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**CHANGE AND NEW DIRECTIONS IN THE PROBATION SERVICE:
THE DEVELOPMENT OF THE PRACTICE AND CONCEPT OF MEDIATION**

Jacqueline Pamela Smith

A thesis submitted in partial fulfilment of the
requirements of the Council for National Academic Awards
for the degree of Doctor of Philosophy

November 1990

Sheffield Business School, Sheffield City Polytechnic
in collaboration with the
South Yorkshire Probation Service

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ABSTRACT

This thesis represents a contribution to an area of practice that is fast developing in the united states but is still under developed in this country. Theories of mediation and analyses of the practice and methods are increasingly being developed, but there is a sparsity of work that considers the issues as part of organisational analysis - mainly as it is such a new area. The probation Service is also an organisation which does not have a proliferation of data, although some analyses of its development and culture have been accomplished. But to my knowledge none have used a study of probation officers themselves to interpret the culture and form of the organisation, and relate this to its acceptance, and response, towards change and the incorporation of new ideas.

Through considering my attempt to act as a change agent and introduce, observe and assess the value and interest in mediating between victim(s) and offender(s), I have highlighted organisational issues that are crucial for further work. There is an exploration of the probation service as a learning and developing organisation. One feature that is apparent is that the service has little clarity over aims and objectives. As a result, new ideas and potential innovatory changes in direction are marginalised. The organisations relationship to change has been considered in relation to the introduction of mediation practice, but important factors applicable to other areas have become evident. This thesis thus considers mediation practice as a potential new direction for probation practice using the views and experience of a sample of probation officers and managers. The organisation, its present culture, ethos and practice have been analysed in relation to its receptivity to new ideas.

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and patience as I initially struggled with my return to an academic environment and the difficulty and stress of a practitioner/researcher role.

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CONTENTS

	Page No
Abstract	i
Acknowledgements	ii
Introduction	1
Chapter 1 Going back in time - personal experience	4
Chapter 2 A review of the research project aims	22
Chapter 3 The development of the research and the methodology employed	31
Chapter 4 The roots of mediation and reparation: background and focal issues	71
Chapter 5 An introduction to the roots, aims and ideals of the probation service	95
Chapter 6 Insights from the interview data: the making of probation officers	122
Chapter 7 Insights from the interview data: the ideologies of probation officers and how these relate to practice	150
Chapter 8 Insights from the interview data: an introduction to service culture	167
Chapter 9 Values-in-use, daily practice demands, and the development and position of mediation	213
Chapter 10 Probation Officers views about the position, value and development of mediation	259
Chapter 11 Does mediation have a future?	296
Chapter 12 Closing the gap between the reality and the ideal	342
Chapter 13 The probation service as an organisation: a professional bureaucracy	386
Chapter 14 Part I The change agent and the organisation	423
Part II Insights: the way forward?	454
Part III The change agent in another environment	472
Conclusion	488

APPENDICES

Appendix 1	Mediation and Reparation Project: general research results	511
Appendix 2	The structure of South Yorkshire Probation Service	514
Appendix 3	Timetable of data collection	515
Appendix 4	Guideline questionnaire I	516
Appendix 5	Mediation survey	518
Appendix 6a	Data collection: court reports I	519
Appendix 6b	Data collection: work-load	520
Appendix 7	Data collection: court reports II	521
Appendix 8	Guideline questionnaire II	522
Appendix 9a	A day in the life of a probation officer	523
Appendix 9b	Day A	528
	Day B	529
Appendix 10a	Case examples (central office)	530
Appendix 10b	Case examples (detached office)	553
Appendix 10c	Mediation examples	536
Appendix 11	Towards a mediation policy	548
Appendix 12	Results and recommendations	549
References		553

INTRODUCTION

Between the idea
and the reality
Between the motion
And the act
Falls the Shadow

T. S. Eliot, *The Hollow Men* (1925)

What we call the beginning is often the end
And to make an end is to make a beginning.
The end is where we start from.
...
Every phrase and every sentence is an end and
a beginning.

T. S. Eliot, *Four Quartets* (1942)

This thesis is the culmination of a two year period of research from November 1986 to November 1988 considering:

- 1) the introduction of mediation practice into the Sheffield Probation Service;
- 2) my own position within the agency as a Probation officer turned consultant, researcher and change agent; and
- 3) the organisational and individual response to my interventions.

The research proposal was inspired by the success of a three year innovatory project between September 1983 and September 1986 counselling offenders and their victims, individually and, where appropriate jointly, about the offence in the context of prosecution but before sentence. I was one of three probation officers in the small specialist probation team, so was directly involved in

developing the work and producing the data. The project was evaluated by external researchers, but the circulated results did not appear to influence practice, encourage other developments, or to have any direct bearing on the daily work of my colleagues in the South Yorkshire Probation Service. This was despite many interested informal conversations and a high degree of general enthusiasm about the practical project work accomplished.

After the project team ran several well-attended training events, general probation practice resumed without question. There seemed little awareness about the apparent challenge provoked by mediation in my view, to the daily work. The project results were seen to be interesting and thought-provoking, but divorced from day to day practice demands. To attempt a new way of working appeared to be valuable as an exercise, but to have no future; as pointed out in much organisational literature, even if something is believed to be possible and worthwhile, if it will not obviously lead to a positive outcome, it will not be pursued:

"Individuals may have all the confidence in the world that they can perform some action, but if they don't believe that the action will lead to any worthwhile outcome, then they won't perform it."

Porras (1987) p.47.

I speculated that if a practitioner had conducted the research and shared on-going practical and organisational issues, the results may well have been more immediately relevant and accessible to probation officer colleagues. Particularly noting that:

"...much resistance to change occurs because people do not know what is happening or what might be happening in the future".

Porras (1987) p.10

To consider this further, I submitted a proposal to the Probation Committee that further investigation was needed to assess the suitability of mediation practice for the Probation Service, and that this could best be done in a two-fold way:

1. by working alongside other probation officers I could act as an advisor and stimulant to mediation practice, and
2. I could link this with assessing the place and potential development of mediation practice within the Probation Service.

This would differ from my role on the previous project as firstly I would no longer be absorbed in developing my own practice but would be using my experience as a medium for teaching and consultation. Secondly, without a caseload and constant distractions such as court deadlines to meet, I would be better placed to look more closely at the potential place for mediation within probation practice; and thirdly, as a probation officer only temporarily seconded out of practice, I would be less likely to lose sight of the constant 'hidden' daily pressures which create the strains and appear to stifle developmental enthusiasm. I would also be in a position to assess the reality of the 'everyday stresses' as one of the reasons given for the lack of innovation.

CHAPTER ONE

GOING BACK IN TIME - PERSONAL EXPERIENCE

"I am one of those strange people who for many years wanted to be a probation officer... I was very interested in crime and why people actually committed crimes - and the other thing was that I thought I could in a somewhat idealistic way, stop them offending.... After about five years... I think I could count on one hand the number of people who perhaps, but for me, would now be in serious trouble..."

Quote from interviewing data

As with the majority of my colleagues, within six months of qualifying as a Probation Officer my time was occupied by a caseload, the preparation of Court reports, office duty and team meetings. There was little time to stop, think and question, although I did not recognise this as a problem having become involved with the lives of my clients; to a great extent I was working within blinkers set up by the constantly demanding job. Being busy made me feel I was achieving something and offering something to offenders which had been a prime motivation for joining the Service. Indeed I achieved a great deal on an individual basis, and the contacts I still have with some of my early 'clients' bear testament to a form of 'friendship' and help that they found valuable. Eventually though, it felt as if the work was constantly 'more of the same', that I was not seeing a complete picture but unconsciously patching up a system which in many cases seemed a causal factor of the original problem. As Cohen (1985) describes - I felt like the fisherman in the parable, pulling bodies out of the river without

looking to see who was throwing them in. p.236. But as the parable continues, many people would drown if I went to look; so it seemed inevitable that my job would continue in the same way, unless some new perspective or alternative method of approaching or viewing crime, as well as social, economic and political deprivation was found. Jordan and Jones (1988) suggest the concept of an underclass which operates in society fuelled by the Government's philosophy of self interest and self-responsibility - but working counter to the middle class values of work, savings, property and family. They

"suggest that social work and probation practice can utilize the concept of an underclass to comprehend better the current contradictions of its existence and to reconsider the expectations with which clients are approached."

p.127

Another author asks:

"Does the Probation Service need to change its image, particularly in the Court context, and learn to see itself more as a conscience of the system, rather than its rubber stamp, or in some circumstances its dustbin?"

Lloyd (1989) p.25

My personal feelings of frustration and impotence were mirrored by several of the probation officers I interviewed during the course of my research and the following comments are fairly typical:

"I have found my job fairly frustrating in that I am patching up problems and not working in any broader way. The daily crises give no scope to stop and look at where things are going, and we all just muddle on with our individual priorities and daily commitments."

"We don't look outside...partly due to the demands of the job, all the reports, records and bits of paper, its very easy to allow those to actually fill your time...its a cause of inertia."

Such themes have also been taken up in articles considering social work practice and social work organisations: Wilson (1984), Canton (1987), and also considering research, McWilliams & Hine (1981):

"Practising staff have little time or opportunity to keep abreast of developments which may bear significantly on what they are doing."

p.26

A Personal Change in Direction

My successful application for a place in the South Yorkshire Special Project Team marked the point where I began to constructively look at my past work and to consider new developments by looking at the job from a different perspective. The project was advertised as:

"A Reparation Project...a post which should prove challenging and interesting. There will be involvement in the planning, development and monitoring of the Project which is likely to attract considerable interest both locally and from other probation areas."

Before applying I did a considerable amount of reading: for example Christie (1977), Downs (1982), Wright (1982), Maguire (1982), Abel (1982), Shapland (1982) and others. Such books provided information about crime, offending, fear of crime and victims; but overall they left me with a vision of a revised system of justice where reparation and restitution would be the central themes and the victim and peoples' feelings would not be forgotten. This combined with the sentiments in the advertisement germinated some fairly high hopes for the project and for its influence on thinking and practice within the criminal justice system

and offending settings.

I quote from my application form submitted in August 1983:

"this project will be examining a different emphasis for our work in the Probation Service which is essential, particularly with the demand for greater credibility, and to provide a more community based Service. A lot of our work, and the whole sentencing process can seem divorced from the original offence. Reparation will place some of the focus back on the original deed but will also hopefully provide a way of helping offenders to become more socially acceptable whilst also offering a service to those others affected by the offending. The project will thus bring into consideration, new directions and development for the criminal justice system, which I consider to be essential at a time when the prison population is growing and there are questions about the service we presently offer to the general public. I believe that the project will also stimulate the thoughts, practice and policies of others involved in the criminal justice system thus initiating developments and challenging some existing practices. I find such ideas and prospects essential to my concept of the future of the Service."

My hopes for the job and the Project thus took several directions:

- 1) a reconsideration of individual work with offenders;
- 2) the inclusion of work with others affected by offences, notably victims;
- 3) a vision of attempting to influence not just the Magistracy, but the wider criminal justice system towards a more reparative and forgiving ethos;
- 4) the desire to work in a more open and natural way within communities, with people as people and not labelled as victims or offenders; and
- 5) to help offenders become more socially acceptable.

An over-riding aim was to influence changes within the Probation Service, towards new work methods and different attitudes. The major strands can therefore be stated:

- a) the small scale work with individuals related to an offence, and
- b) the larger scale consideration of the future directions of the Probation Service,

- together, these evoked a vision of a new and more humane system of justice. These strands emerge as recurrent themes throughout my project work and subsequent research.

Special Projects

The Mediation and Reparation Project was the continuation of a pattern of special projects within the South Yorkshire Probation Service, set up to provide space to further develop existing practice or to explore innovatory ideas. The impetus has largely been the desire to find a more effective way for Probation Officers to work with offenders and help to reconcile them with their communities. The Special Project Team has tended to develop ideas over a three year experimental period. Internal or external research assesses their results and progress, making recommendations for potential integration with everyday practice. It was from one project in particular that the ideas of reparation and mediation developed.

The Hallam Project

A few individuals working in a project setting began thinking along reparative lines in 1978, as described by Grapes (1978). They were influenced by many of the ideas considering alternatives to criminal justice, notably those of Christie (1977) and Hulsman (1977), considering neighbourhood involvement and community decisions. These officers were in a position to instigate the next South Yorkshire Project, which ran from 1979 to 1982. This considered the ways in which local social networks might be mobilised to cope with their own offenders; some of the principles and ideas contained in the 'non-treatment paradigm for probation practice' outlined by Bottoms and McWilliams (1979) were incorporated - but their interpretation of the concepts has been widely questioned. This is considered again in Chapter 5. For a detailed analysis of the Hallam project see the research by Celnick (1984), (1985), (1986). Over the three year period the positive evidence that emerged, suggested that victims were generally more forgiving and more in favour of reparative court sanctions than was previously thought. Interest expressed by victims in negotiating with or even in meeting with the offender was consistent with findings in national studies such as the Home Office Research on Victims of Crime, Hough & Mayhew (1983) and studies by Maguire (1982) and Shapland (1982).

Due to the timely nature of the South Yorkshire work and the high degree of political, theoretical and practical

interest in these ideas, the proposal for the next Special Project continued and built on this theme. This was the Project I worked on.

The Mediation and Reparation Project

It began in 1983 with the overall aim:

"to offer a wider service to the Courts by developing the role of the Probation Service in victim/offender mediation."

At the outset, three specific objectives were detailed:

1. to explore the feasibility and value of mediation during the preparation of Social Enquiry Reports;
2. to inform Courts about the possibilities for mediation in appropriate cases (or the results of mediation if already successfully concluded), and thus to encourage an extension of reparative actions in sentencing;
3. to continue to act as mediator after adjudication, voluntarily if requested or under a Court Order, to encourage the satisfactory completion of reparation. Dixon (1984).

As part of the small specialist Probation team (one Senior and two main-grade officers) I was directly involved in the way our working methods, aims and ideas developed. One intention in terms of future practice was to attempt to work with and alongside officers within the team from the area I covered to help and encourage them to develop

mediation practice. This was initially taken up with great enthusiasm and all team members attended the training and discussion days. At that stage we all recorded our answers to various questions: Why Reparation? When I was asked to answer this question, I wrote:

"It is a new approach, a new angle of work which appears more realistic at the present time when offender-based services have little apparent success. But we do have to guard against it becoming the new bandwagon where it is tried out without much thought or planning. Yet it does seem a logical move to work with both victim and offender; it seems more realistic and humane - as it is about reconciling communities and individuals, about providing people with an opportunity to make amends for their behaviour and to attempt to redress the balance in some way, as well as providing the opportunity for ventilation and sharing of feelings.

Other team members thought in a similar way, for example one of them wrote:

"I think I see the prime goal of reparation as helping the people involved to restore the situation after an offence to the way it was before, or to help resolve the conflict that led to the offence; in this way encouraging the community to be more involved in the process. The goals therefore may not be of a direct social work nature i.e. therapeutic or rehabilitative but achieving those goals does involve social work skills such as managing conflicts. These ideas seem to fit neatly into a set of values which encompasses a desire to help reconcile conflicts and make things right."

But another worker could already see the problem of adjusting his perspective to be able to work in a different way, and he wrote:

"The problem may be that in many cases I cannot see an offence as a form of dispute that can be resolved as it can seem totally one-sided. This may cause me problems as I have a natural tendency to try to balance out blame and guilt, good and bad. I can work with the offender when I don't know the victim. I'm fearful of being too judgemental."

I also questioned a lot of what we were trying to do but felt that practice would inform a lot of my ideas so I did not spend time dwelling on, or attempting to resolve many problems beforehand.

Evaluation

The Project was evaluated by external researchers from Lancaster University, and their results are well-documented: Smith, Blagg & Derricourt (1985), (1986), (1988), also Matthews Ed. (1988). Whilst details of the Project and its results can be read in the above, there are several important factors that need discussion here. Firstly, a consideration of how practice in the project developed; secondly how practice informed our theory about reparation and mediation; and thirdly, how this resulted in a change in terminology.

The Development of Mediation Practice

Although the proposal had been for me to develop my own casework role alongside that of advisor and co-worker with other field officers, this did not develop as planned. The pressure of work experienced by field officers through constant Court deadlines and a full caseload meant that potentially mediable cases were referred to me, and I increasingly became the 'specialist' mediation worker, (Smith 1986) - particularly where cases required extra time and in-depth counselling. The other fieldworkers continued to work in their normal way except where situations seemed out of the ordinary and invited a mediation approach without too much apparent additional

effort, (Smith 1988). This meant that at the end of the Project I had gained considerable experience, but also the label of the 'specialist worker'. Others saw mediation practice as requiring different and more elaborate skills to those that they had, and they often lacked the confidence or motivation to 'have a go' at something 'out of the ordinary'. Hence to translate the developing mediation ideas into everyday practice became a major task for consideration, instead of a feature that developed along with the project. Officers tended to be sceptical and uncertain about their ability and the availability of time to develop mediation practice. Other personnel involved, (for example the Magistracy), showed some confusion about the aims and methods of the project, (Smith et al 1986). As expressed by Smith, Blagg and Derricourt:

"The main lessons from this experience seem to be that new ideas are likely to be understood and accepted more slowly than their advocates would wish, and that it is hard to over-estimate the need to work at disseminating information..."

(1985) p.138

This result was crucial in persuading me to develop the role I attempted to undertake in my subsequent research, as it would extend the mediation and reparation initiative for a further two years.

How practice informed the project terminology

By the end of the three year period (September 1986) through my own practical experience and the experience of the other Project workers, the aim of our work had altered. Whilst still working within the court setting,

the Project came to focus more on the process of mediation, and notions of reparatively affecting sentence became incidental. Mediation became the process of discussing with, and helping both sides to come to terms with the offence; whether this led to a meeting, the giving and receiving of an apology or any reparative agreement was up to the individuals concerned. Such a movement occurred pragmatically following my personal experience and the wishes and needs expressed by both victims and offenders. The work thus became less dubious in terms of the underlying philosophy of some probation officers and critics of mediation in this setting, notably by not involving members of the public in issues against their will or by using them as a medium to help offenders. Such issues are discussed in the document prepared by the National Association of Probation Officers on Mediation and Reparation (1986), and also by Burnham (1984), Reeves (1984), and Brown & Murphy (1987). One of the primary philosophical objections considered in these documents, and regularly debated elsewhere, is that reparation and mediation can be seen as coercing the victim into contact with the offender, particularly if the scheme is court-based and seen as an alternative to custody. This implies a continuing focus on the offender, and the existence of a 'hidden agenda' to reach some agreement between the parties to present to the court. However, the approach developed in South Yorkshire ameliorated this, moving to use mediation as a method of counselling and negotiation based on the wishes of all parties involved;

this often meant the court appearance was a separate and unrelated issue.

During a project evaluation about the aims of our work, I wrote:

"I aim to provide victims and offenders with choices, and the opportunity to develop individual responsibility and a growth of self-awareness and understanding about what has happened."

I then continue - identifying problems with this aim:

"These are all very grand ideas, but they are questionable when it is considered that they are dependent upon certain factors:-

1. That there is some equality of power between victim and offender, and
2. that both parties need to be relatively intelligent and thoughtful and able to think through concepts.

To help people in these areas requires skill and dedicated counselling."

The pure volume of work that is constant within the probation service, often prohibits intensive work with all but a few cases. Yet the importance of short term intensive work became crucial to develop mediation - incorporating the elements of education, communication, personal awareness and choice. Reparation in terms of practical tasks to redress the balance after an offence was not seen as important in most situations by the victim and often by the offender. Many offenders were surprised when the victim did not want reparation, but only a chance to talk. Hence the project dropped the term reparation and called their developing work methods, mediation practice.

The confusion created by terminology

Despite this, the muddle between the terms persisted particularly as displayed by other people in the service, who would talk about the project and use the terms reparation and mediation interchangeably. Perhaps this indicates inefficient terminology to describe the project in the language of the service, where traditionally words indicating guilt, blame, offence and crime are uppermost; apology, forgiveness, making amends and contrition only appear in the court setting as mitigation. Other projects and authors have identified this; Ruddick (1987), Smith et al (1989), Cohen (1985). This indicates the present lack of congruence between the project work and the present service work. As the probation service has been geared towards working with offenders, it will take more than just understanding the new terminology to solve the confusion. It requires a change in perception about the context of probation work, with mediation ideas providing a guide to re-consider probation practice in a different light and from a different angle. This is how slow change occurs - as expressed by Schein:

"Certain kinds of changes can be produced best if one patiently but consistently uses every opportunity to influence the organisation in a certain direction. ...in every decision area...the decision is consistently biased toward a new set of assumptions, but individually each decision is a small change.... Such a process changes parts of the culture slowly over a long period of time..."

Schein (1985) pp.289-290

For lasting success, project aims and associated language need to be translated into the organisational culture, so

that ideas live and breathe and are part of everyday work. This did not happen, so project ideas seemed detached and appeared to remain so, despite intuitive feelings that there were important and essential features for development. This confusion and ambiguity is reflected in the personal feelings of the workers. Despite believing we had developed something worthwhile, there seemed insurmountable problems in working out how to maintain or develop this further. The project results also displayed ambiguity, as a second researcher showed different findings using a formal methodology even when working with the same data. Perhaps this is inevitable as qualitative material means different things to different people:

"...on the whole there is a low level of comparability for qualitative research."

Mostyn (1985) p.122

Project Research Methods

Differing results occurred because the project was researched in two stages, by different people. The first half, researched by lecturers at Lancaster University, used a very natural conversational interviewing method with victims and offenders; they achieved very positive results about the benefits of using a mediation approach. The second half of the research was conducted by a student from Bradford University who used very structured questions and a measured questionnaire; he received very stilted, undeveloped and unsatisfactory responses causing him to conclude that the project had not been

particularly successful in achieving certain measured aims. Such marked differences in results using similar data but contrasting research methods are well documented in research literature:

"Researchers who embark on evaluation with training only in traditional research methods often bog down in the complexities of the action setting."

Weiss (1972) p.viii

and it must be noted that to have a broad sociological significance:

"...if a structured format is employed ... the investigator must continually enable the subject to "personalise" the questions and bring them within his frame of reference... the suggestive influence of the guide can to some extent be counteracted so that only its value as a prod to memory remains..."

Denzin (1970) p.234

My understanding of the second period of research is that this was not done. The achievements noted from the first half of the project were backed up by feedback I received from 'clients' who contacted me following mediation, and I had a similar positive response about much of my work during the second half of the project. The initial researchers who used 'natural' methods, following up visits and comments impulsively on occasions, were able to work through problems which plagued the formal research (e.g. respondents cancelling meetings or being out when visited). All write-ups on the project have tended to use the first stage research, particularly as this is extensively documented and the second stage research is as yet unpublished.

Emergent Project Themes

From the Mediation Project, four major themes emerged from my practice and also from the research conducted by Smith, Blagg and Derricourt.

- 1) that both victims and offenders gained substantial emotional and personal benefits from the mediation approach to their offences, whether worked through together or alone,
- 2) that working with all those affected by an offence proved a more rounded and relevant approach from the Probation Officers's perspective, and that mediation practice impressed as a work method appropriate to most probation work whether used as direct or indirect counselling,
- 3) that mediation practice as an equal way of working with victims and offenders requires a radical shift in thinking for the individual probation officer and for the Service as a whole, and
- 4) that mediation practice demonstrates the need for a culture change within the Probation Service as mediation challenges existing concepts, practices and justifications.

(For further explanation of project results, see Appendix 1).

