experienced in

social work. However, it could be argued that the differences relate more to language used than to substantive differences in professional values.

Legitimacy and decency are discussed more commonly in a prison context but clearly have relevance to probation, and a human rights discourse can link the two professions (Bennett, 2008; Liebling and Price, 2001; Canton, 2009b)

Should probation training be centralised or decentralised?

The most common training arrangements for probation officers in Europe is a decentralised regime, with some general standards being set and a variety of institutions being permitted to deliver probation training. Countries that deliver probation training as part of social work follow these arrangements, for example in Ireland and the Netherlands (O'Donovan, 2008; van Kalmthout and Tigges, 2008).

Other jurisdictions with less of a direct link to social work also follow decentralised regimes, such as in Belgium and Catalonia (Lauwers, 2008; Barberan, 2008). However, this is not universally the case and some countries do rely solely or mainly on one prominent training institution. In France, all initial probation officer training is delivered on a residential basis in the National Prison Service School, in Agen (Pelissier and Perrier, 2008). In Norway, the Correctional Service Staff Academy (KRS) provides professional training residentially (Ploeg, 2008).

Whether a training regime is centralised or decentralised presents very different challenges regarding the adoption of a core curriculum. Where training arrangements are centralised, it is just necessary for one provider to accept or reject the curriculum. A decentralised regime provides a more complex challenge, and greater difficulties in maintaining a consistent approach. Decentralised training arrangements do, however, have many other strengths and the prevalence of these arrangements point toward the need to develop looser benchmarks rather than a more prescriptive core curriculum. This would allow each country to manage its own debates regarding what training should be delivered within the organisation and what should come from universities, and what should be qualifying training and what should be continuing professional development.

What is the appropriate level for probation training?

The fourth question relating to the varied approach throughout Europe relates to the educational level where probation training is located. At the highest level, probation officers acquire Masters degrees in Bulgaria and Ireland, with a Masters qualification a basic requirement in the Czech Republic (Rusinov et al., 2008; O'Donovan, 2008; Ourednickova, 2008). Honours degrees are required in England and Wales, Catalonia and the Netherlands (Knight and Stout, 2009; Barberan, 2008; van Kalmthout and Tigges, 2008). In other countries, including Belgium, Croatia, Denmark and Germany probation officers are simply required to undertake suitable in-service professional training, although in some of these countries applicants are expected to have already acquired a suitable university qualification

(Lauwers, 2008; Rajic and Babic, 2008; Heine, 2008; Mutz, 2008). This could mean that although probation officers are university educated, they will not have actually carried out assessed study in core probation material at a higher education level.

This difference in training levels could be responded to in one of two ways by those developing a European probation training curriculum. Firstly, it might be possible to develop free-standing benchmarks, with no reference to level, that could be drawn on at whatever level was thought appropriate in each jurisdiction. A more preferable option would be to locate the European curriculum or benchmarks at HE level and to use the promulgation of the benchmarks to continue to make the case that probation officer training belongs in Higher Education Institutions at, at least, honours degree level (see, for example, Knight and Stout (2009) for a presentation of this argument with regard to England and Wales). In some jurisdictions, it might be argued that probation scholarship is not present at university level, and the development of European benchmarks would provide an opportunity to address that argument. Links could be drawn between probation scholarship and established university disciplines such as social work, psychology, criminology or law. Comparisons could also be drawn between the role and work of a probation officer and that of comparable disciplines that do require university training.

Local and national priorities

Probation work is part of the criminal justice system and, as such, is vulnerable to being directly affected by a changing political context. When developing probation training regimes, governments will find that there are many higher priorities than the need to introduce a system that is consistent with other European jurisdictions. For example, in established democracies, governments will respond to the demands of popular punitivism (Bottoms, 1995) and direct criminal justice agencies, including probation, to operate in a particular way. The most prominent example of this in the UK was the decision in the 1990s to remove probation training from social work training as part of a drive to make probation appear tougher and to attract more men (Williams, 1996). Probation remains at the centre of political debates regarding criminal justice, but in recent years economic considerations have joined political ones in influencing the shape of probation training. In 2010, a new probation training framework has replaced the Diploma in Probation Studies (DipPS) and the decision to include some, but not all probation staff, in this framework seems to have been mainly determined by cost (Knight and Stout, 2009).

