

# **GATHERING OFFENDER PERCEPTIONS OF PROBATION PROGRAMMES: POTENTIAL, PITFALLS AND LIMITS**

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## **Abstract**

This article responds to research carried out in relation to collecting offenders' perceptions of their experience of accredited programmes during a probation order. This paper returns to questions about offender rights and how the practice of gathering 'customer' views about the service they receive is managed. The research team recognised through the design and collection of offender perceptions that different stakeholders valued and used the information for different purposes, but where does this position the 'customer' in this kind of dynamic? This paper seeks to outline the potential, pitfalls and limitations of this kind of practice in probation and other areas of criminal justice.

**Key Words:** Offender perceptions, probation programmes, consumers

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## **Introduction**

The European Excellence Model (EEM) has placed significant importance on the collection and use of customer views (EFQM 1999) and within Probation this includes offenders (Home Office 1999). Self-assessment under the EEM was adopted by the National Probation Service from its inception in 2001 and has been integral to the work of the Inspectorate particularly on accredited programmes but also against the broader EEM criteria (HMIP 2002). 'Customer results', including customers' perceptions of the organisation, have become a central feature of these self-assessments of performance and as a consequence the Probation Service requires clear and structured systems for the collection of such views from offenders. This paper reviews some of the key issues in gathering and using offender perceptions based upon a pilot in one NPS region.

It can be argued that greater insight into the experiential thought processes of offenders, who are among the 'key customers'<sup>2</sup> of the Probation Service, should enable managers and

practitioners to reduce attrition, improve the levels of offender compliance and enhance the performance of the organisation. Programme attrition in particular has been seen as a pressing issue by the NPD and local areas (Kemshall and Canton 2002; National Probation Directorate 2002). Whilst there are numerous studies relating to the individual supervisory relationship (see for example Rex 1999; Rex and Matravers 1998; Bailey and Ward 1992), and recent emphasis upon pro-social supervision (Trotter 2000), there has been less research on offender perceptions of group work programmes. Offender perceptions of programme requirements, processes and content can assist the Probation Service in making more informed assessments of attrition difficulties and in overcoming them (Kemshall and Canton 2002).

It is important to acknowledge that such data collection has a number of purposes: to provide aggregated data to inform both strategic and operational decisions; to provide accessible local information to inform and correct practice quickly; and to inform the basis of on-going quality assurance systems. The latter can be seen as part of the overall programme quality assurance process providing immediate feedback on programme preparation, experience, and content and informing post-programme work. At a strategic level offender perception data may be able to assist services in the effective management of programme attrition, correct implementation deficits, and increase the potential impact of programmes (Kemshall et al 2004a).

This article is based upon the experience of developing and piloting an offender perception data collection tool in one region of the NPS.

The full results of the pilot and a review of offender perceptions is presented in Kemshall et al 2004b<sup>3</sup>. This paper will not re-present that material, but rather concentrate on broader issues arising from the collection and use of offender perceptions. In brief, these can be understood as practical and ethical issues arising from the process itself. These concerns extend to the collection of offender views which may imply a degree of rights and entitlements (and indeed influence) on service delivery that in reality may not exist. Such surveys, whilst they employ some of the methodology of customer satisfaction surveys, are carried out in the context of a compulsory service and only certain views are legitimated as relevant for service interest. This paper will explore some of the key drivers that currently influence the framing of offender perception surveys, and the potential impact on offenders of participating in such surveys.

## **Gathering Views**

The collection of offender perceptions has a number of key drivers, not least the increased levels of accountability for performance placed upon the Probation Service throughout the 1990s (Mair 2004 for a full review). This imperative can be placed within the broader context of an increasingly managerialist approach to criminal justice (Kemshall 2003) and the performance measures set by the Crime Reduction Programme (Raynor 2004). Within this context, the Probation Service shifted its emphasis from welfarism and alternatives to custody (Ford et al 1997) to a corrective approach to offenders based on

CBT under the general banner of 'What Works' (Kemshall 2002; Raynor 2004). This also marked a move towards 'evidence-based practice' and a 'results based' culture in criminal justice generally (Maguire 2004; Nutley and Davies 1999). The NPS was placed under pressure to process 60,000 offenders through accredited programmes to completion by 2004 (Maguire 2004: 225), a target which resulted in inappropriate referrals to programmes and high levels of attrition (Stephens 2002; Kemshall and Canton 2002). Within the Probation Service the drive towards accountability and performance measurement has focused attention on evidence of effectiveness and the development of quality assurance mechanisms to ensure that pre-set standards are met (see HMIP 1999 for example on Effective Practice). Consumer views, (in this case offenders') are becoming more evident in performance management although a systematic national tool for gathering perceptions has yet to be implemented (Kemshall et al 2004b).