These themes form the starting point of my current research. The previous independent research focussed on points 1) and 2); there is substantial supporting data as well as qualitative examples from my past practical experience which are all detailed in the literature produced by Smith, Blagg and Derricourt (1985), (1986) and (1988). The other points are 'hunches', after Dalton (1964), suggested by my own practice, by the external research results, and through informal discussion with the researchers. The present research thus builds on the previous results, combining an analysis of the growing theme of mediation with its potential position within Probation practice; it also includes an assessment of the results generated by the researcher working as an adviser and change agent introducing new work methods.

A return to the project proposal

It was these issues, and notably the development of our own form of mediation practice, that led to several colleagues expressing interest in its further development. It should be commented inter alia that there are other approaches to mediation and reparation in existence which have developed along very different philosophical lines. Some of these are referred to in the Home Office Research Document No. 33 (Marshall & Walpole 1985). Our ideas were less controversial and questionable than those of other projects which continued to focus on the offender, aiming for mitigation of sentence, diversion from custody or reparation as part of a probation order package.

Mediation is also a developing and popular theme, and much needs to be considered before the rush of enthusiasm develops additional social control mechanisms and subordinates the idea (for example the Government's strategy to implement a reparation order in 1986 (see the Home Office discussion document) which was quickly shelved following much criticism). As Hudson (1987) states:

"there is nothing so powerful as an idea whose time has come."

p.55

There seemed many concepts for further investigation highlighted by our project and the wider current debate, and sufficient enthusiasm from colleagues to help look at and develop issues further. The South Yorkshire Probation Service as a body, notably higher management, expressed this by releasing and seconding me to Sheffield Polytechnic to undertake the consultancy and research role; initially for review after two years, but then extended to February 1990 to allow the completion of analysis at Ph.D level. Secondment to the Polytechnic and supervision by someone outside the probation service was seen as essential to allow sufficient detachment of my research, to enable me to see my role in perspective, and to be able to distance myself from colleagues when necessary.

CHAPTER TWO

A REVIEW OF THE RESEARCH PROJECT AIMS

"It is only at the end that realisation dawns of the inadequacy of the finished work. It has not reached expectations or even begun to approach the grand ideals present at the start. The inadequacy of words to convey what is so strongly felt, results only in a second best which is perhaps inevitable when there is too much to understand and limits to the telling."

Smith, J.P. (1986) p3

The purpose of this chapter is to link the valuable aspects of the original mediation and reparation project with the development of the research project. This will specifically be done by evaluating my subsequent research project aims that were initially discussed within the probation service and with my supervisor. This discussion of aims will provide a basis for analysis and evaluation of the process and results of the research. As far as I am aware this methodology of analysis and evaluation with a practitioner acting as a change agent, has not been attempted in the probation service before. This feature in itself, is an area for future investigation and analysis.

To develop my research project, I was required to submit two proposals, the first being to the South Yorkshire Probation Committee. After agreement the second fulfilled the statutory requirement of aims and methodology presented to the Research Degrees Committee of the Polytechnic. As my work was innovatory, I was aware that my original project aims may change with experience over

time. The original aims were thus left sufficiently broad to facilitate refinements; in fact the general themes behind the aims remained firm but refinements have sharpened up the research and focused the data analysis.

The aims of the investigation were originally listed as four major themes. These inevitably overlap and are inter-related, but they informed and directed the methods used for data collection and separated it into stages.

These were:

AIM 1: to identify those aspects of mediation practice that are seen as worthwhile, helpful and relevant by both victims and offenders.

AIM 2: to consider how changes in practice and ideology (related to the introduction of mediation practice) may be adopted by individual probation officers and by the service as a whole.

AIM 3: to explore the implications that such changes have for the individual probation officer and for the Service.

AIM 4: to generate a series of practical and policy recommendations related to the development and incorporation of mediation skills within probation practice.

AIM 1: To identify those aspects of mediation practice that are seen as worthwhile, helpful and relevant by both victims and offenders.

This information is readily available from numerous sources. Implicit in the wording of this aim is that mediation practice is taken to be a worthwhile component of the work of probation officers; through analysis of the data it became important to include the advantages, the problems and pitfalls as highlighted by probation officers through both practice and speculation, as this has relevance to their interpretation and development of the concept of mediation. This obviously affects how they may or may not develop their own practice. Data is provided by:-

(i) my own and my colleagues practical work during the project 1983-1986, where detailed records of all cases were kept, including conversational discussions about the theory and practice of mediation held with many of the participating victims and offenders.

(ii) All contactable clients were given the opportunity to speak confidentially to the independent researchers, and this information was available at the end of the project (although generalised discussions took place throughout to utilise information that could inform practice).

(iii) Although South Yorkshire was the first probation or court based project to start in Britain, it was quickly followed by others including the four Home Office sponsored reparation and mediation projects. Research and report data is available from all of these even though the final research has only just been published (June 1990). Similar projects, mostly those based in America, e.g. Vorp, which have been running for much longer than British schemes, have masses of data, books and publications, which detail benefits and pitfalls in relation to victim/offender mediation, for example, Abel (1982) and Zehr (1985).

These four forms of data reach very similar conclusions when looked at in the general sense, i.e. that both victims and offenders found the experience of mediation to be helpful and meaningful, aiding them to come to terms with the offence and its surrounding circumstances, and also putting it in context within their lives.

In the South Yorkshire Project mediation took on a practical meaning which incorporated the process of discussing with, and helping both sides to come to terms with the offence. Whether this led to a meeting, the giving and receiving of an apology, or a reparative agreement, was up to the individuals concerned. This has already been discussed in Chapter 1.

Conclusions therefore pointed to the process of mediation, and primarily the counselling process, as being the most helpful, relevant and worthwhile aspect. It enabled individuals to explore their experience and behaviour, to move towards understanding it within the context of their lives, and to maybe find out about the other side and understand another point of view. This enabled individual victims and offenders to start to put the whole incident to one side so they could eventually move on with their lives.

Such results showed the importance of mediation practice as developed through a counselling approach, but only where equal concern was shown to both victim and offender. In this context, the court process proved irrelevant (generally of only one-sided impact), but the advantage of the mediator being a probation officer was in the context of access to information, access to the offender, and knowledge and understanding about criminal behaviour, the effects of crime, and the judicial system. Yet research results speculate about the position of mediation within the Probation Service, and more widely within the criminal justice system, due to the jurisdiction of criminal justice agencies and the ethics of them becoming involved with victims and the wider community. Such questions are constantly raised, and to a great extent dogged the pursuance of Aim 2.

AIM 2: To consider how changes in practice and ideology (related to the introduction of mediation practice) may be adopted by individual probation officers and by the service as a whole.

As originally stated in the proposal it can be seen that this aim avoided the issue of the suitability of mediation for the Service as a work method. Implicit in the assumption that mediation is a worthwhile work method and thus should be incorporated in general practice, is the knowledge that individual and service changes will have to take place. Hence Aim 2 was concerned more with practice and ideological changes needed, how individual workers viewed these, and how the whole Service could take these on.

During the initial interviews, two probation officers questioned whether mediation should be considered as part of probation practice at all, thus I could not avoid considering with every step of the teaching and introduction of mediation practice: is it relevant? is it ethical? is it our responsibility when we are a Service that traditionally focuses on offenders? This entailed dividing the aims of this section into four parts:

- (a) What ideologies do probation officers start work with and how do these alter over time?
- (b) How do probation officers practice and does this relate at all to their ideologies?

- (c) Does the practice of probation officers enable them or encourage them to change and adapt their practice?
- (d) What part does the organisation play in all of this? Does the organisation allow probation officers or enable probation officers to change their practice or is there a 'culture' which prevents this?

The simple answer provided by the majority of probation officers is that the Service impedes developments that move outside their normal job description. The majority stated that the Probation Service is concerned with offending behaviour, with the community and the re-integration of offenders, so should stand between victims and offenders and develop the role of equal concern for both; yet the statement is ambiguous and remains so because the organisational pressure is to continue working in the court setting and as an offender-based service, so the majority of workers maintain their traditional working position as officers of the court.

What may be termed after Lewin (1945) - the 'hindering forces' - for the development of mediation practice quickly become apparent when interpreting the data, but a consideration of which of these are transitory and which of the criticisms are more fundamental lies behind the theme for Aim 3.

AIM 3: To explore the implications that such changes have for the individual probation officer and for the Service.

This aim has very much remained as stated but with the themes of, implications for the probation officer and implications for the service, dealt with separately and together. However it is clear that the whole concept of mediation practice requires a shift in thought patterns in relation to the constituents of probation work, and about the focus of probation practice. Mediation is not focused on the offender or the court setting, but on the offence and the community wherein the offence was committed, and therefore the concern is for all those affected. This leads to considerations of organisational change; much of the data collected suggests the necessity for a revised view not only of the organisation but of the criminal justice system within which it is set.

AIM 4: To generate a series of practical and policy recommendations related to the development and incorporation of mediation skills within probation practice.

This aim moves towards a consideration of the future development of mediation and its potential inclusion within probation practice. The aim has been modified to include not only a consideration of how mediation skills can fit within probation practice, but also a consideration of change in the probation service in order

to incorporate mediation skills; i.e. mediation is considered as a potential part of the organisation's development process.

The focus of this thesis is thus a combined consideration of mediation as practice development and its potential position within the Probation Service, as well as a consideration of the Probation Service as an organisation. How the Service changes or incorporates new developments is integral to the organisational discussion, as is an analysis of my role as a change agent and consultant in attempting to disseminate new ideas. Thus an additional aim in retrospect, is the assessment of the degree of effectiveness of a change agent role in stimulating and developing new ideas.

The next chapter will consider the methodology employed and the development of my position as consultant-researcher.

CHAPTER THREE

THE DEVELOPMENT OF THE RESEARCH

AND THE METHODOLOGY EMPLOYED

"...science can learn to tell good stories, and then explanation and expression become married, and the progeny are theories born of story, and stories born of theory. ...And there is no end to the stories which are told..."

Reason and Hawkins (1988) p.101

The impetus for the research

The impetus for my research grew from the failure of the externally-conducted research on the three year Special Project to inspire any more than academic interest from most probation officers. Towards the end of the three year period the project team attempted to inspire interest and development, but results were shortlived. The methods used were incorporated in workshop training sessions; these were discussion and experiential sessions introducing and exploring project methods, results and the research findings, leading to a consideration of the potential for including mediation practice in probation work. The workshops took two major formats:

1. Half day "events" held in each district which combined information with exploratory games, (eg. quiz games, role play), videos and discussion. These were attended by an average of about ten probation officers or senior probation officers in each of the areas of Barnsley, Doncaster and Rotherham with two "events" being held in Sheffield. From my experience of other South Yorkshire

courses this was a good turnout. One of the problems noted from the feedback from these sessions was that although interest was stimulated, participants felt there was no organisational framework in existence to enable them to move forward or develop any of the ideas.

2. The second attempt to stimulate interest was a follow-up from these half-day courses. This was a County-wide, three-day "event" held in Sheffield, with the three days using speakers, videos, games, discussion groups and experiential exercises to follow through the theme of how the project started, looking at the early ideas, how it had developed and what had happened in practice. The research results were considered, as well as recorded feedback of client opinions. It then led to discussions about how mediation ideas could be taken further. This "event" was again well attended. There were a total of thirty probation officers although not all the same ones who had attended the previous "events"; again, despite a lot of interest and enthusiasm, most of those who attended seemed to see mediation practice as an 'ideal', fitting into a very different Service and so not a potential part of present daily probation practice except as a 'one off'. Those who identified a wish or need for practice development, could not identify how to go about it. Many voiced the dilemma that as the Service seems so entwined with the criminal justice system and has its

organisational and political bureaucracy bound up with working with offenders and achieving court results, to look at offences in a different way seemed out of the question.

At the end of these "events" the Project team felt they had worked hard and presented good workshops but that they could go no further towards helping others to make the "leap" towards looking at their work from a different perspective. Apart from academic interest, there did follow several instances of individual mediation practice, but it was only used as a piecemeal 'tool' and not as a newly-developed outlook. The Project workers gained the reputation of expertise and knowledge in this field, and were often sought for advice. This provided a foundation on which to build, to maintain interest, although for one project worker who returned to mainstream practice it became too demanding and time-consuming, so his ambivalence gradually curtailed approaches made to him. One Senior after the three day event captured the general feeling of many when he said:

"Mediation certainly has something, but I don't quite know what, or even if it's for the Probation Service. I need to think about it more and try to understand it better."

It was in this climate that the practitioner research idea began to germinate in my mind.

Early thoughts on research

Initial discussion work therefore built on the foundation made by these introductory courses. To all practising

probation officers, their on-going interest was in the practical work and in finding out how the project workers themselves felt about their work. On the three-day "event" reading material was available including articles, the research findings and de-personalised case records. Every participant read several case records but only three or four out of the thirty who attended borrowed research material.

While I was thinking about the possibility of practitioner research, a number of officers did approach me for advice and help to pursue mediation practice, but it was always with an exceptional case or when they had more time than usual. It was partly due to this expressed interest but also to a hunch - Dalton (1964) - that I speculated that practitioner research conducted within the context of an ordinary fieldwork unit may well aid the accessibility of the ideas to other workers. Research often appears distant to practitioners, particularly when conducted by external researchers who are seen as having no empathy with the 'real' work. This suggests it is necessary to include other workers and for the research to be part of their daily experience. As one officer commented:

"...if people are involved in it (research) they are more likely to take notice of the actual work that is done..."

So the research aims and the chosen methodology were inter-related, and had a two-fold intention:

- 1) to detail the degree of interest and understanding of mediation within the Service by interviewing and

talking to probation officers, and to observe whether this changed over time;

- 2) to introduce the ideas and practice of mediation while working alongside probation officers in an advisory, encouraging and supportive way, hence to see if such a method would stimulate practice and encourage its development.

My status as a researcher

The methodological approach was conducted along action research principles using the techniques of participant observation, conversational interviewing and consultative "teaching". As I am a practitioner who remains involved with the working Division, the research necessarily included an assessment of my own position in relation to individual colleagues and the Service generally. Familiarity with the Service, with procedures, pressures and personalities, can on the one hand be enlightening, but on the other, can be inhibiting:

"...ethical questions are implicit about relations with informants and collection of data ... each division ... has an unprinted code about loyalty due it. ... the social investigator must sort out his values and obligations and weigh them repeatedly throughout the research process... he is committed to give as clear a picture to what exists as his limitations allow. Some of his research subjects will oppose him ... he may have to feel his way, protect his values while reconciling them with those of others."

Dalton (1964) pp 59-61

Thus I have attempted to build in an awareness of my own prejudices and value systems. This has been partly done by interviewing myself on the same schedule as my colleagues

and by discussing every step of my research, data interpretation and personal feelings about my role with my supervisor. I had to constantly check my personal hopes and desires in relation to my role and its potential influence on others and the service, as well as to remain able to present an impartial argument. My lengthy experience as a professional colleague was hoped to provide a foundation of trust and credibility within the division; but an awareness of the "over-security" of this is also noted. For example, as regularly happens with the plethora of circulated material, a colleague may not read a discussion document that is circulated, particularly if it is known that someone else will speak to it, but they make time for it if formally told to do so. In practice however, problems proved minor and were greatly outweighed by the advantages of my position and familiarity. Despite this, people outside South Yorkshire discussing my research, whether researchers, academics or other probation personnel, would constantly ask the question "how do you get away with it?"; they were basically questioning my status to do research and my position as a researcher. Not only was I not a researcher and had no previous experience, but I am only a maingrade probation officer. Those who have questioned me have done so from two stand-points:

- 1) that as a probation officer I am not in a suitable position in the hierarchy (high enough up the hierarchical ladder) to interview those above me; the assumption being that to do so is presumptuous and

questionable in terms of the political confidentiality of the views of those in positions of power and authority, and

2) that as a probation officer I do not have the background or understanding to effectively research an organisation of which I am a part.

These are both points of which I have been acutely aware throughout my research. In practice neither appeared to present problems, but retrospective analysis suggests that my inability to affect decisions and the continuation of my marginal position may have been due in part to my main grade role. This is considered in Chapter 14. Although, during my contact with officers and throughout my interviewing this presented few problems, and may be due to forethought and constant awareness, but also due to careful planning before the research even reached the official proposal stage. Having worked as part of a Special Project Team for three years, I had achieved a measure of credibility and standing as a probation officer working on something "different", and the experience had developed my expertise in working in "alternative" ways. I had acted as an advisor to other Services setting up similar projects, had spoken at conferences and seminar groups at various levels, both within and outside the Service, so to an extent I was not seen as an ordinary probation officer when I moved to research mediation practice. Prior to the research being accepted I had discussions with members of the Service hierarchy, which allowed an informal test-

ing of my own potential value as a researcher, as well as the value of the research for the benefit of the Service itself. This allowed the development of trust and the growth of awareness that my proposal would be of benefit to the Service.

That many of my sample knew me already, was a crucial factor as it aided the acceptance of myself and my role -despite my main grade status. Personality was probably important here. One manager commented when asked if my status concerned him:

"no, I think you're in a better position as a probation officer to talk to everyone anyway, because of who you are I can't see anyone not wishing to talk frankly to you, you have a reputation for working well and for being straight and trustworthy."

Main grade probation officers also seemed to feel happy with my position. Without exception all colleagues stated they were happier being interviewed by myself than by an external or unknown researcher. They said that it made it easier to talk as they felt more at ease, and also they felt understood in terms of their job and the language of probation officers. As I was a main grade officer they also felt equal and able to be realistic and honest, which they would not have done with someone of a higher grade. Many also remarked on a therapeutic element in the discussion interviews, perhaps due to my approach but also due to their ability to talk freely, and explore their own views and feelings. This aspect of research interviews has been noted by others - for example by Schein:

"The researcher... must assume the role of a clinical interviewer who is helping the (interviewee) search in his own mind for the deeper levels of explanation that can help both persons decipher the basic assumptions of the culture (of the organisation)."

Schein (1985) p.116

Considering the second stand point: that I have no background as a researcher. This is perhaps answered by my previous experience and standing in the three year Special Project. This not only placed me in the position of working in a different way but also created a certain amount of detachment from the probation culture by removing me from mainstream work. Whether I am an effective researcher cannot be answered until the end of this present project; although it must be a relevant question for all research projects and open to a mixture of interpretations. The impression gained so far is that it can be valuable to have a practitioner conducting research, particularly in order to aid the accessibility of the ideas; Such issues are developed by Finneman and Eden (1979), Holman (1987), Davies (1986) and Newton (1988).

A practitioner researcher

So I decided that I can get away with it! (a) due to my awareness of the issues and the very knowledge that I am a probation officer enabling me to identify my own prejudices; (b) due to my personal approach; (c) due to my consideration of and understanding for those that I interviewed; and (d) due to my ability to detach myself from the Service and from the ownership of mediation and the desire to see results.

There were additional problems to be faced in relation to the development and success of the research, which will be discussed here. Firstly, there was the recurring question - is research of any real value to practitioners? When posing this question, my sample would often interchange their discussion of research ideas with projects as if the two were synonymous. The second issue is the contradictions displayed through these discussions, where my sample question the worth of projects and research yet at the same time suggest that they are an important way of advancing the work of probation. Such contradictions in both thinking and practice appear to be a long-standing characteristic of the service. Lastly, the timing of the research. This coincided with changes in the work organisation and reference group of my sample - a variable which had to be constantly born in mind when developing the methodology and conducting the interviewing.

Is research worthwhile?

A recurring question was that despite accepting my research - colleagues would question the worth of doing the research at all.

Limited research material has been produced by a practitioner, and to my knowledge, very little by a working practitioner who has remained a probation officer and part of the organisation. This may be one of the reasons why many practitioners (the majority in the study sample) see research as distant. This is a theme ripe for

investigation at another time; it begs the question as to why practitioners do not become involved in research or take time out to contemplate where they are going...

"by and large research and its dissemination remains the property of people who don't have their feet in casework"

Gibb (1988) p.18

It may be that practitioners are not able to maintain a detached distance, although I would contest this - or perhaps it is that practitioners are so involved with their own practice that they never conceive of or do not have the facility to take time out to stop and contemplate what is happening outside their working context. As Martin Davies points out:

"it has always been possible for practitioners to engage in research...but they are not as numerous as you might have expected... only a minority reach their destination".

Davies (1986) p.20

This also applies in a general sense to reading anything more than newspapers and the odd article in journals readily available in the office such as Social Work Today and the Probation Journal, as well as skim-reading the monthly South Yorkshire Research Unit bulletins. Reasons have been suggested by Gibb (1988), as

"first people genuinely believe they have no time... and second many workers have no idea of how to go about it".

p.18

But I would suggest that the reasons are a lot more complex. There are obviously a mixture of pressures, distractions and disincentives, some of which I had foreseen, but others that I became increasingly aware of when attempting to develop my researching role, while

remaining a practitioner at heart. This is an issue developed in Chapter 14 when I consider my role as a practitioner consultant in relation to my researching role. One difficulty I encountered, was the status of practice over "thought"; suggestions from other practitioners that any researcher is avoiding reality and no longer doing real work is a very considerable criticism particularly as one is no longer doing the same as one's colleagues. I quote from a colleague:

"I'm not sure of the importance of it (research) given that people may be seen to be in a luxurious situation by their colleagues ... yet probation officers have for a long time been screaming saying we just don't have the resources, give us the time ...ideas just get lost in the general carry on."

Often contradictory views within the study sample were held by the same person, as this comment shows. Most workers welcome the chance for research to inform their practice, but do not envisage that they would ever have the time to develop it or that anyone else should either. On one hand, a number welcome new developments through a project and research team. I quote:

"new ideas need to be... in a separate team, worked on and then disseminated... it would be difficult for something new to get off the ground if there wasn't a special set-up to launch it."

"what we need is space and time to develop issues...by seconding a member of the team into the Research Unit so they have the space and time to think for themselves and on behalf of their group of colleagues."

but there is also a fear that if research is within a project it will become marginalised, I quote again:

"research gets marginalised and can be isolating... if conducted separate to everyday fieldwork, the ideas they come up with can't be easily integrated... and people tend to forget about it."

One person who had worked on a project that was closed allegedly through scarce resources felt very bitter that:

"...after the project was closed down...there was certainly a feeling that the Service would no longer allow the luxury of that sort of work to go on... this wasn't just a position that management were taking, but probation officers too, they... wanted the resources to be returned to fieldwork."

This introduces other concerns that are uppermost during a time of scarce resources; this comment was made in relation to my particular post:

"as a person you can do whatever you like, but as a job I don't want to see a probation officer post used in that way... I would rather have some extra help on the ground."

There are obviously a lot of other issues to explore as is apparent by a comment made by one of the managers interviewed:

"a project is only as good as its capacity to take the rest of the staff along with it at every level... it is not the quality of the idea, it is the organisational structure of developing and looking at new ideas in that particular way that makes it meaningful."

Hence my research role as a new development seemed essential as an exploration of the organisational structure that impedes or creates the meaning for projects and research.

Contradictions

Contradictions exist within officers views, displayed in discussions, practice, and considering research and

projects; they are a feature displayed when looking back at the history of practice, between intent and actuality, ideals and practice. Perhaps the service culture is one of contradictions implicit in its very role, which creates differences inevitably in thoughts and practice. A service which is trying to maintain a position between the authoritarian Criminal Justice system on one hand, and the values of social work on the other, will perhaps inevitably be riddled with ambiguity. "Probation officers straddle judicial and welfare systems" (Hardiker 1979 p.132).

As Cohen says:

"the ideology of doing good remains powerful.. in a century which has witnessed the most terrible of atrocities being accompanied by the most exquisite of moral justifications, why should such innocent matters as punishing rule breakers in the name of justice and helping potential rule breakers in the name of welfare, not continue to be seen as benevolent or not to be seen as contradictory."