European developing democracies find all aspects of criminal justice reform to be a challenge (see, for example Goldsmith (2009), Beck and Robertson (2009) and Stojanovic and Downes (2009) for a discussion of policing developments in Turkey, Russia and Serbia) and probation tends to be lower down the list of priorities than police or prison. These developing democracies do look to the established democracies of Western Europe for ideas and support. This should provide an opportunity for shared learning, and a consistency of approach, but the process of policy transfer is not an easy or straightforward one (Canton,

2009a). In some European countries, not necessarily just developing democracies, the issue of devising a probation training curriculum that is in line with that of other European countries is simply not a priority at all.

In addition to the need to address the questions outlined above, any process of change also has to take account of the intrinsic challenges in making changes to established systems. Where probation training regimes are in place – whether in one institution or in many, and regardless of the level and the connection to social work or prisons – they will have been created through internal and external processes and will be difficult to revisit. Even if it was possible to impose a new curriculum, the practical difficulties in changing from one system to another could create great resistance to that process. Jurisdictions with newer probation services that are at an early stage of developing training regimes might be more open to a new European curriculum, but that is less likely to be the case in the more established probation services.

The questions and challenges noted above will need to be addressed but it would be wrong to consider them to be insurmountable, or to primarily focus on difficulties rather than possibilities. The following section outlines a possible way forward.

Benchmarks

The Agen Conference was a key stage in the process of developing a consistent European approach to probation training. It enabled the sharing of learning and experiences from jurisdictions throughout Europe as well as discussions regarding the general principles of training and recruitment. The conference gave rise to a project group (the European Probation Curriculum Group (EPCG)), tasked with making progress toward the development of a European curriculum.

In light of the variety of provision throughout Europe and some of the challenges outlined above, the EPCG has taken a view that a productive approach would be to develop European probation training benchmarks, rather than a full curriculum. The use of benchmarks is familiar to academics in the UK, through the work of the Quality Assurance Agency (QAA) in developing subject benchmarks. The QAA defines benchmarks:

Subject benchmark statements set out expectations about standards of degrees in a range of subject areas. They describe what gives a discipline its coherence and identity, and define what can be expected of a graduate in terms of the abilities and skills needed to develop understanding or competence in the subject. (QAA, 2010)

In contrast, a curriculum is generally considered to be more detailed, and more prescriptive. An example definition (albeit with regard to schools, rather than universities) is provided by the Qualifications and Curriculum Development Agency (QCDA):

[A] curriculum consists of everything that promotes learners' intellectual, personal, social and physical development. As well as lessons and extracurricular activities, it includes approaches to teaching, learning and assessment, the quality of relationships... and the values embodied... (QCDA, 2010)

A curriculum will include how a subject will be taught and will set out details such as the order in which subjects will be covered, timetables and assessment strategies. It would be undesirable, and unrealistic, to attempt to impose a full programme on individual European jurisdictions in this way. Benchmarks, in contrast, focus on what will be taught. The development of benchmarks would shift the focus away from differences in individual jurisdictions onto the question of what knowledge, skills and values are required for probation officers to do their jobs. There is significant variation in the organisation of probation in European countries and a diversity of task but, crucially, there is no incompatibility in the roles that probation officers are asked to perform. Core tasks, such as the assessment and supervision of offenders, are carried out in all jurisdictions and require similar knowledge and skills. Tasks that are present in very few jurisdictions (for example probation officers provide supervision to pre-trial detainees in the Czech Republic, the Netherlands and Scotland) will nonetheless call on skills and knowledge that will be familiar to probation officers in other jurisdictions.

Developing benchmarks builds on the work already carried out to achieve consistency in probation practice and training throughout Europe. The CEP has already started the work of identifying and summarising the core probation values required throughout Europe (CEP, 2010). The Probation Rules require initial training to impart the relevant skills, knowledge and values, leading to a properly assessed and validated qualification. References to benchmarks will allow individual jurisdictions to develop their own curriculum and to include country specific modules to cover their own particular legislation and role requirements, but yet retain European consistency.

The EPCG has been tasked to investigate further the core tasks and training needs of probation officers in the jurisdictions associated with the CEP. At the time of writing, this project is underway, and once the information has been gathered, the next step will be to develop and then promulgate Europe wide benchmarks. The initial response to the EPCG's request for information has been promising, and the completion of this group's task will be a significant step toward the development of a consistent approach to probation training throughout Europe – a goal that is both desirable and achievable.

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