### **Previous Studies of Offender Perceptions**

These have been largely restricted to offender perceptions of the individual supervisory relationship and the mapping of benefits offenders identify from their contact with probation (e.g. Bailey and Ward 1992). Ford et al (1997) usefully map key studies that investigate the 'perceptions' of people on probation (see Davies, 1979; Sheppherd 1980; Willis 1981; Day 1981; Mair and May 1997 and Bailey and Ward 1992) as part of their research on treating probationers as 'consumers' (1997:45). Ford et al's study collected data from probationers which related to their 'social' characteristics and what they thought about the level of service from officers (1997: 49). They used Bailey and Ward's (1992) framework to address specific aspects of their experience and the probation service's responses to them according to varying categories such as, 'keeping out of trouble', 'probation as an opportunity', 'accommodation' and 'counselling and professional values'. This highlighted how obtaining views/opinions/perceptions of current users can provide evidence to demonstrate the effectiveness of the probation service in responding to the issues probationers face.

These findings were supported by Kemshall et al's later study (2001) in which they found that offenders valued sustained interest from officers, being treated as a person, rigorous challenges to offending behaviour as well as trust, integrity, honesty, listening, being held accountable and non-judgemental treatment. Additional studies have identified the importance of officer and probationer relationship in terms of effectiveness, especially in crime reduction and desistance. Rex (1999) suggested that this partnership should be negotiated with support and encouragement to bring about improved reasoning and decision-making skills. Furthermore, Rex suggested that personal and professional commitment, loyalty and accountability are necessary from officers as well as attention to the personal and social problems of offenders. It was felt that probation officers should reinforce pro-social behaviour and have a genuine interest in the offender's well-being (Rex and Matravers 1998; Rex et al 2004).

Whilst often perceived as 'satisfaction surveys' such studies are concerned with the benefits accruing to an offender from the use of a compulsory service. As such, they are

often over-laid with concerns about what attributes of service delivery contribute to compliance (expressed as continued attendance), and completion of orders/programmes; and in a broader context with those features of supervision that enhance effectiveness (Kemshall and Canton 2002). In the context of high rates of attrition a key concern has been the potential difference between programme completers and non-completers (Wood 2002), and the use of aggregated comparative data to enhance the effectiveness of service delivery on further offending with the attendant social benefit of reducing crime. Whilst the collection of aggregated data satisfies institutional demands for performance management, individual responses can be diluted in the process. The uniqueness of individual experience can be negated, and 'satisfaction surveys' are not necessarily about ensuring greater convergence between 'customer' needs and service delivery, but may be about ensuring feedback loops to practitioners and managers responsible for achieving higher levels of offender compliance with corrective programmes.

However, studies carried out with minority ethnic offenders have highlighted the importance of specific identities to the experience of and subsequent perception of criminal justice services. It was recognised that the views of visible minorities were not documented and that offender views were distorted by aggregation and did not necessarily reflect specific offender identities.

Chigwada-Bailey's (1997) study of black women's experiences of the criminal justice system stresses the need to recognise aspects pertaining to diversity, such as race, gender and class. In addition, access to and distribution of services has been exemplified by evidence of racism and sexism throughout the criminal justice system. The collection of such 'negative' and critical views from service users poses additional problems for service providers especially in terms of resources and dealing with the seriousness of these issues. The Stephen Lawrence Inquiry (Macpherson 1999) significantly contributed towards professional accountability of services delivered in the criminal justice system and symbolically carved out a revived approach to service users of the criminal justice system. For the probation service this emerged in response to the Race Relations Amendment Act (2001) and local schemes throughout the service were established to address these concerns. The service's measurement of 'collective failures' or 'collective successes' have appeared on the landscape of criminal justice services. The NPD has consequently invested in and outlined procedures pertaining to aspects of race. Since 2001 there has been an (re-)appearance of diversity related targets and an injection of commissioned research, evaluations and training particularly in 'improving tutor effectiveness' of offender behaviour programmes. There is however no explicit mention of direct consultation with service users in this literature (Home Office: 2002: 6).