Cohen (1985) p.114

This view is supported by my data in that probation officers obviously find their position confusing. Research can add to this, particularly as it can be conducted from different perspectives, for example, evaluating work as a provision of emotional support on an individual level rarely compares well with evaluating the same work as a means of preventing reoffending. I quote again from one of my interviews:

"The concept of us helping people has gone a long way out of the picture as far as the sort of aims and objectives of this Service goes, it is all tied up with crime reduction and reducing the prison population and those are quite different objectives, because if you want to reduce the prison population or reduce crime, you need to look in different directions perhaps from the sort of welfare ideals that I came in with and that I am capable of doing something about."

Such issues are developed further in Chapter 9. With the opportunity to do some research and to be seconded out of casework it can be enlightening to look back at what is happening to practice, to the organisation or even to oneself. Looking back, practice and "thinking" can be seen to fall into place in a jigsaw of developments over time. The position of academics and researchers is often forward-thinking - taking material from observation and accounts of practice - but how ideas flow back to affect practice is a complex and diverse relationship. It involves considering where the ideas come from (often not from an original source), how they are interpreted (second or third hand which often means distortion) and how or whether they are then used. Probation officers pick up broad assumptions from research articles or from comments they hear from other probation officers, and if they find these useful they utilise them within their practice tending to use different solutions according to day to day demands; this often results in contradictions within their practice, as found by Hardiker (1977) in her study of social inquiry practice, and more recently in research by Bottoms and Stelman (1988). There are a number of examples of this contradictory way of thinking from my interviewing. In this quote the officer is speaking about research concerning special projects. Here, research is seen to have been destructive and perhaps inaccurate:

"I think it has always been marginalised - part of it is a sort of legacy of Impact... they saw that as yet another piece of research that proved that whatever you did didn't make any difference and I think from there on - project resources have always been marginalised -

have always been seen as not really being relevant to the real work of the Service."

These comments relate back to my question of research and research related to projects, and how probation officers state they find it distant. The whole area has the potential for detailed study, and embraces the dissemination of ideas and links between theory and practice. These topics are discussed by McWilliams & Hine (1981) and Sainsbury (1987). How a practitioner can hold such contradictory views and work in contradictory ways is something that has been picked up before, for example as previously mentioned by Hardiker (1979) and Cohen (1985).

New developments are inspired by a few visionaries or enthusiasts, but the ideas will only take off if the time is right. For example, Philip Priestley working for NACRO in Bristol 1969, began discussion groups with victims and offenders which proved a successful method of understanding crime, and led him to suggest the development of this approach (Priestley 1970). There was no recognition of his ideas until the theme of Victim/Offender Groups took hold elsewhere in the 1980's. For example work developed at Rochester Youth Custody Centre by Launey (1985 and 1986). It was from Priestley's work that the first victim support scheme began in Bristol in 1974, but it was not until 1983 that victim offender mediation was developed. The difference is that victim support schemes are now accepted as a necessary provision (although this took ten years) - and mediation schemes are still at the piecemeal innovatory project development stage. The time will be

"right" if themes fit, for example, with the political climate, or seem to provide an answer to a problem or slot in with the pattern of events or reforms required within society at that time. This also applies within the Probation Service - and I refer back to my quotes about a project needing to take staff with it at every level and that a project and research is only meaningful if structured and developed in an appropriate way.

The Timing of the Research: The Creation of the Sheffield Divisions

I began my research role shortly after the structure of the Sheffield Service had been reorganised. Seven area teams had been replaced by two divisions covering the north and south of the city, with a city-wide juvenile team. This meant an amalgamation of the three southern teams into one large group headed by three Senior Probation Officers. In practice, one unit remained as a "team" as it was based in a detached area office, and the two remaining units became the central division (eventually operating an inner and outer city group) where I was based. Looking back at minutes of meetings, the re-organisation had been well discussed and some suggestions taken into account. Yet much of my interview data suggests that it was imposed by management with only cursory consultation. The division removed the security and familiarity of that small group that probation officers related to; as expressed by one officer, it left many

feeling demoralised and resistant to the change:

"I think what happened with the Division was that it was created very much against most people's will and that has fundamentally destroyed most of the trust between management and main grade, and therefore, any attempts by management to implement changes from the structure that we have got have been blocked because people are demoralised...and insecure...and that sort of atmosphere is very inhibiting, and I think it is certainly discouraging change."

Although this represented one of the more extreme views, it captures well the atmosphere of the Division; more officers acknowledge prior discussion about the Division but felt the end result had already been decided, I quote again:

"It was never a real discussion as the end result had been decided by management anyway. The main grade, as I understood it were saying they wanted two teams to get together as that would be a manageable unit, not two Divisions."

Several officers had a healthy reaction to the change, seeing problems as natural and inevitable:

"I never like change...but I think that's natural... after about six months you settle down and make the best of it."

A year later, views had changed and many of the original objections and resentments had been forgotten or transformed. Using my interview responses I can summarise the major implications of divisionalisation. These are such issues as, a greater flexibility in workload, the mixed advantages of a larger group enabling more sharing, but the lack of a small reference group, the possibility of crossing boundaries within the city, and a greater variety of clients. It has enabled the Seniors to work together instead of separately in their own teams, and there is a greater choice of reference group. Such issues are dis-

cussed further and in relation to my work in Chapter 8. The overall view a year on, is coined by one of the divisional seniors:

"it's in a sense been a settling down time, and I think it was quite disruptive to some people to find they were out of a small team and into this large Division ...People on the whole now feel more settled and I think the evidence is that people are now beginning to take on initiatives and experiment a little with different ways of working and there is a more positive, constructive feel about the Division. ... people feel it worth trying to make something of what we have now, rather than go back to the old teams. They don't want another major structural change."

Such comments can be seen as positive, as the division is settling and workers are looking to new initiatives - but it can also be negative as workers are making the best of the situation as they do not want further changes. A major point is that while dealing with one major change, it is not possible to look clearly and constructively at other ideas. So it is within this context that I worked as a form of change agent introducing ideas of mediation practice, whilst colleagues were wrestling with structural changes that made them feel insecure and resentful towards anything new. Their comments, which will be regularly referred to, shed light on the timing of my consultancy and research, and provide some insight into how people react to change and cope with it over a period of time. Bearing in mind the issues of: 1. My status as a practitioner researcher; 2. questions about the value of research; 3. contradictory views that question and yet show the need for research; and 4. the timing of the research - I now move to a detailed consideration of the research methods adopted.

The research method adopted allowed the aims of the project to be flexible and broad with no linked hypotheses. I did not formulate specific hypotheses for similar reasons to those given by Dalton (1964):

1. I could not be sure what was relevant for hypothesising until I had achieved intimacy with the situation - notably my research role;
 2. Once uttered, a hypothesis becomes almost obligatory;
 3. There is danger that the hypothesis will become esteemed for itself and work as an abused symbol of science.
- pp.53-4

Instead, Dalton uses 'hunches' which serve as guides to formulate and follow through questions, and this is what I have done. 'Hunches' arose throughout the research and were considered or tested on the spot. As with all social research, results are cumulative and never final (Davies 1986 p.19). For example, an outstanding feature during the early stages of my research when I was preparing my proposal - was that when I was available to advise, help and support officers undertake mediation practice, interest grew - only to lapse when I was away. This observation was evident throughout the period of data collection, developing the hunch that a consultant has to have a constant presence to be effective.

My choice for conducting the research in Sheffield was simply due to my being employed there; my three years in Barnsley on the previous project had been a secondment. There was no groundwork conducted to select a 'suitable' or representative area. As I was based in the South Division (Sheffield being made up of two divisions - north and south) - this is where I conducted my research. The South division (central office) is made up of two Senior Probation officers, fifteen Probation officers and one Probation Service Assistant; the Assistant Chief and a Deputy Chief attached to the division were housed elsewhere but I included them in the sample to look at the dissemination of information up the management tree as well as to consider how probation officers perceived the management role, interest and involvement. The division also includes one further section (a Senior and six Probation officers) who work from a detached area office; due to practical difficulties inhibiting regular face to face contact, I only included them in the consideration of reports and general dissemination of mediation information over the final two months of data collection. So my time in the South Division was spent in the company of the centrally-based Probation officers and the two Seniors. (Appendix 2 shows the structure of the South Yorkshire Service in diagram form as given to new employees).

When I began my research post, the help requested initially took a 'semi-professional' form: I provided inputs to discussion groups, for example victim

perspectives for offender groups, and I regularly spoke at team unit meetings and divisional meetings. Several individual officers asked for help and advice about cases, and during the first couple of months four officers accomplished a small amount of work. With one officer I worked jointly on a case of serious assault. Friendly discussions took place throughout on a very informal basis about what I was doing - what I thought about what I was doing, how the research was progressing and where I thought it would lead, compared to the changing opinions of my colleagues about my activities.

The Complexity of Research

My influence and the influence on myself through daily contact is intricate and a major element of the research. There was no possibility of remaining completely detached or aloof from the everyday happenings of the division, and interest in my position and activities was also part and parcel of daily contact. To an extent, generating interest in my role, position and activities, was an intention and to be encouraged, as this in itself is a stimulation of thought about new practice ideas. Hence the research is complex, and far from many controlled models of interviewing and data collection; it is more in line with the research methodology discussed under the heading of 'Feminist Research'. The term 'feminist research' was coined by women researchers who found it unavoidable to include their own personality and emotions when researching topics which involved the feelings and concerns of

people - for example experiences of childbirth. See Roberts (Ed) (1981) and in particular the article by Oakley. The methodology is qualitative and said by many eminent researchers to provide more of a picture of living reality than statistical research. This is discussed by Denzin (1978), Dalton (1964), Finneman and Eden (1979) and others. Using conversational interviewing techniques, stories are told by each interviewee about their background, how they became involved in the probation service, and descriptions of some of their subsequent experiences. It is expression rather than explanation about their experiences and as Reason and Hawkins (1988) say,

"Expression is the mode of allowing the meaning of experience to become manifest. It requires the enquirer to partake deeply of experience, rather than stand back in order to analyse."

p.80

They continue to explain that the distinction between explanation and expression is paralleled by denotative and connotative thinking coined by Eckhartsberg:

"Whereas denotative thinking can be said to be a modulation of clear and distinct perception, connotative thinking can be understood as the elaboration of feeling and emotional imagery and intuition into created form and expression."

quoted in Reason (1988) p.82

Connotative thinking is carried out through 'hermeneutical experience and activity' and storytelling is central to the hermeneutical process. Reason and Hawkins use the definition of hermeneutics as given by Wilber:

"...the science of interpretation, or the determination of the meaning of mental productions...As such it is a transempirical discipline, for no amount of analytic-empirical-scientific data, no matter how complete, can totally establish meaning. ...Rather, meaning is

established, not by sensory data, but by unrestrained communicative inquiry and interpretation."

quoted in Reason (1988) p.82

Hence the stories and discussions make the sense of the enquiry and enable a growth in understanding which enriches the thesis. Stories and understanding are open-ended - and have to be - as analysing a dynamic and complex organisation and the views of participants, is a subjective, fluid and thus potentially never-ending process.

Throughout the research I was constantly asked questions, (this was also found by Oakley (1981) in her research), and I was included in general team discussions both formal and informal about matters not only to do with mediation. This required giving views and the sharing of information, so my personal involvement increased over time until I imposed a self-imposed ban on my attendance at various sessions towards the end of data collection in order to consider the material without too many additions and distractions. Throughout the period detailed notes were kept of discussions.

The bulk of my data was collected during two periods of recorded conversational interviews set a year apart. A timetable of data collection can be seen in Appendix 3.

The Interviewing Schedule

I began the first interviewing schedule in March 1987. I used a guideline questionnaire tested through interviews conducted with two colleagues working in the North divi-

sion. This resulted in a few minor changes to ensure the continuity of themes. The conversational interviews were not conducted in any specific order, but arranged at a convenient point in each worker's diary. Everyone agreed to the discussions being taped and this included two new probation officers who joined the division at a later date. All those interviewed used the time as an opportunity to ask me questions as well as to explore their own ideas, sharing views and considering to an extent their probation career. It also proved to be a supervision session for some, who shared grievances, asked advice and opinions about matters other than mediation. Several interviews involved some explanation about the topics that I wanted to cover, about the uses that I would make of the material and why I was doing this at all. Most probation officers though, had already talked generally about the research and were happy to launch straight into the taped interviews. These lasted from half an hour to well over an hour, but most were about forty to forty-five minutes in length. Without exception each interview continued after the tape recorder had been switched off with more questions, shared interests, problems and general discussions.

As I was a probation officer and also known personally by all, it meant that interviews were relaxed and friendly. I found many probation officers sympathised with my task, seeing it as hard to be working alone and doing something very different from friends and colleagues. Only a few saw

it as exciting and stimulating to be exploring a new area. The majority saw research as onerous, daunting and thankless, with probably little prospect of significant results at the end. When it was pointed out that results may well depend on them considering the ideas, those interested felt they would be constrained by management, and by lack of time through constant other demands, to ever develop fully any new way of working. Mediation, at this stage, was seen by most of those interviewed as a new technique which they could use in selective, suitable cases as part of their work with offenders, only two saw it as a completely new way of working.

A number of these last comments, particularly about research being thankless, imply a personal concern for me by my colleagues which has been present throughout. To some extent it has been a form of support, but it also has methodological implications as I am seen and treated as a colleague and not as a detached researcher. Some individual interest in mediation may have originated from personal support for myself rather than a straightforward interest in the development of mediation practice. I had to be constantly aware of the dynamics of my relationship with my sample as a colleague, in comparison to my role as researcher. I had to realise that friendship should not determine mediation responses, although one form of change is through personal influence (see the article by Schein on Interpersonal Dynamics in Bennis et al (1979)).

Over time my worry that I would influence colleagues through their concern for me through friendship faded; as my research role was accepted and seen as an academic exercise considering the service and the development of mediation.

The Discussion Interviews

The conversational interviewing technique proved the best method for achieving the aims and producing data relevant to all themes of the guideline questionnaires. Action research methods allow topics to be discussed together with related themes and stories told, so answers are not directed by questioning but emerge in a natural and relaxed manner. This methodology is discussed by Reason and Hawkins in Reason (1988), by Spencer (1983) and Becker (1958). As all interviews were taped and transcribed, it meant that additional material emerged that may not have been envisaged. The first set of interviewing data was analysed by classifying it into six theme headings. Comments relating to each theme were highlighted for each interview using coloured markers, so for example all the comments relating to mediation stood out in pink! The themes chosen were:

- 1) The background each person came from and why they chose probation
- 2) Their year of joining and type of training undergone
- 3) Their job, job changes and present post
- 4) Their original ideals and changes in ideals
- 5) New developments and changes in the Service, special

projects and how they saw the future

6) Mediation; concentrating on their knowledge and understanding and detailing any practice.

1-2 provided background material and 4-5 highlighted workers espoused theories and theories in use, (Argyris & Schon 1974).

The guideline questionnaire I worked to can be seen in Appendix 4. Follow-up discussions were encouraged, and following the interviews there was considerable interest in mediation ideas and my position in trying to introduce them. Many probation officers commented that they felt the interview discussions had given them a clearer view and a better understanding about mediation, and some enthusiasm to try practice. Data evidence shows a spate of practice initiatives following the interviews, with several completed cases but numerous slow-moving cases which petered out after a couple of months. About half of those interviewed wanted a similar discussion regularly, feeling that it, (1) stimulated them to looking outside their normal practice, (2) gave them a chance to vent their feelings without any management comeback or concern (unlike their perception of normal supervision sessions) and, (3) gave them a chance to find out what I was doing and so to share issues with me.

My intention had been to continue regularly seeing six probation officers. This was kept to, although the six officers were not chosen as originally intended, (to represent different stages of understanding about media-

tion), instead they were self-selected for follow-up work.

I decided to take up the request made by these particular workers as it seemed a better basis from which to assess the potential for developing mediation practice, rather than following up a worker who had no interest in its development and so pursuing something that was unwelcome. I also felt that choice was an important factor as it contributes to the commitment and enthusiasm that is needed for the development of any new practice area. At the same time as working alongside these six officers, other workers were encouraged to request help and advice, and this happened with ten other main grade workers (not all from the South division), but less than half the requests resulted in completed mediation work.

Follow-up Work

The follow-up work entailed seeing the six self-selected probation officers regularly for several hours each four to six weeks over the period of a year. The time was spent considering every report they had been allocated, how they had approached it and how they may have approached it differently. We also looked at any mediation they may have attempted with their on-going cases and reports. Their workload, number of reports and additional commitments, as well as a work pressure rating were also recorded. Detailed notes were kept of all discussions, and guideline forms were used for these records; one was developed and refined by one of the probation officers for his own records, and can be seen in

Appendix 5. The forms I used were more detailed and are shown in Appendix 6a and 6b.

Over the year, four of the six probation officers maintained active interest in mediation, although when I stopped seeing them regularly, only one continued regular mediation practice. Of the other two, one said he had no time or suitable cases so opted out of discussions after ten months of contact. The other officer insisted that he still wanted to participate but constantly cancelled interview meetings due to pressure of work; this resulted in the loss of two months data.

Throughout the year, at the request of several interested probation officers working in another district (Rotherham), I held regular two-monthly mediation interest group discussions. The intention had not been that I should run them, but whatever I said it was seen as my speciality; even if not arranged by me, officers would send me apologies and always look to me to start the discussions. These groups had a regular attendance of ten to fifteen people although they were not always the same people. The list of names shows that six of the participating probation officers were from the Division I was directly working with, although these were not the same six as those I was following through.

These meetings continued after I had finished my data collection and final interviews, and reached a point where the group requested the Deputy Chief Probation Officer to

attend to discuss how management would support and help the development of mediation practice. It was agreed that a Policy Statement would be drawn up by one of the group members, then discussed with myself, the Deputy Chief and the group, before submission to the Probation Committee for ratification. This high point was reached just before the summer when a number of probation officers were inevitably away on holiday, including myself. On my return no further meetings had occurred and no policy ideas had been drawn up either. I was requested to leave the policy draft to the original volunteers, with the result that no policy document was produced. The implications of this, and an analysis of what took place are discussed in Chapters 10 and 11.

During the last two months of the follow-up year and before my final interviews, I spent time visiting every Unit in the two Sheffield Divisions to talk about what I had been doing. This allowed workers to ask questions, and for me to pick up on whether anyone had considered or taken on any mediation work. I also asked whether any influence had been felt from my presence in the South Division. Within each Unit I found that at least two probation officers had attempted some mediation practice but in a one-off way, i.e. a special case with extra time allocated in order to follow it through. Many of the probation officers were interested but saw mediation as a specialist way of working, needing training, time, and the identification of "suitable" cases. Everyone, without exception, stated that when they saw me (in a work

context) they thought of mediation, and if that coincided with a report allocation or a difficult situation with a client, then they would be more likely to consider the work from a mediation angle. They also said that if I had spent time with them as with the central Unit in the South Division, they believed they would have done more. (This is only speculation as the Unit I spent time with did not find it any easier to adopt a new practice and only two workers have taken it on as a potential way of working.)

During these two months I also requested every probation officer in the South Division to complete a form for every report they were allocated over that time. The form can be seen in Appendix 7. This requested information about the types of offences offenders had committed, i.e. whether they were personal or impersonal and whether they seemed to have potential for mediation practice; whether information was available about the victim's side; and concluding with practice undertaken. Most probation officers requested that I spent time with them going over their cases, discussing what they had done and how they could have worked differently. I did this and we then jointly completed the forms. Only two probation officers in the division I was linked to regularly sent forms back without consultation. Three probation officers within the section I was linked to failed to send all their forms back, after three requests I stopped asking. Every member of the detached unit belonging to the South Division

completed the forms. This may indicate that formal research requests are more likely to be responded to if the researcher is personally distant - but further investigation is required to substantiate this point.

Final Data Collection

Data collection was completed with my final discussion interviews. For this I re-interviewed every member of the centrally-based South Division including one member who had moved to another job. One officer had left and could not be traced. These interviews took the same format as before, i.e. semi-structured conversational discussions taking each person through a noted list of themes (see the Guideline Questionnaire detailed in Appendix 8). Again I tested out the Guideline Questionnaire for continuity and the form of response that it generated, through discussions with two probation officers in the North Division. The themes generally followed the previous pattern but expanded the topic of mediation, and introduced themes and discussions about the Service as an organisation and considered organisational change. The first four themes I highlighted, relate to four of the themes in the previous interviews thus making data comparisons easier. The themes were:

- 1) Present job and any changes in job or job focus over the year.
- 2) Divisional changes: Those observed or those wished for, which included further consideration of the probation officer's ideals.

- 3) Service changes, observed, as well as future possibilities and fears.
- 4) Expanding the theme of mediation:
 - (a) considering their original definition which I quoted to them from their original transcripts from the first interviews; I asked if I had interpreted what they had said correctly and asked for any changes;
 - (b) we then talked about any mediation practice and any examples.
- 5) A consideration of the future of mediation, whether there should be any further developments and whether they noticed any organisational interest in mediation.
- 6) We considered the effects of my presence both personally and organisationally.

These interviews were again transcribed and then analysed in a similar way using coloured markers for the six stated themes.

After the completion of the final interviews in April 1988 I maintained contact with the Division by attending team meetings, being available for consultation and maintaining the mediation interest discussion group. This finished in August 1988. Over the period April to the beginning of August 1988, one probation officer pursued regular mediation practice as part of her on-going approach, the other interested worker was a Senior involved with limited practice. Apart from this, other officers maintained

their piecemeal consideration of mediation; it was evident that interest and practice decreased whenever I was away. The lack of ongoing mediation practice is explained by all probation officers asked as being through pressure of everyday work, court deadlines and so on; but I would speculate that it suggested that mediation had not taken root in the divisional or organisational culture.

My role as a consultant researcher

As far as I am aware there is no literature which discusses the role I adopted in this research. Research may have been initiated by practitioners but is then conducted by appointing external facilitators. For example Reason (ed) (1988) particularly the article by Reason on Medical Practice; also the article by Heron which considers the role of co-operative inquiry where subjects contribute to the research thinking, and by Hawkins, where the relationship of self as researcher and as individual is considered. Maybe my role was over ambitious but it has been a learning experience not only for myself and the service, but for the field of research. As expressed by Nevis (1987) in his conclusion, he summarises:

- "1. The process of deciding to act is one of choosing among alternatives which contain both positive and negative features.
2. The building up of energy to act out of righteousness drives people to take strong actions that are not supported by a rich awareness process allowing for the experience of regret at the moment an action is chosen.

3. The experience of regret is the full awareness and ownership by those who choose an action that contains negative aspects and precludes other actions that have certain positive features.
4. Without the experience of regret, it is difficult to achieve true organisational learning: people will act out of limited awareness, remain fixed in their righteousness, and over-certain about the actions they have chosen."

pp. 204-5

A questioning and re-questioning of my role was essential in order to understand my motivation, actions and resultant effectiveness in relation to my area of study:

'By engaging in an extensive awareness process that attends to both positive and negative features of available alternatives, consultants are able to act wisely rather than dogmatically. Only through this process can the experience of regret mollify the influence of righteousness.'

Nevis (1988) pp.205-6

My position as a consultant researcher and the acceptance of my position within the Division, were crucial to my research. In a similar way, my own acceptance of my different role - different to my previous experience and different to my colleagues - was also a significant factor. Personally, there were problems to overcome as I initially experienced some frustration and despondency moving from working on a project where I had developed a degree of expertise in mediation practice and progressed in understanding, to a research position where I was watching others grappling with many of my early dilemmas. Over the first six months of my consultancy, I found it difficult to accept that most officers understanding and exploring of the basic ideas of mediation, appeared so slow. I had to forget the consolidation of my four years of experience and recall the slow path I had trodden at

the start. Good supervision proved essential for me to identify my feelings and keep them apart from my role as advisor, so developing some expertise in participant observation. I have noted this here, as my personal involvement with the Probation Service and my colleagues has been a variable factor throughout, and was probably highly significant particularly during the first year. From feedback (interviewing data and general comments) it proved a fairly crucial factor. I quote from one of the divisional Seniors:

"There were people there (i.e. in the Division) who had worked with you before but there were people who hadn't known you at all before, who needed to get to know you, and to know the way that you worked as well, and to know something more about you as a person really, and having gained that knowledge and seen the value of you as a person that has helped you to settle in".

The next quote is from the second set of interviews from an officer who had not previously known me, he refers to my presence as a consultant:

"From my point of view you have done very well in terms of trying to be aware of where I stand on it (i.e. mediation) and not pushing it; but at the same time making me aware that it is there and I can work in a different way."

Surprisingly only two Probation Officers initially questioned my position in the Division in relation to what I was doing. Their comments are below:

"Before you came to do the mediation thing.... consultation and discussion was very poor indeed, a sort of two minute information job...nothing to do with you, its to do with an organisation which is trying to cope with a hell of a lot of things all at once."

"My surprise was the extent to which we would be involved in the project... I didn't realise our role would be so central and that you would be looking at us as individuals and analysing the way we are taking on that work."

Even this questioning was done in a constructive way, as it was accepted that whatever I was doing would be relevant and useful. This seemed more to do with my reputation as a worker than to do with mediation; another of my sample commented:

"People have already got professional respect for you as you have sort of earned your ticket a long time ago."

My familiarity to others - having worked in South Yorkshire for fourteen years - was an advantage, and meant that I was accepted as part of the Division "fairly quickly". No-one else queried what I was doing, although all Divisional members discussed it with me during their individual interviews. This provided an excellent opportunity for people to get to know me as well as the reverse.

Before I started my period of research, the ideas were discussed in team meetings and with individuals, and all agreed to the proposal. Yet much is proposed and accepted without real thought in a busy office, so often workers do not really know what they have agreed to; it is during the time of project development that real acceptance is earned. With this project though, this is difficult to assess even in retrospect, as the time I began my consultant role coincided with a time of change, as mentioned previously, which many identified as very stressful. Many issues relating to this were introduced and talked about during my interviews; these are considered when discussing change in Chapter 8.

Conclusion

The research methodology utilised is one of action research using a qualitative approach; it has an additional component through taking account of my own history and continuing involvement with the probation service. The principles adhered to are those often attributed to feminist research which involves relationships, interactions and emotions, as variables in the collection and analysis of data, (Roberts ed. 1981).

It is my personal role in the study as that of consultant, researcher and actor, which is particularly significant - partly as little previous research has been conducted from this standpoint in an organisation like the probation service.

Officers reactions to change and their views of how management implement new directions, are displayed by the effects of the structural reorganisation. Due to the timing of my research - over which I had no control - the existence of stress and confusion in relation to the division has to be treated as a significant variable when considering my research results. It has probably had a direct bearing on enthusiasm, commitment, and the security necessary to be able to comfortably and thoroughly consider anything new. These "hunches" are explored further when discussing the data results and in later chapters when I consider my role as a change agent.

Probation officers' perception of my role, their questioning of the status and meaning of research in general, as well as specifically relating to mediation ideas, are crucial factors. This chapter has also introduced notions of contradictions between ideas and practice, and probation officers thoughts about research, special projects, and other ways of exploring new ideas. These themes are taken further in later chapters.

Before proceeding to the discussion and analysis of the research data, some explanation is needed about reparation and mediation and about the probation service, in order to set this research in context. The next chapter will provide a brief history of the concepts of reparation and mediation, and introduce some basic questions about the position of mediation ideas within the probation service. Chapter Five will then continue in more detail about the probation service, considering its roots, aims and ideals, and how they have changed over time. Neither chapter will deal with the subjects in depth, and in some instances I have selected some materials to the exclusion of others specifically due to its relevance to the overall theme.

CHAPTER FOUR

THE ROOTS OF MEDIATION AND REPARATION:

Background and Focal Issues

"There is a clear case for further exploring the question of restitution and reparation in human feeling terms... Although face to face meetings of particular offenders and their victims would not necessarily be appropriate in all or even many cases, the symbolic value of a few offenders relating to a few victims might have profound implications for the public view of the offender."

Priestley (1970) p.8

"There is currently a substantial trend in criminal justice circles, across the greater part of the world, towards thinking of alternatives to the traditional legal justice process. The 'community justice movement' arises from a combination of this 'push' away from formal legal mechanisms with a simultaneous 'pull' in the direction of a 'return to community'."

Marshall (1988) p.25

The ideas of mediation and reparation are not new and can be traced way back in history, although there is a certain amount of confusion caused by the mixed use of terminology. Many terms are used - reparation, mediation, restitution, composition, compensation and so on; each has a slightly different meaning, but overall they are used in connection with making amends or repayment of the harm done - particularly in relation to offences and the criminal justice system. Restitution is a theme which can be traced back to primitive cultures, and its development in the western world can be seen as passing through six stages devised by Jacob (1977) and quoted in Harding (1982) p.7. These stages are:

1. private vengeance
2. collective vengeance
3. the process of negotiation and composition
4. the adoption of codes containing pre-set compensation amounts which were to be awarded to the victim in the composition process
5. the gradual intervention of Lords or Rulers as mediators, and payments to them of a percentage of the composition-compensation award and
6. the complete takeover of the criminal justice process and the disappearance of restitution from the criminal law.

At the height of restitution, the offender could "buy back the peace he had broken" and the victim and all their family had a central role in the negotiation and settlement.

A similar process has been described by Christie (1976) as occurring in a village in Tanzania:

"...The parties...were in the centre of the room and in the centre of everyone's attention. They talked often and were eagerly listened to. Close to them were relatives and friends who also took part. But they did not take over. There was also participation from the general audience with short questions, information, - or jokes...all the people in the room were 'experts' ...no reporters attended. They were all there."

pp.2-3

Increasingly the process of centralisation of control pushed out the interests of the victim, and the State took over negotiation and the receipt of composition-compensa-

tion. The rights of the injured individual were separated from the penal law and any personal grievance then had to be dealt with in the Civil courts. As Schafer (1960) has suggested, "a growing interest in the reformation of the criminal is matched by decreasing care for the victim", p.12.

Compensation for victims was not resurrected until suggested by the penal reformer Marjorie Fry in 1935, and even then it eventually took the form of State compensation and not compensation paid by the offender (for example, the Criminal Injuries Compensation Board set up in 1964).

More recent developments also involve a third party and were not devised to directly help the victim, for example Community Service Orders which were introduced in the Criminal Justice Act 1972. This enabled Courts to order offenders to perform unpaid work for the community, as described and discussed by Pease (1975),(1976). In 1973 the Powers of the Criminal Courts Act introduced Compensation Orders to be paid by offenders but through the Courts to eventually reach the victim, after various long-winded administrative processes.

Before restitution achieved prominence, pre-1800's, social control was in the hands of individuals and kinship groups with blood feuds, retaliation and aggression as the general reaction to misdemeanours. Punishment was

moralistic and focussed on the body, providing a public spectacle designed to humiliate the offender whilst involving the community, using the stocks, flogging, the ducking stool or hanging. With more centralised State control there was a gradual move away from the public spectacle and slowly towards punishment to fit the crime. In 1777 Beccaria suggested a criminal code where sanctions were commensurate with the level of harm produced by the offence; he suggested that offenders should be punished but that excessive punishment undermined the benefits. In 1842, the first much documented publicly owned penitentiary was opened at Pentonville; it was prior to this, between 1770 and the 1840's, that carceral discipline directed at the mind gradually replaced punishments directed at the body. Public spectacle punishments intended to deter were no longer seen as appropriate. Growing religious beliefs - particularly from Quaker roots, were that people could be reformed:

"... the birth of the prison in the late eighteenth century, as well as concurrent and subsequent changes, are seen in terms of a victory of humanitarianism over barbarity, of scientific knowledge over prejudice and irrationality.'

Cohen (1985) p.18

Punishment then gradually excluded the community and focussed on reforming offenders through imprisonment, deprivation and discipline. The belief was that people could be changed, that they were self-determining and able to calculate the profit and loss of their behaviour, and so could rationally decide whether the level of pain of their punishment, was worth it for the potential gains of their offence. Such issues are discussed in more detail

by Ignatieff (1978), Cullen & Gilbert (1982), and Garland (1985).

The Development of Rehabilitative Ideas

Concerns throughout the latter years of the 19th century were increasingly about the growth of crime linked to the growth of poverty and deprivation, coupled with the horror of prison conditions that were increasingly recognised as failing to reform or deter. The ethos of the State was paternalistic, believing in the need to intervene in people's lives to save them from depravity. The newly developing sciences of psychiatry, physiology and sociology, linked in with the State's ideas to form the new criminological programme. This is discussed by Rothman (1980), Garland (1985) and Hudson:

"The essential propositions of this new discourse, both Rothman and Garland agree, were the ideas of determinism, individualism and pathology, and the image of the powerful and benevolent state, not only empowered but obligated to intervene in the lives of inadequate citizens and thereby rescue them from delinquency, depravity and deprivation."

Hudson (1987) p.7

Positivist criminology provided a new set of theories and aims for the Penal System. This was the 'start' of rehabilitation, which in England developed throughout 1885 to 1914. Offenders were seen, not as self-determining people who were going to change themselves as during the reformist days, but they needed to be assessed, classified and fed into programmes and not released until cured i.e. rehabilitated. Probation Orders became part of this

system, and once the body of professionals had developed and established themselves, Probation Officers had the task of assessing whether an offender was a suitable case for treatment in the community under a Probation Order. This has remained the characteristic form of a probation officers court report to this day (McWilliams 1985).

Hudson and others recognise a second wave of rehabilitation, which some suggest was due to the Second World War (Hudson 1987). This developed alongside the desire to re-build communities and bomb-destroyed properties, through the belief that it would strengthen family and informal ties, and create a climate of growing prosperity and moral consensus about correct behaviour. When this did not appear to reduce crime, instead of the physical deprivation of the post-war depression being seen as the major contributor, social and psychological deprivation were identified as being the prime causes. This is developed in for example, A. K. Cohen's Sub-cultural Theory (1955) and by Bowlby in his Treatise on Child-care and the growth of love (1953). Offenders were seen as lost souls in need of direction, waiting to be shown the right path by concerned professionals and voluntary workers.

Throughout the mid 20th Century, criticisms of institutionalisation and rehabilitation gathered momentum through concerns about prison conditions, the treatment of people within institutions, and such issues as indeterminate sentences. See for example Goffmans Asylums (1961), Cohen

(1979) and Rothman (1980). The decarceration movement in America from the 1950's to 60's failed to affect England where the prison population continued to rise, despite discussions about de-institutionalisation. This period is covered in more detail by Chan and Ericson (1981), Scull (1984), and Cohen (1979) amongst others. For the mentally ill decarceration gradually became reality, but this meant neglect. Within the prison system, despite reformatory intentions, the ideas were translated into more prisons, more police and more social control apparatus; this included a growth in the number of probation officers.

The Police Court Missionaries heralded the start of the Probation Service; initially a welfare-based society motivated on religious grounds to save souls, where their clients were individual offenders. This is a feature of the Probation Service which has been maintained until the present day, entrenched by individual sentencing and a system of selective requests for Court reports to provide individual information.

Once the Service for offenders began to grow, training for probation officers started in the 1950's with the Rayner House Course focussing on Psycho-therapeutic methods. Documentation started about the aims and intentions of the Probation Service. Its much quoted aims were and still are: to advise, assist and befriend. The development of the Service is considered in more depth in Chapter 5.

Probation Officers work methods and attitudes seem to run parallel to changes in attitudes in the criminal justice system. Following the Second World War, concerns were focussed on social and environmental deprivation, and offenders were seen as victims of society and the system which labelled and treated them as the 'bottom of the heap':

"Retribution and deterrence were shied away from as unworthy motives for penal sanctions, and the rhetoric of penal systems was a rhetoric of help, cure, providing treatment rather than inflicting punishment."

Hudson (1987) p.x

Yet the developing alternatives which aimed to care for people and to encourage more community responsibility can have a more sinister side. For example, Rothman (1980) says:

"The outcome of changes ostensibly aimed at decreasing State intervention has all too often been the development of programmes which expand the reach of social control agencies and expose new populations to their (generally unwelcome) attentions."

quoted by Scull (1981) pp.179-80

Intentions to de-institutionalise paradoxically led to an increase in professional involvement and activity - justified by needs to accommodate and allay public fears about the increasing tide of crime. Probation officers' work was characterised and legitimised by the diagnosis and treatment of offenders rather than by enforcement of rules and punishment. These points are expanded by Lerman (1975). Diversion from prison in reality meant referral to social work agencies, hence an extension to the net of social control and the resultant growth of costs, case-loads and professional activity, as described by Klein et

al (1976). The extension of the net also ensures that the occupational interests of criminal justice and prison employees is maintained. A point made by Greenberg (1975) and Scull:

"In substantial measure, it has been by exploiting the opportunities decarceration offers for blurring the boundaries between guilt and innocence, accentuating discretion, and promulgating an aggressive ideology of treatment and prevention, that the crime control bureaucracy has transformed something that promised to curtail their operations into the basis for a further expansion of their activities."

Scull (1984) p.182

Such views from academics add fuel to practice concerns, highlighted by research, that seem to imply that "nothing really works" - or that as probation officers we are better not to interfere with people's lives at all; this serves to disillusion practitioners into questioning their worth and seeing the ambiguities of their job. It is the recurring theme expounded by Cohen (1985), that because of the nature of the world, differences always exist between words and deeds, intentions and consequences, images and reality.

Yet it provides no answer to practitioners who on an individual basis can see value in their interventions, maybe by helping a client improve the quality of their life; yet they can also question the labelling and interference effects of their 'help' as a professional and as a member of the Probation Service. Hugman (1977) develops this theme in his book 'Act Natural', where he describes his working experience on a detached project

where he both lived and worked within the community and could see both the advantages and problems created by his proximity.

This perhaps explains the more recent wave or movement away from rehabilitation and towards a justice-based model, where offenders know where they stand as sentence length is laid down, although it provides no leeway for personal adjustment. To many it seems a fairer way of sentencing, but to others it does not allow for personal circumstances and growth and change, as expressed below:

"I do not understand how these academicians and politicians can have a clear conscience preaching repression as the solution to crime, unless of course they believe that despite the accident of birth everyone is equally endowed, mentally and physically, and has the same opportunities they have had to get ahead."

Bazelon (1977) p.6

What about the victim?

One point that stands out through these views and concerns is that the prime focus is on the offender within society, with rarely any reference to the victim. Literature has focused on explanations for delinquency, on personal and social problems, see for example books by: Taylor, et al (1973), Pearson (1975), Wedderburn (Ed) (1974), Pinker (1973), and Bailey and Brake (1975). Probation literature from the 1950's onwards identifies offenders as a needy group, not necessarily divorced from their communities, but as victims of society, and largely in need of help or treatment, see: Monger (1972), Jarvis (1974), King (1969), Davies (1975), Parker (1979), and Bean (1976). To an

extent, the literature about victims of crime has only been sympathetic to the victim over the last 15 to 20 years. For example, looking back to writings in the 1940's, it was postulated that victims almost caused their crimes; for example in 1948 Von Hentig wrote "the victim shapes and moulds the criminal". Even in the 1960's, studies were suggesting that victims quite often had not been sufficiently vigilant about their personal possessions, and the concept of contributory negligence was coined. This is considered by several authors, particularly by Fooner (1966). Such themes are particularly explicit in rape cases, where even today the woman is often considered to be partially or even wholly to blame, as described by: Amir (1971), Brownmiller (1975), Smart (1976) especially Chapter 4, and Toner (1977). With certain crimes though, some people are seen as victims whereas others are not, for example shoplifters can be seen as victims of the consumer society, but shop burglars are not. There does not seem to be any particular reasoning why this should happen;

"why we conceive of some persons as victims and others not as victims is a consequence of our own common sense assumptions."

Quinney (1972)

In looking at some of the past literature, more shame appears to have been levelled at the victim, with no sympathy or concern for their trauma and distress. These are issues that are now better acknowledged and understood, and provide the focus for recent studies, such as those documented by: Maguire (1980), Shapland (1984), and

Wright (1977). The only place where victims in the past, as today, seem almost equal with offenders is ironically in the court setting, where they are both equally as uncomfortable. This is well described by Carlen (1976).

Interest in the victim

Running parallel to the increasing despair from the late 1960's onwards over how to deal with offending, there has been a revival of interest in the victim. This comes from several related strands, the most obvious being that of a genuine concern to help victims of crime. Some of the earliest documentation about this in England came from work by NACRO in Bristol, where innovatory victim offender discussion groups were held in 1969 and the needs of many victims were highlighted, (Priestley 1970). Compensation to victims of crime and the development of Community Service Orders mentioned previously, heightened public awareness to the needs of victims. Local crime surveys and stories in newspapers and journals added local and more personal awareness. The growth of the Womens Movement and the recognition of the rights and needs of victims of rape, child abuse and domestic violence added to this through the development of pressure groups and campaigns, such as Womens Aid and Rape Crisis Counselling, documented by Brownmiller (1975). The first Victim Support Scheme was developed in 1974 in Bristol and now there are over 200, several of which have paid professional co-ordinators, (for example Sheffield), showing the increasing demand and acknowledgment of such services.

The national co-ordinator of victim support schemes has written of the developments; Reeves (1984), (1985).

The demise of rehabilitation and ascent of reparation

The development of a concern for victims has grown alongside the crisis within the Criminal Justice system. Despite well-intentioned reforms and the work of the Police, the Prison and Probation Services, crime is still said to be rising and rehabilitation failing. Such concerns are documented by Cohen (1985), Bottoms and McWilliams (1979), Brody (1976), Bottoms and Preston (1980), Haxby (1978), King (1979), Walker and Beaumont (1981), Lea and Young (1984), Rayner (1985) and many others. The link between victims and offenders has grown following surveys that showed the needs and suffering of victims, see: Sparks et al (1977), the British Crime Survey documented by Hough and Mayhew (1983), Hough and Moxon (1985), Shapland (1984), Maguire (1982); but they also produced evidence that victims were not as punitive as had been thought. Some form of reconciliation or reparation was identified by many victims through their favourable views of community service, compensation and even through their wishes to know something about their offenders. In the search for new penal measures, thoughts increasingly moved from separate concerns about victims and offenders to linking the two within the Criminal Justice system. American ideas and developments attempting to re-introduce restitution into the Criminal Justice system were set up with mixed results. Documented and discussed by Galloway

and Hudson (1981), Galloway (1977), Abel (1982), and Coates (1985). In England the interest developed for some form of reparative provision in the Criminal Justice system, expressed by many authors including: Downes (1983), Brittan (1984), Lea and Young (1984), Harding (1982) and Wright (1982). These range from idealistic developments influenced by the Norwegian Nils Christie (1977 and 1981) writing about neighbourhood courts and localised community negotiation, to more specifically detailed ideas such as those by Peter Raynor (1985). He has put forward ideas for a five-way negotiation within criminal justice considering views from the offender, the victim, the State, the community, and a helping agency. Most proposals incorporate similar ideas about decentering the position of the offender, as pointed out by Hudson:

"The common element to these radical proposals is that of decentering the offender from the focus of crime policies, and to look instead at the problems of communities, victims and offenders together.... Preventing crime where possible, restoring relationships and compensating harm where prevention has not succeeded, are the key themes, and the model for such restorative processes is the civil law rather than the criminal law...to cut back the arena of criminal law, and deal with as much deviance as possible by civil law processes which involve all parties to an offence."

Hudson (1987) pp.179-80

In several areas, these ideas resulted in the development of reparation/mediation projects.

The Development of Reparation and Mediation Projects

Reparation projects in England were not initiated until the 1980's, and the first Court-based project to be set up was the South Yorkshire Project in 1983 on which I worked. Shortly after this the Home Office set up four research projects, also Court-based, in four different areas: Coventry, Wolverhampton, Carlisle and Leeds. At the same time, community-based projects were being set up outside the Criminal Justice system, for example, the Newham Conflict and Change Project. Although it seemed the American literature influenced much of the early thinking, a point noted by John Harding (1982), in the long run the concepts were adapted to fit the type of project, organisation or initial intention of the scheme. All of the court-based projects initially had the aim to affect court sentencing, either by diverting offenders from prosecution or prison, or by providing mitigating data to encourage a lesser sentence. Many court-based projects claimed to be offering a service to the victim as well, but in practice the offender was still the client and the service remained focused on individual offenders. These points are elaborated by Smith et al (1989), Young (1989), and Brown and Murphy (1987).

Very little had been written in the early 1980's to integrate offender and victim practice, and thus the South Yorkshire Project developed its own practice through experience. The project and the independent research has informed a fair amount of writing; Smith, Blagg and Derri-

court (1985),(1986) and (1988), Gretton (1988) as already discussed in Chapter 1, as well as the development of other areas of practice.

A proliferation of articles appeared in journals in the mid to late '80s, discussing many aspects of mediation from its advantages to its disadvantages, looking at the way forward as well as the dangers of adopting reparation and mediation practice. See for example the Bibliography produced for FIRM (the Forum for Initiatives in Reparation and Mediation) by Prashker and Brearly (1986) which lists over sixty pages of books and articles. The debate was taken up in the Probation Journal, Social Work Today, Community Care and many other journals, and continues to this day with the difference being that recent articles are more practice-based. For example, Stansfield (1988). Newspaper reports also look at the ideas, see the report by Christine Azziz in The Independent (September 1987), and The Guardian, by Jerman (Jan 1988). Both articles relate situations where victims met up with their offenders, and a further article in The Guardian by Robertson (1988) describes a scheme for victim offender mediation in Norway.

There is now an expanding field of literature about mediation and reparation, covering research findings, write-ups of projects, and authors views of projects both here and abroad. They contain a range of feelings from mediation being the new way forward, as expressed by Wright (1977), and Marshall (1984), to ambivalence about

developments, expressed in Hoffrichter (1987). The literature looks at ideas of restorative justice and criticises punitive, deterrent, and reformatory systems; authors explore the subject of mediation and reparation in its academic form, as part of a wider debate about criminal justice, for example: Cohen (1985), Rayner (1985), Matthews and Young (Eds) (1986), Box (1987), and Maguire and Corbett (1987). Various articles by prominent professionals debate issues, for example those by Helen Reeves, Chairperson of the National Victim Support Scheme (1982) and (1984).

The Dangers of Mediation

Some of the fears about mediation - of potential political exploitation and the manipulation of people - when brought to the fore, can easily cloud some of the apparent advantages. Yet, from personal experience, there are very real dangers, and awareness of both the visible and hidden dangers is essential to attempt to prevent meretricious and exploitive developments. Some of the fears can be listed as follows:

1. of using the victim and widening the net of social control by drawing victims into the criminal justice process, allegedly to help them but in reality to use them. Compensation may be offered, not as a right, but in order to canvass public support for political ends; this would be ethically questionable.
2. with victims coming more to the fore this may push

back the offender and encourage harsher penalties and more antagonism; there would be no reconciliation between the offender and his community and no reintegration. People can be spurred to harshness, and claims that the public want harsher penalties can gather momentum and become reality.