Responses to diversity by the probation service have been driven predominantly by issues of race (including issues of racism and harassment). Additional focus on all aspects of diversity has been placed on strategic and practice agendas, for example gendered and ethnic specific group work programmes in probation (Kemshall, Canton and Bailey 2004) and the increased desire to recruit minority ethnic staff and train staff on aspects on race

equality (NPD Race Equality National Framework 2003). Concerns about diversity have also been evidenced in attrition from group work programmes and breach or orders and applications for bail (Hood 1992; Hucklesby 1997). An example of probation wanting to know how to respond to diverse groups' needs is evidenced in the study carried out by Knight (2004). The service wanted to document the knowledge and perceptions of minority ethnic prisoners in an attempt to provide a culturally responsive service, for instance on health and safety; personal, domestic and religious circumstances; cultural needs; language and communication, and dealing with racism and discrimination. Responses suggested that such surveys are often constructed to satisfy the political and institutional demands of accountability and are not necessarily constructed for the benefit of users. Users can become jaundiced in their views of such surveys, particularly when changes in service delivery are not subsequently made. In the instance of the prisoner study, the responses were used by practitioners to address policy objectives outlined by the Race Relations Amendment Act (2001).

How perceptions are used by services may sometimes be distorted in the rhetoric of target driven discourse. Evidence from perception studies is used to inform practice to some degree. However, it is not necessarily to make the experience of the service more pleasurable or palatable, although this may be the signal given to offenders when their views are sought.

This raises the important question about whom criminal justice services are primarily provided for and the purpose for which offender perceptions are gathered. The emphasis on customer satisfaction driven by models such as the Citizen's Charter (1991) and EEM could perhaps imply users of the criminal justice system that they have choices and rights. Mantle and Moore (2004) argue for 'replacement discourses' in probation rhetoric; they suggest that combining 'userism' and 'strain and rational choice theory' (2004: 304) would achieve success. The authors argue that 'userism' is implicitly linked to citizenship and that 'forging a genuine partnership with people' (307) will 'ensure that the 'lawbreaker becomes aware of their community's censure and desire for them to change, rather than enforce that change' (309). They also suggest that 'the probation service has never been fully at ease with the idea of 'offenders-as-service-users' (2004: 305) despite strategic shoves in that direction, this mixed and convoluted rhetoric of, on one hand compliance and on the other responsiveness to individuals' needs could be hazardous.

In this context the design and implementation of tools cannot be pursued uncritically. It is important that researchers, managers and practitioners recognise these broader issues as they provide a significant back-drop to the collection and use of offender perceptions. Following a brief description of the tool design and implementation within the pilot, the paper will return to this key issue.

## **Capturing Perceptions - Design and Pilot of Perception Tools<sup>4</sup>**

The research team set out to design a tool that would usefully and appropriately gather the perceptions of offenders (this includes views, opinions and attitudes) of the group work programmes at set intervals in their journey through their period of supervision. The tool needed to be transferable to any accredited group work programme such as Think First, ETS, ASRO and DIDS<sup>5</sup> and was designed in consultation with offenders, probation managers, practitioners (programme tutors and case managers), and local research and information staff.<sup>6</sup>

Designing the perception tool was carried out in three stages:

### **Stage One**

- A mapping exercise to establish existing surveys
- Focus groups with NPS staff to establish relevant issues about routine data collection
- Focus groups with offenders to ask how their views should be collected and what the tools should indicate to the service providers
- Analysis of existing offender interviews (Kemshall et al 2001) on supervision experience and perceptions of effective practice.

### **Stage Two**

- Design and introduction of survey tool(s) in pilot form, evaluation of pilot, analysis and refinement
- Discussions with staff in the field about the practicalities of implementation.

### **Stage Three**

- Design of analytical tool to interrogate data and develop data-inputting template and data management.
- Discussion of practical issues of implementation and relevance.
- Collection and analysis of data, with conclusions and recommendations.