3. if the focus is totally on the victims feelings and victim offender reconciliation, the sources and underlying causes of many crimes may be forgotten. Hence, necessary structural changes within society, such as poor housing and the stress created by overcrowded living circumstances, will be ignored.
4. with more publicity given to victims, to their situations and their need and right to receive help, public anxiety and fear may increase through growing awareness of the possibility and possible consequences of crime.
5. if victim support develops separately to offender support, this may intensify potential conflict by driving people apart instead of aiming towards reconciliation.
6. the stigma and labelling of offenders is well documented and understood as a social problem but this could also happen to victims, e.g. the stereotype burglary victim. There can always be a problem in grouping people, and it can end up

working against the advantages of providing collective help by setting the group apart in some unfortunate manner.

7. if services and support are provided by agencies, this may well increase people's dependency on social services and thus cut natural ties.
8. if too much is made of offences and the effects of offences, this may create problems in terms of increasing the apparent complexity of understanding needed by people to comprehend what has happened to them. This would lengthen the time it takes to heal their distress.
9. the danger that victims of crime become classified and grouped e.g. burglary and assault victims, resulting in other victims being forgotten. For example, victims of pollution or business fraud also suffer harm although this is not conventionally acknowledged. Likewise, those perpetrating such crimes are rarely labelled as offenders, yet they may be more culpable than the 'traditional' offender.
10. the problem of raising hopes; if a good scheme can provide well for people that would be excellent, but the tendency is for schemes to rarely live up to all expectations and this in itself can be damaging as it will create hopes which cannot be met.

These points can be countered - for example by ensuring the balance between helping people understand their trauma and leaving them alone is individually assessed, or that publicity about crimes does not generate fear by the way events are portrayed. So despite these ten potential fears - there is no reason not to see the development of mediation as a natural and humane way forward. When it comes down to it,

"the suffering of the victim is not diminished by increasing the suffering of the offender. Inflicting undue pain on the perpetrator of the crime does not alleviate the victims' distress. And the humiliation suffered by the victim is not erased by the degradation of the offender. Humaneness is indivisible. We cannot be humane to one party and inhumane to the other, be kind to the victim and cruel to the offender. We cannot preach justice to the aggressed and at the same time tolerate injustice towards the aggressor."

Fattah (1986) p.13

Fattah continues, pointing out that we all share the responsibility for crime and other 'social problems'. Other writers expand this point, such as McWilliams (1989). Crime does not create a one-sided obligation, but a dual responsibility on our part to the one who transgressed and the one who suffered. Both need help and support, both need sympathy and compassion. As expressed by Fattah:

"In the long run, the interest of victims and of society at large are best served by humanity and compassion, by tolerance and forgiveness, by the development of conciliatory and forgiving communities rather than hostile and vengeful ones."

Fattah p.15

The ideas of mediation can be seen as looking towards a revised or totally new justice system based not on retribution but restitution, not on punishment and

retaliation, but compensation, mediation and reconciliation. Such views by authors from many countries are detailed in Fattah's book, and further ideas are developed in Matthews ed. (1988) and Wright and Galloway eds. (1989). These ideas have developed as fairly central to the project in South Yorkshire, and to my own thinking, in the subsequent research.

Should Mediation be part of the present system?

Much of the practice literature however, considers whether these ideas fit into the present system, and criticise or commend them in relation to schemes, methods and practices already prevalent. As with all new ideas there are a lot of pitfalls in putting them into practice. This has resulted in ambivalence over the idea, particularly as its application does not seem to fit within the present system, and due to such concerns as those already detailed, it creates many ethical dilemmas. These are much debated and can be found detailed in: Fattah (1986), Hoffrichter (1987), Davis, Boucherat & Watson (1988), Wright and Galloway eds (1988) and others. The research results from the South Yorkshire Mediation Project, by Smith, Blagg and Derricourt (1986) come to the conclusion that the valuable parts of the mediation work accomplished were achieved in spite of the Criminal Justice system, as they relate to the personal contact between victim and offender and the resolution of their feelings. The Criminal Justice System itself was seen as detrimental, or at best incidental to the mediation events.

Those of us working on the Project combined our enthusiasm

with periods of doubt and questioning; others have followed the same path as can be seen in the literature. See for example the article by Harding (1984) in the Probation Journal. Over time the enthusiasm and careful but progressive debate about the new idea has lost some momentum. Some of the recent articles articulate warnings, for example one entitled 'the subordination of a good idea' (Davis et al 1988). Other authors note the effect that fears of exploitive developments have had on initial enthusiasm:

"Less than a decade after the emergence of the first wave of optimism it was over-shadowed by an equally forceful wave of pessimism. Practitioners and academics came increasingly to see the development of informal justice in negative terms. These new forms of adjudication, rather than reducing and transforming the exercise of legality had only succeeded, it was suggested, in expanding and re-legitimising the formal legal system. The more informal neighbourhood tribunals had only effected a shift in the parameters of legal control and created new bodies of para-professionals."

Matthews (1988) p.1

Probation Service reservations

The debate within the Probation Service has been partly influenced by the discussions and subsequent motion at the NAPO AGM conference in 1984:

"Whilst this AGM welcomes recognition of the needs of the victims of crime and supports the independent development of Victim Support Schemes, it sees the Government's present concern with victims as a cynical political manoeuvre. Since reparation is of marginal importance to the Criminal Justice system NAPO opposes the deployment of Probation resources in the development of reparation schemes."

Editorial comment (1984)

Ideas for the development of mediation and reparation were rejected due to interest expressed by the Government which made them suspect. To some, it indicated that any enthusiasm in this direction would in reality be political manoeuvring. See the NAPO policy document on reparation (1985). Despite this, some schemes and ideas went ahead including the four Home Office sponsored schemes, and even now other probation areas are developing initiatives, e.g. Lancashire. Several Probation Officers working on the early schemes began considering the ideas outside the Criminal Justice system. With a few of them it resulted in the development of a community-focused mediation development, for example the Community Mediation Project in Leeds initiated by a former member of the Reparation Project. My recent work developing community mediation in Sheffield is another direct example (this is discussed in Chapter 14).

Should the Probation Service Change...?

Perhaps the move to develop projects outside the Probation Service is due to the consistent failure of many new developments within the Service to survive except as 'special projects':

"... the Service continues to search for effectiveness through the development of a wider range of social work methods. The extent of the application of new methods is difficult to assess... it is not well-documented, but the evidence there is suggests that the development of methods is either ineffective or neutralised by the organisational environment."

Vanstone and Seymour (1986) p.44

The latter point is one that my experience has increasingly indicated and it is one that my research has confronted; other articles in Probation Journal substantiate such thoughts. There is an increasing amount written questioning the organisation and the Criminal Justice environment in which it is set. Articles suggest developments and changes that are necessary, see for example; Vanstone (1988), Chapman and Pinkerton (1987), Lodge (1986), Millard (1989) and Falkowski (1989). One ongoing debate concerns the dangers of 'jumping on the alternatives to custody bandwagon' and using this as a major service objective. Project research has already shown that mediation cannot be used as an 'alternative' to custody. These are issues discussed in later chapters, together with a consideration of the probation service as a changing organisation.

Before moving on to these issues and a consideration of my research data, the next chapter provides a brief history of the probation service which links with this last chapter and the demise and rediscovery of the victim within criminal justice. It is intended as a contextual chapter to locate the development of the service and its thinking over time.

CHAPTER FIVE

AN INTRODUCTION TO THE ROOTS, AIMS AND IDEALS OF THE PROBATION SERVICE

"...deviance is not a quality of the act the person commits but rather a consequence of the application by others of rules and sanctions to an 'offender'. The deviant is one to whom that label has been successfully applied; deviant behaviour is behaviour that people so label."

Becker (1963) p.99

"Without such labels, probation officers may well be out of work!"

Quote from interview data

In order to set this research in context, a brief history of the Probation Service, how it has grown, developed and changed over time is necessary. Within my interviewing sample, probation officers have been with the Service ranging from eighteen months to twenty-seven years, hence their history and experience interlocks with the recent history of Service growth and development. This section will enable the perspectives of the individual probation officer to be seen in a changing environment from the small-scale personal service to the professional bureaucracy; stages of organisational development well described in organisational literature for example by Mintzberg (1983).

Despite other changes, ideals have remained, and small-scale efforts to influence the direction of working practice within the Service have come and gone. The development of this research and its attendant projects can be seen in this light - particularly from a personal

perspective - as an area that has come into prominence as one of the reactions against the increasing pressure to develop control, impersonal assessment techniques, and packaged court orders for offenders. The extent to which mediation may fit within the present Criminal Justice System has already been briefly considered in Chapter 4 but the theme will be recurrent, not only in this chapter but in later discussions.

A Brief Historical Background

The origins of the Probation Service can be traced back to the Church of England Temperance Society, which in 1876 appointed the first Police Court Missionaries. Their beliefs were religious, and they strove to save offenders souls through divine grace. This was done through selective pleas for mercy in the criminal courts for those offenders deemed suitable for moral reform, particularly those committing drink-related offences; soon more intervention was believed necessary and pleas for mercy included those considered suitable for reform under missionary supervision. King (1958) and McWilliams (1983) among others consider these developments in detail. In 1907 the report of the Departmental Committee on the Probation of Offenders Act made statutory provision for the supervision of offenders, and the missionaries took on the more formal and structured role of assessing and recommending offenders suitable for a Probation Order. Due to the increasing formal control over the appointment and work of officers by the courts, and the resultant decrease in control by the voluntary societies, missionaries became

known as probation officers. The developing formality and structure of the Service, and the growing practice of routine assessment, seems to have aided the move from the missionary zeal for saving souls to the growth of interest in the techniques of diagnostic social work. Attention moved from the soul to the possibility of modification of mind and behaviour, and ideas of predictive assessment. As McWilliams (1985) speculates:

"As the notion of routine assessment for probation gained ground attention would begin to be moved from the soul and its potential for grace, to the mind and behaviour and the potential for modification...this brings with it notions of predictive assessment, and in this we may see the ground being prepared for the seeds of diagnostic thought to take root."

pp.259-60

By the late 1920's the adoption of the medical or treatment model was gathering momentum, and critiques of this are well-documented, see for example Bean (1976). Such methods expanded over the next thirty years, and the development of rehabilitation and social casework had taken firm root by the 1950's. The ethos of probation was that of:

"...a form of social service preventing further crime by a readjustment of the culprit."

Radzinowicz (1958)

Offenders were selected for probation through a favourable assessment of their potential for rehabilitation, reformation of their character and behaviour. Assessments and casework practiced by probation officers were seen by those within criminal justice as skilled tasks, and the theories and models of casework provided a justification for claims of professionalism and attempts to establish

the Probation Service as a profession.

The Growth of Professionalism

Aspirations for professionalism introduced ideas of training, and despite fears that this would destroy the "missionary spirit", the desire for a profession which had status and credibility with both the public and with offenders was over-riding. This conflict is well-documented by Le Mesurier (1935). A Home Office training course was introduced in 1930 and in 1936 a Departmental Committee recommended the setting up of a Central Training Board by the Home Office; but the opportunity and arguments for and against formalised training persisted until the early 1950's. The debates are noted by numerous authors, including Jarvis (1972), McWilliams (1985) and Bochel (1976); until then people who came from the "right" background (often religious) but with experience of working with people could be employed as "direct entrants". The last direct entrant joined South Yorkshire in 1958. Even now with training courses well established, there are still fears that probation officers are not seen as professionals; much of my interview data expresses fears of a lack of status or collective voice, which should provide professional credibility. Such issues are taken up in later chapters.

The growth of the Probation Service can be seen alongside the historical development and changes in ideas about punishment, discussed in Chapter Four. Well before the

time missionaries began entering the courts to save souls, the ideas of mediation and reparation had been displaced through the centralisation of control and the substitution of the State as the injured party, so ignoring the needs of the victim. The prison system and physical public spectacle punishments were being questioned by the growing religious beliefs, and as a result the philosophy of punishment was changing from punishing the body and humiliating the offender, to treating the mind. Offenders were no longer seen as wicked, depraved delinquents, but as unfortunate, misguided people, who needed treatment and direction to enable them to reform and to change. From the late 1930's the decline in prominence of religious zeal with the growth of probation as a profession, developed alongside the treatment ethic as the philosophy and justification of the Service. It was through this tradition of the criminal justice system of selecting offenders for liberty,

"because of their potential for rehabilitation... for change, for reformed habits and character... that probation was built."

Jordan (1983) p.84

The Decline of Treatment and changes in the Service

From its early beginnings until the 1960's, the probation officer's task and relationship with offenders and the court formed the basis of the Service; in effect, the probation officer encapsulated the Service. But with increased tasks, diversification and its resultant growth in size and composition, the Service changed as an organisation; now probation officers need to be seen within the

organisational framework and that of Service policy. Figures show a gradual decrease in the number of offenders supervised under Probation Orders from 1951 onwards, but a parallel increase in after-care, and parole which was introduced in 1967. The mid 1970's saw the introduction of Day Training Centres, Probation and Bail hostels, Suspended Sentence Supervision Orders and Community Service Orders, together with rapid increases in caseloads and an increase in staff, particularly on supervisory (i.e. senior), administrative and ancillary levels. (A more detailed account is available in Haxby 1978). Officers lost their individual relationship with the courts, partly through increasing numbers so there was less personal contact and knowledge, but also gradually through the centralisation and development of national policy and practice, replacing former local ad hoc arrangements. Two committees in particular were influential in the development of policy ideas - The Streatfield Committee (1961) and the Report of the Advisory Council on the Treatment of Offenders (1963), (McWilliams 1987). Behind these policies was the belief in the scientific rehabilitation of offenders and the practical need to co-ordinate the growing number of diverse but undifferentiated service tasks. Hence the development of an hierarchical administrative and management structure, and the resultant growth of bureaucracy, to enable an efficient policy system to operate. But as the organisation was growing and developing as a system to rehabilitate offenders - the underlying beliefs of rehabilitation were being under-

mined. An accumulation of research during the late 1960's and early 1970's questioned the applicability of the diagnostic treatment approach, for example the National Study of Probation and the M.E.S.P.A. Study which led to the four Home Office experimental research projects one of which (IMPACT) was based in South Yorkshire. They are documented in Folkard et al (1974), (1976) and Brody (1976). These studies of probation effectiveness were based on statistical measures of reconviction rates, and provided results which can be questioned as ignoring the qualitative side of probation work. The conclusions were that intensive work with difficult clients and individual treatment programmes, did not transform offenders into responsible and well-behaved citizens, as a high proportion re-offended. Such studies linked with an already decreasing number of Probation Orders, had their repercussion in Government policies, causing a greater emphasis on alternatives to custody and a growth of conditions in Orders stemming from the 1982 Criminal Justice Act. This development of increasing control and apparent toughness, together with the climate of opinion about probation being a "soft option", had a profound effect on the morale of the Probation Service. For further discussion of this see McWilliams (1987). The use of the Probation Order continued to decline until the early 1980's when inexplicably it began to rise. But throughout, the Service continued to grow. Due to the apparent research results, and fears that probation casework did not work, probation officers were in a confused position, but as Raynor (1984) put it:

"many officers very reasonably ignored it and got on with the job in a non-empirical way, sustained by a stubbornly individualistic perspective, or by a social worker's faith in "feelings", or by a common-sense conviction that the job was worth doing and the re-search irrelevant."

p.44

This happened in South Yorkshire and in my sample one worker commented:

"one of the changes that has occurred in the Probation Service is the end of treatment, but its still not really changed. I mean there are still people who talk about treatment and responses to probation in a serious way as if it means something and is a process to put clients through."

For others it was not so easy, particularly those concerned with policy and the purpose and justification of the Probation Service. Even if it is argued that the Probation Service was not set up as a crime prevention agency - the initial justification was to save souls, later a service to diagnose and treat offenders, with the stated aim to 'advise, assist and befriend'. Probation officers themselves talk of their role being to help people stay out of trouble. Even if they are sceptical of the reality of such claims, they believe that it is what people want to hear and that it is the role that is expected of them. Such issues are looked at in more detail by Clare et al (1980). Such views are very clearly expressed by the majority of my sample, as the two following examples from officers who began work in the early 1970's show:

"I had two reasons for coming into this job. Firstly I was very interested in crime and why people actually committed crimes, and the other thing was that I thought I could in a somewhat idealistic way stop them offending."

"I aimed to stop people offending. To some extent I probably accept now that a lot of people aren't going to stop offending, but I may reduce their amount of offending."

These officers, like many others, see their task as helping offenders to stay out of trouble - but aims need justification to sustain them. The next section considers the Service's loss of justification through the demise of the treatment ethic and its resultant quest for 'alternatives'.

The Loss of Service Justification

As already mentioned, the early Probation Service was small-scale and individual, and justified its work of "saving souls" by religious conviction. There was no organisation as such, and the objectives were provided by an understanding of the nature of the work. From the 1930's, the religious ethic was gradually displaced by a growing belief in the science of diagnostic treatment. During the 1970s, the questioning and demise of the treatment ethic resulted in the loss of purpose and justification for the service, which coincided with a time of growth towards managerialism and bureaucracy, where the centralisation of control needed aims and justifications for continued development. The answer that appeared to take the place of individual diagnostic work, was the setting of objectives - both national and local. McWilliams calls this the emergence of "a model of management

by objectives" and continues to explain this using Michael Heseltine's words in 1980:

"I mean three things: setting clear objectives; a strategy to reach those objectives; a method of monitoring progress, to ensure that one is not losing momentum."

McWilliams (June 1989) p.61-62

The objectives in most local areas include providing alternatives to custody, and there has been a growth of formal systems to process offenders for court reports and to assess likely results of their passage through the court system. Such developments include the devising of "risk of custody scales" - see for example debates in the probation journal between; Bale (1987), MacLeod (1988), and Bale (1988). The Home Office is now developing a "Risk of Further Offending Scale", (McWilliams 1989). Through assessment techniques like these, it was intended to speed up the court system, make it more predictable, reduce the prison population and make supervision a standardised but less risky undertaking. The monitoring and evaluation of different courses of action and results, would be more straightforward, and the public and policy makers would know better what is going on. Developments that have been initiated and intended results, can be viewed on several levels; from a Government perspective there is a need for results that match their policies, save money, and please the public; the Home Office desires statistics, data and systems that will guide and evaluate their policies and service behaviour; and individual officers and services either want to develop projects they

feel comply with Home Office demands e.g. risk scales, or that will counter the threat for more control and accountability, e.g. voluntary projects. Management by objectives means different things to different groups, and as part of the financial Management initiative pays little attention to the quality of work and performance, and emphasises quantity. Scales lead to the de-humanising of processes, and reliance on the predictability of systems, decisions made, and in the end people; features that serve only to estrange probation officers from those who appear to be directing their work.

Changes in Service objectives whether instigated nationally or locally, are implemented by higher management, and there is some evidence from my sample of probation officers that the underlying objectives for their work do not necessarily coincide with those of management. This is considered further in Chapter Thirteen. Additionally probation officers own assessments tend to be more in terms of the quality of their individual contact with offenders, rather than any quantifiable results. An interesting feature is that together with welfare ideals and practical help, probation officers often still talk in "treatment" terms which is most apparent from my data and also from research looking at court reports. This has been recorded in Hardiker (1977), McWilliams (1979), Pease and McWilliams (1981) and Hudson (1987). Although some research does suggest that there is less of a consensus over practice models in relation to values and beliefs, than this would suggest, as noted by

Senior (1984) and Raynor (1985). This last point concurs with my interviewing sample, who despite talking in treatment terms, ('espoused ideas') their actual practice ('ideas in action') is more in terms of practical help and often client-defined help. The difference between espoused ideas and ideas in action is developed by Argyris (1960) and is useful to explain the contradictions between what is said and what is done. As well as this natural discrepancy, perhaps the gap is a further indication of the loss of justification for probation work - formally expressed in religious or medical terms - as now there is no:

"adequate conceptual apparatus with which to theorise these activities; so at the moment they begin to talk about them the language of treatment tends to be brought in and distorts what they are really offering to clients."

McWilliams (1979) p.173

For a more elaborate discussion about the language of social workers see:England (1986) and Bottoms and Stelman (1988).

One probation officer talking about her experience during training, shows the treatment direction pushed by her tutors:

"I found it quite hard that there were such diverse opinions between sort of practical based social work outside and a somewhat different social work on my course dealing with peoples emotional lives and mental state and relationships; I wanted to tread a middle path."

Some training courses lag behind changes in practice, but many others have been ahead of practice thus adding to the

confusion and disillusionment of students when they begin qualified work, and have to fit in with the culture, and ethos , of what they see as a backward Service. These issues have recently been researched by Davies and Wright (1989). Another probation officer displays her dilemma in trying to link her individual work with new Service aims, she has been in post for over ten years:

"I'm still trying to work with individuals and getting to know families and neighbourhood connections, in order to help people to change. But my biggest headache now are the new aims - not helping but stopping people from going to prison."

The provisions of alternatives to custody may well have become an objective for the Probation Service, but the justification for doing this is not an integral part; there are many conflicting reasons, from a need to reduce the prison population, to a concern over the damaging effects of imprisonment. When talking to probation officers, they may often say their aim is to keep as many offenders as possible out of custody, but their justification is that it is beneficial or helpful to the offender and his or her family. A majority of probation officers still talk as if they have a sense of mission, and that is what they feel underneath that the job is about. This is well-expressed by McWilliams (1987):

"The contemporary claim that one can deal with offenders somewhat more cheaply and more humanely than might otherwise be the case may appeal to economists with a soft spot for their fellow men, but it hardly has the cache, or indeed the rectitude of a claim to save mens souls or change their psyches."

p.115

The Aims of the Probation Service

In an earlier paper Bottoms and McWilliams (1979) propose a new paradigm for probation practice, and discuss the discrepancy between Service objectives and the aims of daily practice, attempting to combine the two in straightforward and realistic aims that have held true over the past fifteen years or so. They identify four primary aims:

1. The provision of appropriate help for offenders
2. The statutory supervision of offenders
3. Diverting appropriate offenders from custodial sentences, and
4. The reduction of crime. p.168

They consider the confusion between theory and practice within the Probation Service, and suggest that problems have been caused by assuming that the first three points should lead to the achievement of the fourth. As they point out, there are links between all four, but the only convincing statistical evidence shows that the Probation Service may be able to "hold" people away from crime in the short term, but this does not necessarily mean a reduction of recidivism in any permanent way. p.189. They suggest that the reduction of crime is an important individual aim - but it has to be considered within the context of community.

Community Crime Reduction

Bottoms and McWilliams suggest that the reduction of crime needs to be tackled due to the fear it creates, and the

destruction it causes within communities that are often already socially deprived. Much of the research on victims of crime show that the fear of crime is often more debilitating than crime itself. For example see the British Crime Survey (Hough and Mayhew 1983); I also found this in my own work with victims of crime. Along with many others discussing the same theme, they suggest that crime reduction may be tackled by a community approach, working alongside residents who wish for help on issues they have identified as contributing to crime in their area; this may include environmental improvements, housing or education policy, the provision of social facilities or perhaps some form of advice service or mediation conciliation project for neighbour disputes. The latter suggestion is one that I have personally attempted to develop following the completion of my research and data collection from November 1988. As a community probation officer with a developmental job brief, I began talking to professionals and local residents on one compact estate in Sheffield; as a result we are in the process of setting up a community conciliation and mediation service - eventually to be run by local people to cope with their own problems (Smith 1989). This recent development and change in my role is discussed further in Chapter 14. The ideas of Nils Christie (1977 and 1981) have influenced some of the thinking behind mediation schemes, although he talks more of non-professional, victim-focused, neighbourhood courts, and the return to a neighbourhood-centred mode of life encouraging social care and social cohesion.

This could arguably be stated as one of the aims of local conciliation and mediation projects, but they are geared more towards counselling, communication, and education, to enable people to cope with, and to handle their own disputes. This may forestall the commission of some personal crimes through the resolution of differences and tensions before they erupt or escalate. Some issues may well be dealt with instead of contacting the police and officialdom.

Crime reduction as a goal for the Probation Service has traditionally been concerned with action after the initial harm has been done - by working with known offenders to hopefully stop them re-offending - not attempting to work with communities to prevent crimes not yet committed. The public see the Probation Service as aiming to keep offenders out of further trouble by individual work with them, an impossible goal in many situations as one officer points out:

"...I remember a speech about the new South Yorkshire Probation Service and its role in crime reduction...but we are not about reducing crime...but social and education factors...its an impossible goal..."

The themes of community mediation and community crime reduction, are ones which are discussed in idealistic terms by probation officers and others who work in the Service. They represent part of the search for an alternative development for the Probation Service instead of the direction that it appears to be forced to take by present Home Office and Government policies. But there are contradictions here, as the Home Office is also show-

ing interest in mediation development - for example by seconding Tony Marshall from their research unit to be the Director of the national organisation FIRM (Forum for Initiatives in Reparation and Mediation) for the past two years. They are now expressing interest in funding a conflict resolution course for probation officers, social workers and voluntary groups. At this point it is difficult to assess how far mediation ideas are being taken on - and also in what form.

The Germination of Ideas

It is only in retrospect that the slow germination and take up of ideas can be charted; essentially ideas and their future are not seen at the time and may appear lost or ignored. Many advocates of ideas are not heard in their time, for example Plato's views that criminals were sick souls in search of treatment rather than wicked souls in need of punishment. Such views were not incorporated into penal policies until the late 1800's. In the late 1700's John Howard in England advocated rehabilitation as the primary goal of the penal system, yet it took a further hundred years for such ideas to infiltrate individual and institutional thinking. See Hudson (1987) p.2-3. In a similar way, as already mentioned, initial ideas for victim/offender reparation and restitution were proposed in 1969 by Philip Priestley (1970), who as a NACRO Organiser instigated victim/offender discussion groups which highlighted many joint needs that could be met through such contact. He eventually helped found the first Victim

Support Scheme in Bristol in 1974, but ideas of reparation were not taken up practically until the South Yorkshire Scheme in 1983.

Considering recent ideas - as Hudson (1987) points out, quoting the Marxist dictum, 'there is nothing so powerful as an idea whose time has come' (p.55), - there are now strong political moves to return to the 17th and 18th century view of the State as needing to provide control and punishment for culpable individuals who offend. Offenders are seen as rational and able to make choices, so have the right to be punished. If ideas are voiced by politicians and the media, they can quickly appear to be public opinion. On a smaller scale, ideas are rarely all pervasive and initial developments are generally taken up by a few enthusiasts, and only expand if the time is right. Helen Reeves (1989) discusses the issues involved in developing reparation and mediation and points out that despite a lot of interest from the victim support movement in the 1980s, they resisted any parallel developments as the time was not right for the ideas to work in conjunction with victim support. In the early 1980's, Victim Support Schemes were still fighting to establish their own identity and gain funding and political and public support. Now, increasing awareness and acknowledgment of the suffering of victims of crime, has resulted in Government funding and the growth of schemes in most areas of the country.

The time now seems right for acknowledgment of the victim, as interest and concern has shifted away from concentrating on the offender as discussed in the last chapter. In retrospect, it appears that the British Crime Survey in 1983 was the take-off point for the growth of victimology and victim policies. The victim movement has not just been intellectual, but has had practical results through the rapid development of victim support schemes with Government funding, and the development of policy relating to victims - for example the Home Office proposal for a 'Victims Charter' which is a theme running through the recent White Paper and the more recent Green Paper on the future of the Probation Service; (HMSO 1990, Hibbs 1990).

It has been suggested that large-scale shifts in thinking only occur at a time of crisis, and this idea is developed by Downes using the nature of scientific change, developed by Lakatos; (Downs 1978 p.453). He identifies eras in criminology where due to changing beliefs large 'problem shifts' have occurred, for example in understanding delinquent behaviour - from socio-cultural theory to labelling theory. The shift towards consideration for the victim of crime could be understood in this way - perhaps due to the apparent failure of policies to rehabilitate offenders. But Downes does not relate his ideas to practice, as he sees their difficulty when he says that new facts cannot be predicted from assessing the character of the problem shifts, and that:

"more, the theories have the capacity to permit new facets of phenomenon to become integrated in both explanatory and observational theories."

A critique by Bottoms (1978) takes this further as he does not suggest any large-scale changes but a gradual growth in understanding, with new ideas added to the old tradition of pragmatism and eclecticism. Are the threats of the recent Government White Paper likely to provoke or enforce a 'problem shift'? Or will old values remain with grafted additions to satisfy the Thatcherist thinking about control and punishment? Will some of the new ideas about mediation and community crime reduction develop and grow? There has been much speculation in newspapers about potential reforms and new penalties; (Carvel 1990 and The Guardian 1990). There have been influential ideas in the past which appeared to affect the thinking of practitioners as well as sociologists, but in practice did not effect any reforms or new legislation.

Eleven years ago the influential paper by Bottom and McWilliams (1979), suggested a new approach to probation practice advocating the non-treatment paradigm - a radical reconceptualisation of the aims of probation, as discussed and listed earlier. Their ideas were community and client-focused, but in a way that maintains the values of respect for persons and hope for the future, and does not compromise ideals of fundamental social change. Ten years later the ideas are still live in current debate, and are still much quoted; for example by Hudson (1987), Broad (1988), and Harris (1989). In South Yorkshire it

was an interpretation of these ideas and particularly that of aim 4 (the reduction of crime) that led to the three year Hallam Project that ran before the Victim Offender Mediation Project discussed in Chapter One. On the surface the Hallam Project seemed to fail, as it ended with the workers feeling disillusioned and having no incentive to maintain or continue the development; they easily returned to their previous practice. The community involvement part of their work did not "gell" for a mixture of reasons. This can be explained by a conflict of ideologies before the project even started - explained by Celnick (1985), as due to changes in the final version of the Paradigm paper which was completed after the start of the Hallam Project. Celnick comments:

"Both officers and managers were understandably disconcerted to find that the community work aspect was not in the form previously assumed; the team began to have serious reservations about the model of working put forward on the grounds that it appeared to have little relevance for the statutory work of the Service."

p.224

It appears that their interpretation of the paradigm paper used the four key concepts of 'reciprocity', 'networks', 'conflicts as property' and 'interweaving' - but justified the aim of helping offenders as a way of reducing crime. Whereas it was intended in the paper to work with the community with the aim of reducing crime, i.e. so crime did not occur. As the researcher points out:

"Although the focus of the project was intended to be 'community work' with the aim of crime reduction, my observation of the team's statutory practice suggests that it was only at the social enquiry stage that it was possible to involve any section of the community."

Celnick (1985) p.225

As with other Special Projects, an underlying but unrecorded aim appears to have been to find new or alternative methods of work that would fit with present and accepted methods of practice - rather than contemplating practice or Service change. Workers throughout this project maintained the position of the offender as their prime client, so were unable to engage with the community in any generally effective way.

Despite problems with this Project, the development of the following Project of mediation and reparation was an indirect spin-off from some of the ideas and results as mentioned in Chapter One. Specifically, through a few attempts to engage with community networks in a consideration of local crime, it was found that victim/offender meetings often proved beneficial to all concerned and that victims felt generally less punitive towards their offenders than had been previously assumed. Hence the mediation and reparation project was developed in Barnsley and Rotherham as a method of work, (described earlier), that could potentially be incorporated into everyday practice. In retrospect and through experience, the ideas have less value if formalised or made statutory; they fit more readily into ideas of community development, and not with developments that are in the control of the

criminal justice system. I would contend that the Probation Service should be considering a local and community basis for its work, and should move away from central control; the way forward may be to develop ways of engaging with local communities by developing local initiatives that are "community-owned", and through working locally to improve communication between people, and foster better understanding and local responsibility towards local disputes, offenders and offences.

The Persistence of Offender and Court-based Aims

This interpretation though, is very much my own; such ideas are still seen by my colleagues as secondary to their role in the courts, and aim 4 (the reduction of crime) is accepted as the impossible but potential outcome of aims 1, 2 and 3 (help for offenders, the supervision of offenders, and their diversion from custody). In Chapter 6, a discussion of my data including probation officers backgrounds, their reasons for joining the Service and their ideals, will show the persistence of the four related aims identified by Bottoms and McWilliams, but with the offender prominent in all four. Attempts to step outside offender focused work methods or to approach crime reduction in an alternative way, (perhaps in terms of community involvement), is seen as a specialism or special time-limited project, and is not given working priority with other aims. The inability to look at the problem of crime from a new direction, perpetuates old patterns and leaves workers grappling with unachievable aims which create:

"a gap between the theory of policy formulation and the reality of practice...".

McWilliams (1987) p.114

Probation officers talk about wanting change, wanting a realistic justification for their work but:

"most people so restrict their frame of reference, or context, for the problem they are facing that little true change can occur...they get into such a routine with their work that they view virtually all problems in a similar way...all problems look like nails when all you have is a hammer."

Garratt (1987) p.59

I would contend that the Probation Service has been working with individual nails since the Police Court Missionaries! Radical proposals, such as mediation and reparation and community involvement, have a common element -

"that of decentring the offender from the focus of crime policies, and to look instead at the problems of communities, victims and offenders together. This constitutes a real break with the individual pathology approach to crime and delinquency...preventing crime where possible, restoring relationships and compensating harm where prevention has not succeeded are the key themes..."

Hudson (1987) pp.179-80

I would advocate that the Service needs to look upwards and outwards, i.e. away from offenders as an isolated group, but towards offenders as part of the wider community and the economic, social and political system. There is much talk about this by field probation officers, but in reality it plays little part in their daily work. The tendency to revert to the language of treatment when talking about helping offenders reinforces this, and maintains the inward-looking stance of the Service. This matches a strong proposal by Raynor who suggests that:

"The Probation Service should become far more involved in the community and in promoting constructive community concern about crime. Such a major shift of emphasis requires clear thinking about objectives if it is to demonstrate enough effectiveness to command a useful share of resources and of the attention of capable staff; otherwise there is a risk of a wide range of ill-co-ordinated initiatives with no common purpose, or of community involvement becoming a marginal activity, the hobby of a few officers rather than a Service commitment."

Raynor (1984) pp.44-45

He warns against community projects being isolated initiatives which would be easily marginalised and seen as the "hobby" of a few officers rather than a Service commitment. The recent Audit Commission Report for the Probation Service (1989) details the need to develop community initiatives and projects, but also comments on their relegation to the status of "hobbyism" as they are seen as divorced from statutory demands; independent grant funding is recommended, (pp.59 and 65). This would separate such work from the Probation Service, so maintaining an individual offender focus and impeding any change; it would also minimise community involvement which myself and others see as a crucial developmental need; see for example: Broad (1988) and Senior (1988).

Other probation officers and authors talk in a similar way about moving in community-based directions; projects of this sort display, in the long-term, some success when judged not only on a qualitative basis, (the quality of life for both offenders and other community members), but on a quantitative basis considering reconviction rates. A good example is the Belfast Motor Project; but as with many initiatives, for on-going success it needs to be

acknowledged as a viable Service commitment requiring a permanent shift in boundaries to accommodate the development. If not, the initiative will fade, as expressed below:

"The officer now...has a new role which may be experienced as less satisfying, especially if the change in practice has not been accompanied by a worked through change in ideology. Holding onto the traditional framework of family casework while referring clients to community projects can result in the feeling that community work, however worthy and relevant, is not part of the mainstream...the result is then a gradual reduction in referrals, a tendency for the Service in general to take little responsibility for such projects, and to let them go to the wall when they run into difficulties...."

Chapman and Pinkerton (1987) p.16

These authors are talking about the contradictions that plague the work of probation officers throughout their working career. To confront the contradictions, it is suggested that the Service as well as officers need to reformulate practice ideology, possibly in this case involving a change of focus in their work, from offender and offender family-based casework, to a community defined involvement and helping role. Workers starting in the Probation Service have an ideology about how they are going to work or how they would like to work, but over time this appears to change, either through experience of the limitations of practice, or through modification due to a different Service to that which they envisaged. Many seem to end up working in ways that seem contradictory or that seem to compromise their ideals. The following chapter will consider the experience of my sample of probation officers, from training through to practice, to

provide some insight into the limitations of practice and the contradictions and compromises that are ever present in the work of each officer.

CHAPTER SIX

INSIGHTS FROM THE INTERVIEW DATA:

THE MAKING OF PROBATION OFFICERS

"People behave the way they do in organisations because the job environment in which they work affects their sense of efficacy...their outcome expectations...the value they place on the various outcomes which might result... The key issue for understanding why people do what they do is in conceptualising the work setting, that is, determining the important dimensions of the social and physical environment in which people work."

Porras (1987) p.157

This is the first of three chapters which specifically considers the early interview data in order to provide a picture of the South division wherein the issues of mediation development and organisational change can be set.

After a three month period as a consultant available for consultation and general discussion, I began my initial taped interviews in March 1987. One of the aims of these unstructured interviews was to promote a discussion with each worker about their changing ideals, considering their personal view of their own work and that of the Service. The guideline questionnaire used (see Appendix 4) led each worker through their background of interest, experience and training in probation and recorded the year they qualified, their job variations, the ideals they started with and those they have maintained. It was hoped to highlight the divergence that may occur between each workers theoretical basis of work and the practical reality (as identified by them), and to identify changes in practice that may have occurred. Future changes (hoped

for, feared or planned) were discussed, and each person was asked whether this may include the development of mediation practice. Change is also looked at more generally with the consideration of how new ideas or directions can be promoted and developed within the Probation Service. Questions were rarely specifically asked as the various issues followed more the form of discussion or 'story telling' by each interviewee. This necessarily included additional matters not specifically needed for my analysis, yet they aided understanding and the creation of a picture or 'document' for each person as well as for the central South division as a whole. In the words of Plummer (1983) the interviews are 'topical life documents' having the task of 'throwing light on a highly focused area of life', (Plummer Ch. 5), i.e. the work arena.

From the taped and transcribed interviews some interesting patterns and generalisations appear. At this stage though, it must be noted that the identification of patterns or groupings is purely a neat and convenient way of looking at the data and does not represent a fixed analysis. The interviews are from one (of two) Sheffield Divisions so cannot be said to be representative of all service views, although they provide a flavour of attitudes, ideals and developments, and the individual "stories" when taken together provide a picture of the makeup of half the Sheffield Service. The transcripts have been edited, but only to exclude redundant words and phrases. Some general representativeness could be assumed

though as the patterns that stand out do broadly fit the literature and fit with wider policy and theoretical debate about Service development. See for example research by Parry-Khan (1988) who in an MA thesis explores the apparent high level of conflict and disturbance within the service when faced with the introduction of the Home Office Statement of National Objectives and Priorities (1984); to explain widespread dissatisfactions she considers the fabric of the organisation as a crucial factor. Research by Coker (1988) examines the development of the probation service and that of Criminal Justice Policy over the past twenty-five years and changes that have affected developments and the attitudes of all involved. Davies and Wright (1989) have recently published three research studies carried out during 1987-89 where they attempted to identify the skills, knowledge and qualities of probation officers. Their interviews provide information about probation officers background and attitudes and a picture of the service; even though their overall aim was to produce material useful for developing training, practice and management, they have achieved some insight into how the background of the service affects its development and that of individuals. The following quote from a manager in my interviewing sample expresses how the history of the Service affects service culture, and why alternative ideas, such as the many suggestions for community-based work, remain as "talk" and are not developed:

"The history of the Probation Service is individual offender-based and therefore, people come into the job not always believing that spending half a day wandering around the community trying to find fairly critical places of influence and people of influence is part of their job - and that goes back to their original motivation for coming into the Service and also the way training is handled. Also there is a belief around that engaging with the local community requires skills which probation officers don't have...it is also a political arena which some managers believe we should avoid...but it should be an essential arena for our work..."

As well as suggesting the influence the history of the Service has on workers perceptions, this quote also suggests that training can play an influential part in forming workers perceptions and expectations about the Service, thus affecting their perceptions of appropriate tasks and their own skills in complying with them; this is another feature noted in the research by Wright and Davies (1989). It is also recognised in organisational literature where it is expressed as the socialisation of new members or even their 'indoctrination' into the organisational culture, as Schein (1984) explains:

"It would not serve its function if every generation of new members could introduce new perceptions, language, thinking patterns, and rules of interaction. For culture to serve its function...it automatically follows that it must be taught to newcomers."

p.10

Training

Initial training occurs outside the job but incorporates practice placements; once qualified there are opportunities for internal and external training, both compulsory and voluntary. A consideration of the training background of my sample shows the growth of cultural affinity with the service, and a generally informed choice of job loca-

tion with probation rather than social work.

In the South Division, every one of the twenty workers including the range of grades up to the Deputy Chief, had been through some form of college training course. All but four of these courses were post-graduate University courses, and the others were three non-graduate mature student courses and one four-year degree course. This, in itself, shows the increasing emphasis on professional training as discussed earlier, - it is now essential to have a CQSW (Certificate of Qualification in Social Work); all courses provided individuals with a choice of social work agency after qualification. This suggests, and is confirmed by most officers comments, that they made a conscious decision to enter social work before training, and specifically the Probation Service. Only one person describing the various influences and experiences that conspired to point him in the direction of the Probation Service said that he became interested by chance...

"I think I'd put it down to drift rather more than anything else."

But others all felt they made a considered decision. In my discussions with probation officers about training, no-one made any comment about a victim component in their course or previous practice, and they all talked about their client group as being offenders. Several mentioned the community in a generalised but idealised way - suggesting that if the resources were available it would be more appropriate to work in a community or neighbour-

hood setting. Four officers had had experience (two still practising) in a community-based project, all were time-limited and took up a proportion of the workers free time outside 'normal' working hours. Only one probation officer (two including myself), cited conciliation or the negotiation of conflicts as one of her initial ideals in terms of working methods and future hopes. During my second set of interviews a year later, three others spoke of conciliation and mediation as a growing ideal, but this will be considered in another chapter. The content of training courses was not dealt with in any detail, and the influence of courses was assessed using workers own perceptions. This will become more evident as training is referred to by the interviewees in relation to the following sections. As already mentioned, recent studies of consumer views of probation training have been conducted at the University of East Anglia (1987-89) and provide detailed information, (Davies and Wright 1989 and Wright and Davies 1989).

The Socialisation of Probation Officers

Social work training and practice placements, are geared towards the Probation Service to the extent that the number of places allocated on Home Office sponsored training courses are similar to the expected potential growth rate of the Service. The process of socialisation into the culture of the Service is begun even before people begin full-time work. The difference that this makes can be seen in particular in the South Division with one

individual who joined the Service from Social Services in exceptional circumstances; the officer was taken on without having previously completed a probation placement. This unusual step was partly due to the Service desire to enrol a black worker, but mainly due to the worker's high level of competence. Shortly after the officer joined she felt very disillusioned about the Service, having expected it to be very different particularly in terms of her definition of professionalism. She felt disillusioned due to the amount of underlying racism and the Service's inability to confront this. I quote from one of our many discussions:

"It made me stop and think that I hadn't realised the reality of my situation and the reality of the organisation, and that people that make up the organisation are not all professional and are not all going to behave in a professional way at all times, and that sometimes some people will be less than professional i.e. racist. Not only does this affect me but more importantly how does it affect clients; what service are they offering to clients and not only black clients but white clients."

She had seen the Probation Service as a professional organisation and had assumed that as such, the values and practice ideals of individuals would be worked out and would be explicit, open and versatile. This is her vision of what it means to be professional; for her the term 'professionalism' is a symbol of the ethos of the Probation Service in the sense expressed by Becker when he says:

"This symbol...consists of a set of ideas about the kind of work done...its relations with members of other professions, the internal relations of its own members, its relations with clients and the general public, the character of its own members' motivations, and the kind of recruitment and training necessary..."

Becker (1970) p.93

This officer has persisted in her work with clients and avoided the temptation (which would be isolating) to work with or confront officers. To an extent she eventually settled down, and feels that the culture of the organisation could fairly quickly absorb her so she would lose the strength of some of her ideals. This is necessary for her to feel settled and a part of the organisation. A theoretical explanation of socialisation is provided by Arnold and Feldman (1986) ch.19. As they point out:

'Newcomers actually undergo a "multiple socialisation process" in which they simultaneously develop new work skills, new friends, new values, and new behaviour patterns. ... this is achieved over a period of weeks and months... Usually ... in three stages... "Getting in"..."Breaking in"... "settling in".'

pp 552-3

Once in the job, probation officers views and practice are also influenced by their background and the accumulation of their experiences over time.

The effects of Probation Officers background

Within the Division, the length of work experience ranges from eighteen months to twenty-seven years, with most officers having varied their jobs by moving areas or districts. The average length of service is eleven years with just less than half (nine) having worked in other areas. Eight of the officers moved straight from college to working in the Probation Service. A rough classification emerges from the interviewing data fitting officers into three groups depending on their length of service. The groupings roughly correspond to officers attitudes to the job and also to their interest in the concept and

development of mediation. In this respect the groupings are very loose and would not be a way of pre-judging the likely take-up of new ideas. With such a small sample there are too many variables and it is too complex an area to make 'safe' generalisations. Of the six officers who volunteered for the follow-up work - one was a long-serving officer (over 17 years), one had worked for ten years, and the others for under seven years. Practical mediation work was mostly undertaken by this last group, whereas the most active verbal support came from a few of these but mainly from the longest serving group. The middle group played the smallest part (so long as I do not count myself as part of the group!)

Officers with an overly treatment orientation

Officers who have been in post for over fifteen years trained for the job through choice, but based on limited or no practical experience of social work. Since starting work all but one have moved probation areas. They seem to have entered social work training from the desire to find a career working with people and wanting to help those in need. The choice to work in the Probation Service rather than Social Services was sometimes the influence of a good placement, from knowing others in the probation field, or more often due to a wish to narrow down the field of work; offenders are seen as a defined group and social work in general is seen as too wide and amorphous an area of concern. This group, on entering the Service, had strong ideals and ideas about helping others

and being able to effect some change in the circumstances of peoples lives, by working with their personal, emotional and relationship problems. They all spoke of their courses influencing their thoughts and practical work, and most have worked in a 'specialism' at some time. The visions of these workers have, in general, faded and a gradual change has occurred so they work with more practical issues, with less hope of really effecting change. Their interest in mediation appeared more theoretical than practical, and supportive in a 'paternalistic' way. This group of officers seems to become either very disillusioned and cynical about what they are doing and what the Service is doing, or they rationalise their failure to meet ideals by such comments as:

"...if only we had more time."

or

"...if only management would back us up."

I quote from three officers who have been working for the Probation Service for almost twenty years; here they are describing their reasons for wishing to work in the service, and their ideals tempered by reality:

"It was the fact that there is a defined group in probation really that one could help, and also I wanted to work with people. Initially I came into the Service with the idea of helping the individual, and most of my training was geared to individual pathology, but because I found that that doesn't always work I have become much more aware of all the other issues which could in fact bring them round to the situation where they commit a crime."

"Looking back, I think I had some fairly unrealistic ideals, the courses influenced me and they had a very psycho-counselling approach considering that the problems of behaviour were due to relationship difficulties and that when working with people you could pick the key relationship problems out and then by working with them could somehow move the client on a groove. It took a few years to discover that that was not how life was!"