## **Development of the Tools**

Following consultation with offenders and staff, three points in the 'programme journey' of the offender were chosen for perception gathering. These were:

- *Pre-programme* taking place within the first 6 weeks administered by the case manager or via induction personnel.
- *Mid-point* of the group programme administered usually in the relevant group work session by tutors.
- *Post-programme* usually administered 4-6 weeks post programme by case managers.

## **Practical Issues in Gathering Offender Perceptions**

### **Confidentiality and reassurance**

The research team, acting on the comments of both offenders and staff, created a confidentiality statement that was used on all of the survey tools. In this type of situation, confidentiality is implicit and offenders are aware that staff do exchange information about them within the service and sometimes beyond. Complete confidentiality was not seen as either useful or possible, and offenders accepted the notion that some exchange of information, particularly of aggregated data would take place. Confidentiality was not raised by offenders as a major issue, and the parameters drawn were understood, suggesting that offenders were used to such parameters from their existing relationships with probation staff. In some cases offenders had experienced completing similar forms<sup>7</sup> or being asked for feedback at the end of group sessions and were therefore used to expressing their views in this way. In one group session the completion of the mid-way point form led to a re-discussion and re-negotiation of the group rules and a frank discussion of factors group members found the most irksome. This is an example of quality and process payoffs as well as data collection.

### **Tracking**

The tools have not been designed to 'track' individual offenders over time although there is some natural desire to be able to identify those with negative feedback early and see if this is related to later drop-out or whether such negative views are ameliorated. If services make a case for the tracking of individuals over time there is an important need to maintain user confidentiality. The user should be made aware that the service is gathering this type of information about them during the course of their programmes. It was important that regional position on confidentiality and compliance with the Data Protection Act is adopted.

### **Usage of Perception Tools**

During the pilot phase local managers of programmes found the tools helpful in providing immediate feedback particularly to programme tutors and case managers. Local managers found the tools accessible, easy to interpret, flexible. The analysis of the forms was sufficiently resource lean allowing local staff to be responsive to the legitimate views of service users. The tools were also seen to have a long-term usefulness in terms of providing area wide aggregated data to guide service delivery decisions at a strategic level.

Responses from programme tutors during the pilot also valued the mid and post programme perception tools for their ability to provide immediate feedback on performance of the impact of the programme. Pre-programme tools were considered slightly more difficult to use, since administering them relied to some extent, on case managers for completion. However, the poorest completion rates for the tools were from the post programme stage, as this relied entirely on the case managers and not the programme tutors. The tools were seen as constructive for informing programme tutors about levels of motivation and specific needs, also the tools allowed tutors and case managers to identify offenders who were not ready to start programmes. The pilot

identified how programme staff and managers have been the most involved with gathering offender perceptions, and thus the key challenge will be how best to integrate the collection of relevant offender perceptions into the case management role.

### **Implications of Gathering Offenders' Perceptions**

Gathering offender perceptions is not a value neutral exercise. In the current climate such data collection is policy driven, particularly by the concerns to reduce crime and reduce attrition. Data gathering and use is also framed by differing stakeholders engaged in the process- in this case central policy makers, strategic managers, operational managers, practitioners, users (offenders), and the general public.

In the policy context, customer views under EEM have been seen as a key mechanism for driving up performance and quality in the public sector (EFQM 1999), and to encourage bureaucratic organisations to become more flexible and responsive to users. Customer perceptions are viewed as important evidence of performance- linked to outcome measures of 'what works' and reduction in reconviction rates (Nutley and Davies 1999).

From a strategic perspective gathering offenders' perceptions of services can highlight and indicate effectiveness of key services (such as accredited group work programmes) and enable initiatives to be measured and quantified. They also provide evidence to define benchmarks and targets, allowing services to set future targets on programme take-up and completion. With programme performance indicators closely linked to service budgets the benefits of using offender perceptions to improve service delivery are self-evident. For strategic managers their use of the data is driven by the need to meet central policy targets and centrally driven requirements on monitoring and evaluation. Operational managers appreciate the immediate quality assurance function offered by offender perception data and the ability to take speedy corrective action on service delivery at a local level.