"I don't think my ideas were clearly formed, I mean there was this desire to help people, to be helpful, there was something about serving. I mean there is a religious background to that as well so it was more tied up with me and what I thought my life was for. One of the things that the Probation Service was for was to be the bit of the system that actually tried to change and improve things for people, concentrating on offenders as a group of people who would be inevitably unpopular and wouldn't attract services...but now I am more and more conscious of being on the defensive...the concept of us helping people has gone a long way out of the picture. ...there has been this tension all along in my time within probation between help and control...I think that we need to go back and think about that again."

These quotes all indicate treatment orientations towards working with clients as discussed in chapter five, and found in Hardiker's research (1977); see also Curnock & Hardiker (1979). Such an approach dominated the training and ideologies of these officers and their subsequent disillusionment. This group included all the managers in the division, and whilst they acknowledged their role, they still spoke of working with clients and their aims of effecting change with individuals, even though two out of the four have virtually no direct client contact. But their background, beliefs and experience determine how they supervise others and manage the service, so their influence on the culture of the service is crucial. The views of management and longstanding officers shed light on how the service has developed and how many traditions are maintained. As noted by Schein (1985):

'Since culture perpetuates itself through the recruitment of people who fit into it, an ongoing culture can be hard to change.'

p.235

Its transmission can be an unconscious process, and thus even harder to change. There are many mechanisms by which managers are able to embed their own assumptions in the ongoing daily life of their organisations. As Schein (1985) points out:

'The important point to grasp is that all these mechanisms do communicate culture content ... Leaders do not have a choice about whether to communicate. They have a choice only about how much to manage what they communicate.'

p.243

Officers with a 'socialist' or help oriented approach

Those officers who began working after about 1972 but before 1980 also seem to come from an idealistic base, but their hopes of changing things comes from a background of practical experience before training where they believed they were prevented from achieving their goals, due to lack of qualification. So there were high hopes attached to qualified work. The choice to work with offenders was again seen as the choice of a defined area, but also an area where people were downtrodden and hard done by, where they needed specific and specialist help; officers felt their courses confirmed these views. Over time and with experience, this group began to question their ability to help, so attempted to lower their goals to make them more achievable; yet ideals and commitment remain intact - if hidden. In this group, all officers had only worked in South Yorkshire since qualifying, and

all had been involved with a specialism at some time. The job is still seen almost in the light of a vocation, a feature of the Service picked up by several authors, notably: McWilliams (1987), Jordan (1987), and Bottoms & Stelman (1988). I quote now from three officers who have been working in the Probation Service for twelve to fourteen years; their comments provide insight into their ideals and early work methods:

"I went into the job very naive. I went into the job very much with a sort of pioneering spirit, thinking that we could actually change things and change the way people lived and if you like, sort of fight on behalf of the community."

"I think probably in common with most people when they start their job, I tended to go overboard in what I felt I could do for people, a sort of over-inflated sense of my own importance in relation to their lives. I can think of some cases earlier on that occupied hours and hours of my time, that I would handle very differently now. This is, I suppose, a perspective that you gain with experience, and its about doing the job more efficiently but I hope at the same time, better in terms of the ways in which I am working with people and helping people to develop themselves."

"I knew I didn't want to be a social worker because I had had experience of social workers in the social setting, and I got the impression their jobs seemed quite woolly, and I was not attracted by the management structure - there was not enough autonomy for me. I was also more interested in working with criminals than say working with the general public who were - disadvantaged - and I have always had this thing... that those who are going before the court were particularly disadvantaged from the word go; I was conscious that there were two parts to crime. Those who committed it to a great extent out of need, genuine need, and the others that were doing it out of greed. Well, I suppose in some naive altruistic way I thought I could redress the balance."

These officers talk in the past tense - as if they have abandoned these views; but they all continued to express the hope that they wished to find some way of pursuing their ideals. To all of them, ideas of mediation fitted

with their idealism - but they questioned it as not being relevant in an offender focused service, and saw little hope of ideas catching on - partly through their own experiences of projects that have always come to an end and left little residue, and the lack of any spare time to develop ideas.

Officers who would call themselves 'realists'

Those officers beginning work from 1980 onwards, seem to have very different ideas about the Service. Mainly as they see the work as a means of earning a living, and whereas they may have an idealistic view about what they would like to do, they are more realistic about their chances of effecting real help or change for individuals. Half of my sample had previous social work experience and half had worked in other probation areas, but none in any specialism. They generally have a more down-to-earth and matter-of-fact attitude. They have also been affected by the contents of their courses which have changed over time, reflecting the changing opinions expressed through research and academic literature and the slowly increasing number of practitioner teachers on some social work courses. I quote now from four officers who have been working in South Yorkshire from between five to eight years. The first has worked for eight years and carries traces of the type of ideals seen in the other groups:

"Before I had any experience of social work I had thought it was about changing things and society into being a better place, but after some voluntary work I began to think, well maybe social work isn't really about that after all, maybe part of it is just about struggling against impossible odds and then a lot of it is about working with bureaucracy and...about frustration and lack of resources. But I still wanted to work with people and looked around and thought probation offered maybe a structure and a context in which there would be some clarity about what I was doing."

The next three quotes are from officers who have worked for under six years; they are more matter-of-fact about their reasons for joining the Service - they shrugged off the concept of ideals!

"I think I was very aware that in the past a lot of people going into social work had very high ideals and were very unrealistic about it, feeling they could march in there and change the world. But I mean I had no ideals like that at all, I knew that wasn't going to happen and that I could maybe make things slightly better for people if possible, if I approached it in very practical terms. It seems to me that if you don't deal with peoples practical problems you couldn't then go on to the next stage of dealing with emotional problems."

"I was interested in crime, I was interested in criminals and I suppose I was interested in trying to help people who wanted to change or to do something about their problems. But I can't deny that above that I was very interested in having an interesting job. And I mean I would be hardpressed to find elsewhere a job with as little restriction in terms of time and how you want to do your work, or even when you want to do your work."

"I was quite keen and interested in writings about prison and crime and those sort of things, but also I think I had some kind of identification with people who were sort of marginal to society, who were stigmatised, and I felt it would be something I would quite enjoy doing - working with people. But above that, I wanted a job!"

To this group, mediation either did not seem relevant (one officer) or more generally was seen as a useful practice skill to add to their repertoire. Most of them

questioned the service as an organisation and its ability to change, to incorporate or adjust to new practice developments.

The effect of changes in society

Over time the changing attitudes of probation officers are not only to do with their work experience, but can be linked to general changes in society; the idealism of the 60's, of caring for others and of an optimistic picture of how society or the world could be, has been replaced by a view that Cohen (1985) calls, 'characteristic of the twentieth-century world view: cynicism, disillusionment, pessimism ...' (p.199). It is a mentality of "everyone for himself", also described by Ascherson (1988), and Marquand (1988). Many probation officers voiced this opinion in the interviews as is evident by several of the quotes already used, for example:

"...the probation service...was to be the bit of the system that actually tried to change and improve things for people...I am more and more conscious of being on the defensive,...the concept of us helping people has gone..."

"I came in with a pioneering spirit, thinking we could actually change things."

"...I thought I could redress the balance."

"...about changing things and society into a better place."

"...its about struggling against impossible odds...bureaucracy...frustration...lack of resources..."

Some officers describe the service as passing through an early paternalistic phase, changing to a laissez-faire humanist approach in the 1960's, then back to a punitive

and less tolerant attitude in the present day - rather like a pendulum swinging slowly back and forth. This analogy is used by the longest serving senior officer who has worked for twenty-eight years:

"I'm an old fashioned believer in the Probation Service being like a pendulum swinging from one side to another, from being very free and easy on the one side right down to being very controlled on the other, and I feel the pendulum and society too has swung back to the controlling bit..."

Another officer who joined the Service a lot more recently (six years ago) sees the development of a business ethic in the Probation Service with a need for measurable goals and a loss of its former humanity:

"One thing that has become clear over the past six years is that what this Service is part of is part of the State apparatus and we do what the law says, and we are part of the Government structure...so all the Service can do is try and conform with what is expected of it and deliver the goods - the value for money stuff. That way we stay in business."

Changes within the service are a natural part of organisational growth into a professional machine bureaucracy (Mintzberg 1983), with a growth in administrative systems, accountability, more statutory and defined tasks, more Union negotiated stances and principles; overall more of a 'business' ethic. Yet the changes are influenced by and interwoven with political, social and economic developments and value changes within the whole of society. Recent books and articles describe the cynicism and depression in many areas, both personal and institutional, and look to future prospects. For example, Brown & Sparks eds (1989). A general feeling of impending disaster together with a lack of power or means

to fight expressed by many probation officers is well described by Ascherson (1988):

"English institutions no longer guarantee freedom and justice as they once did; worn out, they offer only a pretence that all is still well. State power grows while recourse against it shrinks. There is a retreat from kindness and tolerance, a new sense of public unfairness. The English in short are no longer sure that they know what they are like."

p.30

Maurice Vanstone writing in the Probation Journal, (1988), expresses the contradictions within the service between beliefs and practice. He suggests that due to changes in society and government policies, this weakness is displayed, primarily because the service is a caring agency working within a system based on control and punishment:

"Values based on the rights and needs of the individual, and a belief in people's ability to change are the antitheses of judicial values... Pragmatic compromise and, on occasions, collusion have allowed things to work and produce a vital element of humanity and hope..."

p.132

But he suggests the 'agreement' is no longer there as there seems no link left between social work and crime. Many other articles describe the growth of bureaucracy in the Probation Service, for example, Hankinson and Stevens (1986). They also describe a lack of practice change through its own initiative:

"The characteristic reaction of the Probation Service has been resistance to change, an insistence on tradition...the Service has seldom taken new initiatives of its own, or sought new fields of action."

Jordan (1983) pp.86-87

Service Stability

Yet when talking to individual workers, these apparent outside changes seem a veneer, as within the Service in some respects little change has really occurred; despite the pressure of politics, the media and public opinion, individual officers remain striving to work in much the same way that they have done for many years. This is well expressed by Pottinger (1987) who after 24 years away from practice exchanged jobs with a probation officer and finds the role and environment of the Probation Service has not been particularly transformed from the "good old days". Within the South Division a number of probation officers talk about their experience over time as being not so very different now from when they first began work. As expressed below:

"Although I had two years out a while ago, since then I have been a fieldwork officer doing a slightly community-based sort of job with a fairly generic caseload, and in some ways I'm amazed how little my job has changed when I look back at 1970 compared to 1988."

Officers experience of working in probation has generally involved working with a caseload, writing court reports and helping individual clients. When asked about their present post everybody saw themselves as a generic caseworker. A typical comment was:

"I think the role of the probation officer hasn't necessarily changed despite the vast expansion of provisions, it is still down to the personal approach of the probation officer with their client."

This is surprising when it is noted that recent research shows that 50% of probation officers work is in specialist posts (Davies and Wright 1989). In the South Division five out of twenty workers have specialist posts, although

over half have had experience of working in specialisms.

Over the years most probation officers have settled down into a pattern of individual work that has remained constant, despite changes outside. This is expressed by King:

"The very fact that it (the Probation Service) has been one of the pioneers of social work in this country and has built up a tradition of attitudes and duties over many years makes it hard for it to adjust to sudden change."

King (1969).

One of the Divisional Managers picks up the lack of service change in terms of people's fear of change:

"It is more comfortable to continue as in the past as people fear the unknown consequences of change."

Working Practice

Throughout my interviewing, a recurring comment by officers is that they do not really know what other workers do - partly because people work so much on their own. Impressions are gained from casual conversations, case and team discussions, and assumptions are made but rarely tested out, (Senior 1984). This can make workers wary or ambivalent when talking about what they really do, hence perpetuating some of the myths. Typical interview comments are as follows, the first being from an officer who has worked for over fifteen years and the second from one who has worked for almost six years:

"...in this style of work, what other people do behind their doors is a closed book...you develop your own style and I suspect we all have radically different styles."

"I feel I still work very much in isolation, that I work behind a closed door...I think people's practices are so inconsistent."

Some officers expressed concern over the potential implications of this type of work, particularly those who have joined more recently. This officer began work only three years ago:

"How people work is too individualised...that means people do whatever they want and there is not enough control or support; it worries me that I could mess up people in all sorts of ways, no-one really knows what I'm doing with my clients..."

Each officer has their own personal view of the service they provide, tempered by their interpretation of how others work. The impression from the interviewing data is of a work brief with undefined boundaries, but with limits that are set by implicitly understood customs and practices. For an organisational explanation of this see Becker (1970), who through research into three different occupational groups attempts to unravel the nature of identity with ones role, tasks and ones peers, when developing a career through various participatory but unconscious mechanisms. He finds that the process of understanding the ideology of the occupation begins even before training. See in particular chapters 12, 13, 14 and 18. Hughes (1958) chapter 13, makes similar observations with sociologists. Such a group has a cohesiveness apparent to an outsider which a group member would find difficult to explain. Perhaps one of the reasons that probation officers can talk a lot about what they do without successfully explaining it, is because they lack a conceptual framework and the language suitable to express it, except to

their colleagues. England (1986) suggests that the confusion within social work is due to confusion over its essential task, and workers reluctance to confidently assert their own values and beliefs.

Some aspects of practice are now being defined, through being formalised and standardised. This is said to improve consistency of practice, but is necessary due to the increasing multiplicity of tasks and the bureaucratisation of the Service. Negotiations between the Union (N.A.P.O.) and management have standardised, classified or clarified certain policies. For example, the agreement not to prepare a court report when an unknown defendant is pleading not guilty. From officers comments, it would seem that any consensus in work methods was chance, yet from an analysis of my transcripts, a broad, underlying ideological agreement emerges, together with its practical application. This appears to be based on the congruence of officers reasons for entering the Service together with the socialisation that they receive during training, and their subsequent work experiences. Negotiations that constantly take place for the allocation of work, of responsibilities and over assessment, reinforce the dominant service ideology.

As Strauss (1964) would point out, the work place is an arena wherein "games" of bargaining and negotiation take place, the form of which affects the ethos of the Service. Although officers feel unsure what others do in terms of practice - there are similarities - and there is also a

similarity in the development of practice by individual officers over time relating to their length of experience.

Work Experience and Changes in Practice

The change in practice of probation officers over time is shown fairly clearly by my interviewing data, and this corresponds with historical developments in the Service as previously covered. For example, at the time of the Morrison Committee (1962) probation officers were seen as professional caseworkers expected to supervise offenders to bring about permanent changes in behaviour, as described by Haxby (1978), and Walker & Beaumont (1981). The emphasis then changed to the acknowledgment of practical needs, deficiencies in the social, economic and political systems, and the view that casework should be defined by the client, as described by Sainsbury (1975), Meyer (1972), and Robinson (1978). This change of emphasis is reflected in interviews with all the officers who began work earlier than 1974. In this particular example the probation officer who qualified eighteen years ago, is talking about his changing work methods over time in relation to ideals:

"I don't think my ideals have changed over time at all. I still think the helping people to help themselves ideal is a worthy one. I think what has changed is the way in which I think it is right to work towards that goal. From having had a fairly damaging psycho-dynamic training and having tried to work in that way, I have changed my method of working, my approach and my analysis of why people get into trouble almost completely. I have now adopted a more political analysis of society and my approach to clients and their problems is more kind of socio-economically based, much more structurally and politically based. So in general terms fifteen years or so ago I saw

people as getting into trouble because of some kind of personal pathology, personal problems that took them in this delinquent direction, whereas I now analyse it completely differently and I see the class structure as being much more significant. But I don't think that has changed my ideal to help people manage their lives a bit better. It is how I do that now that is different."

Most of the work of probation officers is within or taken from the court setting, where an individual focus is maintained and emphasised; defendants face punishment for their individual criminal acts -

"criminal acts are viewed purely as particular aspects of an individual's behaviour and not as a more widespread social phenomenon with social, economic and political causes."

Walker & Beaumont (1981) p.23

Despite being the public setting for probation work, the institution of the courts remains a relatively unchallenged setting; this is a focus for disillusionment for some officers, who believe that the Service should work to regain its former standing as described by early authors such as King (1958), and more recently by McWilliams (1981). Several of the interviewing sample expressed their disillusion with the court setting and with probation officers who fail to challenge their secondary status, for example the comments by this officer who has been in post for nearly fifteen years:

"I'm quite disillusioned with probation officers, I think they do a lot of talking, a lot of writing and a lot of muttering and mumbling but when it comes to the crunch they are, by and large, quite a conservative bunch and it angers me. ...I don't know why really, but our attitude or approach to the court is one of almost deferential forelock touching; ...we just get walked over in court...some of that is our own fault and I don't think we sell ourselves hard enough, and we allow ourselves to be pushed around and given the back seat in the court setting and that annoys me."

A few officers pinpoint the need for change particularly in the political position and power of the Service, in terms of campaigning and acting as a pressure group.

This officer has worked for almost eighteen years:

"As probation officers we are not bad at pressuring Housing Departments, DSS etc. to change their policies when they are destructive in order to bring about change, but we are not so far, very good at changing any decision-making within the Criminal Justice system. It seems to me that that is really quite important uncharted territory."

Despite such challenging comments, practice has not changed in order to confront these issues. The majority, see the courts as part of a 'system' within society which it is not possible to challenge; instead of talking about change they look for ways to help clients cope, or find ways to work "subversively" to undermine or counteract harsh systems. This view is prevalent for most workers, however long they have been in post. Feelings are well expressed by two officers whom I quote below:

"I think the system is clearly not benign anymore, it is actually antagonistic and punishing and that's something that has produced an attitude towards offending which tries to sort of isolate it and scapegoats people for their offending behaviour and I am more and more conscious of being on the defensive."

"I came into probation with a feeling that whether I liked it or not the establishment was going to be there and that people had to learn to live inside it otherwise they were always going to be in conflict."

Another officer who has worked for fourteen years commented about finding devious means of help:

"If I felt alone it would be difficult, but it is not difficult because I think I get a lot of support from my immediate colleagues, people who are equally fighting against that direction and, its kind of classic blue-collar industrial action...subversive...it would obviously be much better if we didn't have to resort to sort of devious means to get the ends we want, but it does feel that we are doing that."

Another who has worked for eighteen years, expresses the distinction between working against or within the system:

"You either have to be a delinquent to be a probation officer, or you have to be a bit of a creep."

Summary

So to summarise, most probation officers appear to have chosen the job for similar reasons, although their hopes and aims for their work differ and have changed or adjusted over time to cope with changes in society and in the organisation. They all chose social work as an area where they would be working with people, and then decided that the Probation Service offered the best option. Officers qualified this in several ways, either as an area that seemed more defined, due to a fascination or interest in crime, or a feeling that offenders need help through being at the 'bottom of the heap' within society. The Probation Service was also chosen by many through being seen as a professional organisation with a professional work outlook, particularly in terms of offering more autonomy for the individual officer. As noted in the previous chapter, a fundamental feature of probation is its provision of an individual service with officers generally working on their own with individual clients, and supervised by their line manager; as expressed by Vanstone (1988):

"The one to one model established by the Police Court Missionaries has not only influenced work with clients through to today, but can be discerned in the one to one supervision and single line responsibilities of managers."

p.132

Yet when considering probation officers length of service, a rough classification does appear wherein officers have a slightly different outlook and approach to their work. I called these three groups - treatment oriented officers - socialist officers - and realist officers. Each group had characteristics which overlapped, but appeared linked to their length of experience. The first group entered the service wanting to help those in need and to effect change in peoples lives, but they became disillusioned or cynical over time, seeing the service or the 'system' as impeding any potential work. When considering mediation, they generally proved very interested, but in a theoretical rather than a practical way - seeing too many hurdles for development. The second group also entered the service with a desire to help people and achieve change - but from a basis of previous practical experience, where their intentions had been thwarted through lack of training. Once qualified they found they had to lower their goals to achieve any satisfaction. This group felt they had enough problems to deal with in their daily tasks without contemplating any new developments such as mediation. The last group joined the service as a job involved with people, and had lower aims about effecting change or providing more than piecemeal help. Yet this group included those who expressed real practical interest in mediation, and viewed it as a potential skill to develop and add to their repertoire.

These broad differences may not seem crucial to the recruitment of probation officers, but are potentially fundamental when attempting to introduce new ideas - as the mix of worker and manager background and interest, could stifle or enthuse a project. Such issues will be considered in later chapters. Another crucial feature which affects service developments, is discrepancies between intentions and reality in the work of all my sample.

When talking about the reasons for wishing to work in the Probation Service and specifically about their ideals and their aims when they began work, there seems to have been a fair amount of adjustment between the way officers hoped they would work and the way the Service would allow, or enable them to work. The next chapter will consider the ideals of probation officers in more detail, and will link with many of the themes already mentioned.

CHAPTER SEVEN

INSIGHTS FROM THE INTERVIEW DATA:

THE IDEOLOGIES OF PROBATION OFFICERS

AND HOW THESE RELATE TO PRACTICE

"the ideological proclamations of the proponents of current reforms are about as reliable a guide to the antecedents, characteristics and significance of what is happening in the real world as the collected works of the Brothers Grimm!"

Scull (1982) p.100

Before beginning the interviews, one of my hunches had been that ideals would be a key area, in terms of probation officers views about why and how they wished to work in the probation service compared to their resultant practice. This hunch grew, due to my personal experience of idealism within myself and others - and was confirmed by discussions before the interviews as well as within them. Due to the importance of ideals, particularly as defined by the interviewing sample, I have devoted this chapter to considering them - although comments from all areas of discussion are inter-related, and some of the material already discussed has mentioned ideals and so has paved the way for considerations that follow.

The relevance of ideals

As described in the previous section, all field workers had undergone some form of social work training; all but two specifically to enter the Probation Service. Most had had previous social work experience or had had contact with someone who had provided a significant influence in

their choice of work, for example a parent, relative or friend working as a probation officer, social worker or magistrate. Many chose probation rather than social work because it impressed as a more professional and autonomous job, or because of a positive probation placement during training. All probation officers entered the Service with fairly clear ideals or ideas about what they wanted to do. Those who would class their visions or hopes as ideals, were more likely to acknowledge them in the following way:

"...unrealistic ideals I suppose, as I've never been able to get near to changing things or situations for people or help them make fundamental changes in their lives; I'd be changing society if I could do that."

These workers were more likely to feel let down or disappointed. Most field workers though, did enter the Service with altruistic aims about doing good and helping people; it was a minority, the more recent entrants, who could not express any firm ideals, saying they had some underlying hopes, but these were fairly conservative and so realisable - as at the end of the day it was "just a job". One explained to me:

"I suppose that I have never really sat back and looked at it and thought of any ideals... I mean it was a case of I need a job, I'm qualified to do this job, I quite like it and so getting on and doing it."

Yet few workers seem able to maintain this sense of detachment, as expressed by another:

"Maybe it is just a job... but when you are dealing with people it can get to you in the end, and it matters what happens in court and what people do with their lives."

When interviewing workers, the questions I asked about ideals as seen in Appendix 4 were:

When you came into Probation did you have any definite ideas or ideals about how you wanted to work, or what you wanted to do?

How has your job worked out?

Have you changed your ideals or aims in any way?

Most people gave their answers as descriptions of how they now work in terms of aims and methods, musing on how this differs from their original hopes. Generally, all probation officers said they try to maintain their ideals but as found by other research:

"Ideologies appeared to be mediated by the exigencies of practice."

Hardiker (1977) p.133

The pressure, stresses and experience of daily practice curbs the pursuance of their ideals, but officers practice seems to be affected by their views about crime and society and the ideals they hold about such issues.