Strategy defines the framework in which practitioners work and the actual practice of probation work would benefit from offenders' views. As studies have shown (see Kemshall et al 2001) the practical issues of running and coordinating group work programmes are improved by insight into the experiences and realities of those who attend group work programmes. If attendance is a problem, tutors and managers can benefit from knowing the reasons for failure to attend, such as cost to travel to the programme and childcare commitments etc. Equipped with this knowledge, practitioners in the field can, in theory, make decisions (where possible) to overcome such difficulties. The benefits for practitioners are that their practice is enhanced and they experience less 'failure'.

There is however, a need to be sensitive and alert to the fact that research of this kind could threaten or weaken confidentiality and assurance between provider (especially for case managers) and user. Interpretations of individual responses, particularly at the pre-programme stage can certainly help in the kinds of responses in order to prepare individuals for the programme. Conversely there could be an underlying process of further surveillance of the probationer which can potentially hinder the supportive aspects of



offender management. In essence, the need to ensure that potential attendees are suitable for group programmes and thus meet programme completion targets, which might weaken compacts of confidentiality.

Data on offender perceptions can also assist practitioners better to understand offender needs (Bailey and Ward 1992). Aubrey and Hough (1997) demonstrated how practitioners' understanding of offender needs can assist in focusing supervision on those needs directly related to offending behaviour. Plotting of needs throughout their supervisory experience can enable practitioners to identify change as these needs are met, and which of them may be directly related to desistance (Farrall, 2002). As Aubrey and Hough suggest it would provide a mechanism for disregarding changes which are unrelated to supervision (1997: 31). However, in this approach only certain needs are legitimated for concern, those deemed to relate directly to offending behaviour. Other offender needs (and presumably the views expressed about them) are de-legitimated. This kind of focus on service would also help practitioners to outline statements of purpose for specific services they deliver. These common objectives and goals driven by local and contemporary issues can be effectively shared throughout regions, as well as nationally.

From a service user perspective the experience of being under probation supervision is varied (see Kemshall 2001). The extent at which individuals on probation comply with orders and attendance group work programmes for example vividly reinforces the issue that the users of the probation service are not choosing to utilize such service, it is a requirement of their order.

Consultation with users of the probation service is still minimal (Morgan 2003: 9). Consultation assumes levels discussion and listening over and above notions of compulsion and enforcement. Consequently the value of voicing opinions via feedback mechanisms could be overstated. The Service's rationale for collecting perceptions needs to be clear to ensure offenders understand the purpose and use of information. The implications of gathering offenders' perceptions could undermine issues pertaining to confidentiality and incidentally how offenders might be managed by their case manager. Secondly, requesting feedback and responses regarding a particular service such as group work programmes could imply that users have 'more' choices about the services they receive, than they actually have. In reality group work programmes are pre-designed and strictly remain fixed in terms of content and ethos and thus choices about the types of programmes on offer are minimal for both offender and service providers alike. Furthermore, the choices and options that offenders are legitimately entitled to, like a request to change their case manager for example should continue to be communicated effectively to all service users, to ensure that any service consultation is not confused with choices and rights that are not legitimate or appropriate for the service. In turn this might powerfully suggest that offenders deserve a 'good' service. It is imperative for service providers to re-state customers' rights that are specific and relevant to the service provision and thus disregard entitlements that are not relevant to their supervision. With respect to trust this is vital in offender management in which choice, rights and power are

inhibited and eroded. Clarification of offenders' rights by the Service is necessary to enhance transparency to enable and facilitate success and opportunities for all stakeholders, rather than being 'tokenistic' (Mantle and Moore, 2004:307).

From the general public's perspective gathering offenders' views is an area which has received only some attention (Allen, 2002; Roberts & Hough, 2002; Wood & Viki, 2004; Maruna & King 2004). It is known that public debate about the penal process recognises both punitive and rehabilitative approaches. The 1991 Criminal Justice Act brought about renewed emphasis on justice, in which the rights of offenders of crime have been questioned, and even considered invalid. A common response might be that offenders are not deserving of a better or 'good' service. Some may take the view that the experience should not accommodate offender needs and should not be a pleasurable experience, likewise some take an indifferent view on these issues. A recent survey of public attitudes towards youth offending by Hough and Roberts (2004) asserts that most people would like to see the youth justice system being 'tougher on young offenders'. It is unsurprising that the views of the general public on the motivation of offenders to attend accredited group work programmes would remain limited unless they have knowledge based on actual experience (MORI 2002: 24). However public discourse does demonstrate concerns about re-offending, fear of crime and victimisation and how this is and could be addressed (MORI 2002). Public expectations of the probation service are limited (MORI 2002). Responses highlighted in this study suggest that the public's expectations of the probation service are based on the belief that it is predominantly responsible for supervising people who have been released from prison (45%) and also the rehabilitation of offenders (42%), whereas the respondents in this study rarely expect the service to punish offenders (2%) and protect the public (2%) (2002: 19). Maruna and King (2004) state that the public are 'probably ambivalent toward non-custodial penalties...the idea that the public is strongly opposed to non-custodial sentencing has little support in the research literature.' (2004: 90-1)

Do all stakeholders have equal weight in the gathering and use of offender perceptions? The simple answer is no. The design and framing of perception gathering tools is structured by NPS concerns and the involuntary participation of offenders in programmes must influence their response to questions to some degree (for example a significant 'halo' effect, Pritchard et al 1998). There is however subtle differences in the drive to collect offender perceptions. This occurs on perhaps two levels; a strategic level and an operational level. The strategic position drives the necessities of the NPS to bring about compliance, rehabilitation and reduce re-offending. From an operational level motivations to collect views are about achieving a better service. The strategic drivers are necessities of the Service's business, but the effectiveness of these are developed, managed and improved via consultation and feedback mechanisms, such as offender perception tools. Some of the dangers, however, might be where only particular views are sought (those relating to impact, compliance and completion), in which this data could be used to further tighten control, compliance and enforcement rather than improving welfare and care. Clearly compliance is a difficult issue to manage and to also understand and as a result the

gathering of perceptions might not be wholly concerned with offenders' well-being or enhancing their rights as citizens as some of the signs of a customer satisfaction survey might imply. However, staff are keen to enhance services for offenders. The movement in discourse towards consumerism could mimic or reflect the concept of being and treating offenders as consumers, depending on whom in the service is asking for offenders' views. The service users in the probation service can be presented as para-consumers in that they are coming to be re-presented as agents with rights, choice and power in areas that are not legitimate to the service they are getting. As a result there is a danger that this consumer rhetoric (in these instances framing the offender as the 'customer') could marginalise and distance some offenders further from their involvement, participation and ultimately gainful outcomes of group work programmes.

This discussion has charted the different investments and motivations of stakeholders in offenders' treatment. The interest and understanding in gathering perceptions has periodically appeared and re-appeared on the criminal justice landscape. The process and mechanics of gathering offenders' perceptions tells us where authority and control is positioned, located, constructed and re-presented in the practice of probation. It is also palpable that authority and control is divided and sliced up between the different numbers of stakeholders in the management of offenders. Greater compliance by offenders could inevitably be a product of using data in such a way to make supervision tighter. Due to this it is therefore important to clarify the purpose and intention of the data collected. Hence there is a real need for a re-newed and revised rhetoric and practice which validates the purpose. These revisions should not mimic rights and entitlements that the probation service is unable and not expected to deliver.

## **End Notes**

<sup>1</sup> With extended thanks to Professor Brian Williams and Dr. Roy Bailey from the Community and Criminal Justice Research Unit at De Montfort University

<sup>2</sup> The term customer (and other key terms throughout the article) is placed within quotation marks to indicate their contested and problematic nature.

<sup>3</sup> Available by contacting kemshall@dmu.ac.uk

<sup>4</sup> Dominey, Jane, Knight, Victoria and Kemshall, Hazel (2005) *The Perception of the Participant on Accredited Programmes in the Probation Service Vista* Vol.10 No.2

<sup>5</sup> This excludes those accredited programmes developed for domestic violence or sex offending, due to the particular nature of these offences and the particular circumstances of the offenders.

<sup>6</sup> A full description of the methodology can be found in Kemshall et al 2004.

<sup>7</sup> Sessions 14 and 22 of 'Think First' have reviews 'built in'.

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