Views about crime and society

Although not specifically sought, officers views about offenders and offending behaviour became apparent. Discussions would refer to how their ideals and understanding of such issues affected their inter-action and work with offenders. This has been found by others, such as Stoll (1968). The majority of officers see offenders as a

disadvantaged group who are socio-economically downtrodden, and politically powerless. Many quotes from my data express this:

"I'm sure some of our clients are greedy and don't want to work...but I think by and large the vast majority commit crimes relative to their circumstances. I couldn't back this up with any evidence; they're not quite victims of their circumstances, but along those lines."

and: (offenders are)

"...a group of people in need who really don't have people on their side, or other organisations who work with them."

and:

"I don't see people getting into trouble because of personal pathology; I see the class structure as being much more significant in terms of offending and why people get into trouble."

These officers see the structure within society as being a contributory factor to offending. The following quote is from an officer who thinks along the same lines, but sees a further problem as attitudes that display misunderstanding towards offenders:

"I have strong feelings about people being sent to prison and the uselessness of harsh penalties. What is difficult I think is to get people's attitudes changed as far as the Criminal Justice System is concerned and a lot more work needs to be done to influence - the public, the courts and the Government."

Other probation officers have similar ideals - but more as hidden ideals which they bury in order to get on with their practice:

"One aim is to try to move individual sentencing towards restorative notions as opposed to retributive ones and the second is giving lay people more say in decisions over issues which affect their lives. This is a principle which I hold very closely, although it is one that I haven't had much of a chance to do much about."

One probation officer left the Service completely during the period of my research, and explained this through his belief that he was compromising his ideals, and being socialised 'into the system'. He saw probation officers being manipulated into agents of social control, so found the job politically questionable. He expressed his personal concern as his fear of indoctrination:

"it worries me that I have become more at ease about being part of the Probation Service... I want to keep alive my feelings about the fundamentally unpleasant nature of the work."

No-one else expressed such strong disgust or distress at the work they were doing, but many talked about a lowering of ideals or an acceptance or resignation that creeps up over time towards the systems they are working within, even though they set out with great hopes to campaign or even change outcomes, procedures, or attitudes. Such disillusionment or doubts, and the on-going battle with inflexible and powerful institutions, is well expressed by Walker & Beaumont (1981), for example in the opening lines to their book:

"The job involves struggling to solve problems with no apparent solution and trying to reconcile conflicting interests. Your day is spent worrying how to balance demands on your time and choosing between equally unpalatable alternatives."

p.1

Probation officers views about crime and society - as already mentioned - affects the way they approach their work; although there is an apparent contradiction here as much of their discussion about individual offenders is individual problem focused, and their concern about more structural and institutional matters has a general out-

look. So their approach can often have two levels.

Probation officers approach to their work

Despite the demise of the 'treatment ethic' in social work discussed earlier, many probation officers continue to talk in these terms, and their ideals often focus around areas of potential change and development through using a casework approach. As with Hardiker's research concerning social work ideologies and social enquiry practice:

"it appears that more experienced probation officers who held a Home Office professional qualification tended to be more treatment-oriented than their younger graduate colleagues at least in respect of their ideal views about offenders. However, when it came to their social enquiry practices there seemed to be no difference between officers in this respect; every probation officer held a treatment orientation towards some of their cases and not to others, and this appeared to be related to the circumstances of the case."

Hardiker (1977) p. 152

My sample of probation officers even though taken ten years later, followed this same pattern, although as described in the previous section I would cite three categories depending on officers length of service:

1. Probation officers who talk in treatment terms and acknowledge this bias
2. Probation officers who talk instead in terms of "help"
3. Probation officers who talk about practical issues and welfare rights.

In terms of practice, when probation officers were talking about their cases (particularly in relation to attempts to include mediation practice), they nearly all talked in

treatment terms. Most describe how they attempt to make facilities and services available to offenders, for example secondhand furniture or financial advice, but link this with counselling help, and directive and non-directive advice about lifestyles. Counselling and advice is not always in client-defined terms, and officers would not use the term treatment - yet from descriptions of some of their work such an orientation could be assumed. The use of treatment-oriented language is explained (as previously mentioned in Chapter 6), by Bottoms and McWilliams (1979):

"At present they have no adequate conceptual apparatus with which to theorise these activities; so that the moment they begin to talk about them the language of treatment tends to be brought in and distorts what they are really offering to clients."

p.173

Language can be confusing to officers looking at the work of colleagues as well as to clients themselves, as jargon and casework terminology are sometimes used to justify intervention in clients lives.

This officer describes his work in clear structural terms that would be understood by a fellow officer but probably not by one of his clients:

"I have adopted a more political analysis of society and my approach to clients and clients problems is now more socio-economically based, more structurally based, and much more politically based."

Yet there are conflicts in views, as a few see offending as no fault of the offender, whereas others believe that despite being 'down-trodden' offenders do have a choice in the directions they take, as they can choose not to

offend. One officer clearly expresses this:

"As the years went by it became clear that I had under-estimated the personal choice of offenders, all I could do was to recognise them as individuals, and now and again the work I did with them might well affect their capacity to avoid offending in the future."

A few probation officers talk about the need for all workers to have an eclectic approach as expressed in the following comment:

"It isn't a black and white situation in that there are some individuals that need help on an individual basis and for others there are pressures that we have to bring to bear on other agencies or other people in order to see some of the wider issues that affect our clients ...I would like to see the right sort of balance..."

An approach which combines a consideration of societal issues and an individual approach can create problems as one officer points out:

"There's always tension isn't there because the Service in the main individualises problems, and traditionally practice is about that. Not about looking at offending in its context. So what I've tried to do in a small scale way is to draw the attention of sentencers to factors like unemployment. So you may say that having a job is important, but this can get you into problems as it may create an impression that the right thing is to be working in a steady job. So we can create two different impressions; it's contradictory. Really we've got to change the parameters of the debate."

This returns to points made earlier about the need to change not only the views and opinions of the public and those involved with criminal justice - but to attempt to move the whole sentencing process to one that is more restorative than retributive.

All officers commented about how harsh opinions about offenders often exacerbate their situation, and can be unfair, and damaging, creating myths which provoke fear and encourage harsh judgmental attitudes and demands for punishment incited by the media. Several officers expressed the need to attempt to change societal opinions as expressed below:

"... one of my ideals I suppose was wanting to break down some of the myths about offenders and wanting to say that people who offend are not just offenders; ...take away some of the labels."

Another commented:

"I think there is an element of rabble-rousing that has produced an attitude towards offending which isolates it and scapegoats people for their offending behaviour... we have got to do something about it... or we could potentially be another means of hammering the poor."

This comment also returns to earlier points about the structure within society, and how it is the lower 'class' that tends to be 'criminalised'.

Workers regularly spoke about ways the service should work, or issues they ideally should confront.

Alternative approaches

Three workers mentioned the need to work within communities - "to educate them" - "to be relevant to local communities" - in order to operate in a more balanced way by maintaining the wholeness of communities, instead of reinforcing differences by syphoning off offenders as a separate group. One worker at this stage in the interview discussion notes the futility of her task, saying that the organisation of the Probation Service is not

geared towards community involvement but to channelling the interests of probation officers towards offenders as a distinct group; the Probation Service also channels workers to work functionally so individual community initiatives are hard to develop and to maintain; as quoted below:

"Ideally, I think I would like to do patchwork ...I don't feel that I can provide a particularly good service unless I have some basic knowledge of where people live and what the resources are in their neighbourhood. I am not happy about the specialisms and the functional drift within the Probation Service. It would make a lot more sense for the Service to be out of the city centre...and able to get involved on a multi-disciplinary level; but it doesn't seem practically possible, if anything the centralisation of the Service has increased ..."

The irony is that many workers are attracted to the Service as it seems more tenable to work with a defined group - although they make the contradictory comment that it is damaging to label, and unfair to have such divisive systems and structures within society. There seems little opportunity or incentive to work with offenders within the less divisive context of their own communities.

Those who see offenders as making a rational choice about offending, would assert that the offenders have labelled themselves as separate and different through their very behaviour. But few officers would charge offenders with making the choice of suffering the resultant consequences of their offences; the consequences are rarely realistically thought out.

The Background and Ideals of Probation Officers

As indicated already, the reasons probation officers give for joining the Probation Service indicate their views about offenders and society. The ideals they maintain provide insight into their background, and their aims and hopes for their work.

TABLE 7.1 REASONS FOR CHOOSING THE PROBATION SERVICE

1. Influence by family or other people	11
2. Wish to work with Offenders; with a disadvantaged group	10
3. Interest in crime; an interesting job.	7
4. Felt the Probation Service offered a structure to work in; offenders form a defined group.	4
5. Wanted a job with people and the Probation Service seemed to offer the best bet.	4
6. Chance or drift	2

Remembered ideals on joining

1. To help people, support people, help them make choices and survive in a harsh society	20
2. Fight to change things and help redress the balance in society	11
3. To change perceptions about offending and offending behaviour; to break down myths	4
4. To stop people offending and try to understand offending behaviour	4
5. To keep people out of prison	2
6. To educate offenders	2
7. To be relevant to local communities	1
(Just a job	2)

In the above table I have roughly classified and grouped

the reasons given and points raised to provide a picture, of firstly, probation officers background influences and, secondly, their ideals on joining. All points were individually expressed so the grouping is based on my understanding, interpretation and classification of their comments. The figures indicate the number of times a similar point was made by a different officer; some probation officers mentioned more than one reason, hence the overall total is larger than the sample size of 20.

Table 7.1 indicates that half the members of the South Division joined the Probation Service through the influence of other people involved with similar work, and/or because they chose to work with a specific disadvantaged group i.e. offenders. All workers expressed their wish to help and support offenders in their daily lives within "a harsh and intolerant society", and half-wished to confront and adjust unfair structures and systems that maintain the class difference, label and create myths about offenders. Up to a point, ideals one and five are realisable; probation officers 'intuition' and observational and conversational feedback from clients suggests whether or not clients are being supported and helped. Service monitoring of reports can provide some indications of the numbers of offenders kept out of custody, although inevitably, the interpretation of these results is subjective. Other ways for practitioners to

measure performance have been suggested, but are still under debate, for example see McWilliams (1989) and Thomas (1989) who write of qualitative monitoring and performance indicators. The other ideals impress as unrealistic hopes, although with a concerted campaign a certain amount could be achieved towards them, for example the ideal of changing public perceptions about offenders. This would entail a different approach to probation work than at present and exposes another contradiction: probation officers may talk of such ideals but rarely do anything that would focus their work in these directions. For example, activities that involve community education, political campaigning and community involvement. Perhaps, as will be shown with mediation, they question whether it is the role of the Probation Service. Or perhaps it is the culture of the Service which inhibits such initiatives - this will also be considered later, specifically in chapters 12 and 13. Workers certainly commented that any form of campaigning for alternative directions would be an insurmountable task, as they would not be supported by the agency. This is expressed in the following quote:

"I went into the job very naive...I felt very little constraint by the fact that I was working in an agency whose ideals were quite different from mine. But as time went on I had to face that I couldn't work in a completely client-centred and campaigning way without agency support."

Some workers feel supported by the Union, the National Association of Probation Officers (N.A.P.O.), and they feel more able to campaign through their membership. Campaigning work is often seen as separate from work with individuals as indicated below:

"My basic notion is trying to help offenders to make some acceptable adjustment to their lives and their social circumstances...a task-centred approach. I work towards a different aim in my political work in the trade union and that's how I look at the broader aspects of my work, concerning my political analysis of society."

Within their job, few workers display any active interest in wider issues, but they often feel they need to justify this, as shown by the example below:

"I don't see that I will get any personal satisfaction or feedback of having been a part of achieving any greater global change; I think my main job satisfaction is on an individual level."

One officer expresses frustration at all the "talking" about wanting to change things, which is never backed by any action and comments:

"If we were to look at society, the criminal justice system and our response to both at a maingrade operative level, I am more disillusioned with us than I am with the other two. ...people are saying that they are going to do this and saying they are going to do that, and tearing their hair out about something, and then it just fizzles out."

Summary

So It seems that some ideals are more accessible than others. But whether they are, or not, they provide a constant goal - particularly the one held by all officers - to provide help and support for offenders.

Having unsuccessfully scanned much of the literature that refers to ideals or ideologies within probation practice for a working definition, I have had to resort to a Dictionary. This gap is perhaps another indication of the distance between that which is recorded and that which is unwritten and yet implicitly understood in practice;

probation officers generally understand what is meant by having an ideal, but struggle to verbalise it.

Perhaps the more accessible ideals are better called aims. An ideal as defined by the Oxford English Dictionary is:

"answering to one's highest conception; perfect; embodying an idea; existing only in idea; visionary."

If ideals are abstract visionary philosophies rather than operational philosophies they only have an intellectual link to practical possibilities or accomplishments. As discussed so far, each member of an organisation has their own set of ideas or ideals about their own position and about the function, value and aims of their service - both on a collective and an individual level. When they first consider the job they have preconceptions, and these may or may not alter upon starting work. The gap between these ideals and those of the collective organisation will determine how much individuals feel a part of their organisation, and the degree of potential achievement of these ideals will represent job satisfaction. From the analysis of the data so far, it appears that with only one exception, probation officers in the South Division were already socialised into the culture of the organisation through working as trainees, ancillary staff, or through the course of their probation training and placement. Officers easily adopt the major ideal that has remained with the Service for over 80 years - that of advising, assisting and befriending offenders, (Monger 1969) - although main grade workers may question whether this

ideal is being maintained by upper management and the Home Office. To an extent it has become an ethical justification for the job - that to be working with people one needs "higher unrealisable aims" that form a back-cloth to deciding what one can undertake. Yet it is the existence of idealistic aims that seem divorced from the organisational aims, that may contribute to feelings of dissatisfaction and disillusionment, and the feeling of working "against the odds" and working "subversively", even though within the boundaries of an agency. Job satisfaction is expressed on two levels; on the individual and small scale level it is achievable, but on the larger level appears to be non-existent. Most probation officers expressed dissatisfactions although more as frustrations due to aims they have shelved and accepted as idealistic and unrealisable. The aims of the organisation and the aims of management are assumed by field workers to be different from their own aims, and this is a crucial factor contributing to confusion and disillusionment. At times, the inaccurate perception of managements' aims is exacerbated, as there is no channel within the organisation to clarify this. This is further distorted as the Service sits uncomfortably within the criminal justice system and on the boundary of other organisations such as social work, community work and the police. There is no overall coherent abstract or operational philosophy within the Probation Service, as noted by Vanstone (1988) writing in the probation journal. It is the features of the Service as an organisation that need to be unravelled to

take this discussion still further. This will be touched on in all the following chapters - but an indepth analysis will be attempted in chapter thirteen.

The issues highlighted in this chapter - the ideals of probation officers and their perception of offenders and offending behaviour - will affect their ability, interpretation of, and wish to develop new ideas. The next chapter will consider in more depth the work and daily commitments of probation officers and how these relate to job satisfaction, work pressure, and their potential desire to change their practice. Such areas begin to provide a picture of the culture of the South division as a working unit within the organisation.

CHAPTER EIGHT

INSIGHTS FROM THE INTERVIEW DATA:

AN INTRODUCTION TO SERVICE CULTURE

"If the organisation is genuinely concerned about building long-range effectiveness, must it not develop a system for hiring and socialising employees which makes them feel wanted, secure, meaningfully engaged in their jobs, and positively committed to organisational goals? Furthermore, must it not also build into its career development system a concern for genuine psychological growth in order to ensure the flexibility and creativity that may be required at some future time? It would appear that one of the best ways to guarantee an ability to cope with an unpredictable environment would be to encourage all members of the organisation to be open to change (that is, to develop), even at the expense of some short-run efficiency."

E. Schein (1980) p.249

This chapter will build on the themes already discussed; those of probation officers background, training and ideals, and how these do or do not lead to job satisfaction. Features that are constantly part of the probation task, and service issues and features that make up service culture are considered, particularly in relation to the development of new ideas.

When considering the ideals of probation officers and their hopes of changes and new directions for probation practice, the range of ideas from my interviewing data would seem to provide the scope and drive to encourage and foster developments. Yet this is not the case; instead, hopes are expressed as impossible goals. To look at why this is so, it is necessary to look further at the interviewing data; many issues were raised by officers in the discussions, which shed light on the culture of the

Sheffield Service, specifically the South Division. These issues indicate the constraints to change, as well as officers views of suitable developments and ways that change might be effected. The issues can be grouped into seven major themes, and the following chapter will deal with each in turn. These are: job satisfaction, work pressure, lack of developmental space, fieldworkers desire for change through special projects and other methods, perceived constraints to change, and officers views of the Service, together with some conflicts about management issues. Initial thoughts by the interviewees about organisational change are introduced, together with their suggestions about implementing ideas.

Job Satisfaction

The confusion over Service aims and the apparent discrepancies between officer and management ideals is well displayed when considering job satisfaction. The interview discussions provide a clear picture of the Probation Service as a place to work. This is confirmed by wide-ranging answers to some of the specific questions I asked, such as: are you happy with your work? are you satisfied with the way the Service is now? All officers said they found general satisfaction working with individuals on a 'casework level'. But frustration and disillusionment was expressed in relation to the organisation and the direction it appears to be going, together with its lack of apparent influence over social and political issues.

Many workers feel the organisation drifts rather than takes any positive initiatives; they believe that little positive direction is instigated by management - this view is crucial in explaining the negative perception workers have of management and the organisation within the setting of criminal justice. It is interesting that no-one interviewed mentioned salary level or physical conditions - in this respect my study corresponds to research into satisfaction in high-level occupational groups, where gratification is not wholly a function of wages and conditions of work as with lower level groups, as expressed in the following study:

"People do derive important satisfaction in the expression of their skills, in interesting and challenging work, and in the sense of accomplishment from successful performance."

Katz and Kahn (1966) p.370

The following comments were typical when I asked whether people were satisfied with their job, and they show how officers are happy with their tasks on a personal, individual level, but on the other hand, they fear outside influences and impositions, and how this may change the fundamental nature of their job. The first three quotes are from officers who have been working from between five to eight years - they tend to provide simple answers:

"Yes..I quite like the job. It gives me some freedom and I enjoy the work."

"..reasonably, nothing's ever perfect, but I am not unhappy. I mean there are things that you would probably like to be different in the Service but then there always will be..."

"I find it very interesting. I like coming to work."
Officers who have been working for over fifteen years provided long explanations about their views of the job and why they think as they do; they all talk in terms of the work itself:

"I am mixed about it. It's a job that one day you can feel as if it is too much and you don't want it anymore, and the next day something happens and you really enjoy it...it's very draining working in a situation where so many of the problems you come up against seem to be related to issues you can have no influence over whatsoever."

"It seems to be swings and roundabouts, there are times when I begin to pull my hair out, and there are other times when I don't, and they give me greater satisfaction ... But I always feel that I need to go on questioning or banging my head against a brick wall in the hope that some day it will go through."

This officer qualifies her last point by saying that if a worker cares about offenders and what happens to them, it is necessary to remain within the probation service in order to try to help them, but also to attempt to effect some policy change. The following quote makes similar points:

"I think there are always frustrations that are constantly present in any semi-bureaucratic public body. But I am happy with the autonomy and freedom I have as a basic grade officer..."

And he continues, voicing concerns about the direction of the service and how he believes it should develop:

"I think it's important that the Probation Service gets represented in a semi-public arena and that opportunities for co-operation with other workers are developed. On a wider level, I'm not happy with the way the Probation Service is going at all... more authoritarian... the readiness with which we lap up crappy Tory ideas about how to treat offenders, for example electronic dog tags, ...all I see is the organisational part of the Service just sitting back while these things start to creep in."

This last fieldworker has been involved in a neighbourhood project, and highlights an expressed need for community involvement pointing out how this is an important arena for him - but a sideline for the Service. He is talking about some of the classic areas for satisfaction - control over work methods, variety of work and autonomy; see Arnold and Feldman (1986), Chapter 4. They state that along with pay, the work itself plays a major role in job satisfaction:

"The two most important aspects of the work itself that influence job satisfaction are variety and control over work methods and work pace. ...jobs with a moderate amount of variety produce the most job satisfaction. ... too much variety and stimulation cause workers to feel psychologically stressed and "burned out". The jobs that give workers some autonomy in how they do their work also provide the greatest job satisfaction."

p.88

Further on in our discussion the last officer quoted said:

"I would like to see us working more closely in a community-based way...we've got a tiny, very limited model on the ground in Hyde Park that has worked for some time despite being shoved in various directions, and I think that way of working does have lessons for other colleagues. Working in a community involves you with work with offenders but also in liaising with other agencies that deal with other groups so everybody in the community in the end is involved in the total work."

Other workers talk of working within communities as a possibility that is more of an ideal; they still maintain their work in an individual, office-based, client-centred way. The same officer also expresses dissatisfaction with the direction the Service appears to be going and disgust with some of the new ideas proposed by politicians to combat offending. Others expressed similar concerns and

also expressed the fear that the Service is being pushed in a more bureaucratic direction:

"I fear that... the people who pay our wages, are interested in value for money and us being an efficient part of the general justice system. They are less interested in the poor people we try to help..."

Articles in the Probation Journal also voice these fears, see for example Vanstone and Seymour (1986), and at the last Union conference (1989) it was strongly expressed. It was said that the essence of probation will be lost if measures such as electronic surveillance, curfews, and the contracting out of probation work are introduced by the Government, (N.A.P.O. News 1989).

Comments about job satisfaction provide insight into the way Probation Officers direct or fail to direct their jobs, and indicates an inward-looking stance that avoids confronting the unsatisfactory external environment. The general satisfaction expressed reflects personal situations and events which are sufficient to colour a days work; they tend to be areas where they have personal control. Minor successes can over-ride major setbacks and provide the incentive for work to continue; a successful recommendation in court can make the days work worthwhile, despite the discovery that other clients have re-offended. This low level of expectation and low threshold of success, results in few attempts to make aspects of work more successful. The apparent lottery of magistrates' decisions in court, for example, is taken as a factor to be put up with rather than something which may be affected

through a concerted effort to educate and inform sentencers. Such points are expressed by Parker (1979) and Acres (1985). But is it the national scene and outside influences which create the growing atmosphere of disillusionment and hopelessness? How much do the internal demands of work content and deadlines contribute?

Work Pressure

The non-stop daily demands of work, alongside feelings that Probation Officers can do little to really change things means the Service remains individualised and uncoordinated. Whilst discussing work practices and the constant pressures that seem to enforce working in an individual and continually reactive way, two Divisional members suggested writing out a summary of several typical days; these were their choice and were confirmed by colleagues who read them through. One shown in Appendix 9a provides great detail and shows well the wide diversity of problems and issues covered, necessarily briefly, during the course of one day. The other worker describes two days but in a more general way, shown in Appendix 9b. These summaries provide a picture of the typical pattern of demands and problems that face fieldworkers, and indicates how they end up responding to immediate demands, instead of being able to maintain a planned and structured diary.

Both descriptions include practical frustrations - from car parking problems to institutional inefficiency (eg. a double-booked prison visit). But the major outstanding

features from practical work are those of lack of time, too much work, constant demands and deadlines, and the inability to stop and look at the 'picture' from outside. These are characteristics intrinsic to the job, so are ongoing features that have to be regulated by each individual worker. Both write-ups display the multiplicity of demands that occur concurrently (for example, phone calls about other matters while trying to conduct an interview), as well as the general high number of phone calls and office visits. Role conflicts and ambiguities are displayed, for example, the wishes of clients in terms of child welfare in opposition to the need to involve social services through statutory obligations of child safety. Being an officer of the court as well as being an 'advocate' of the offender is a recurring conflict.

Such issues are all factors that can result in stress, and it is gradually being accepted in professions like the probation service that a high proportion of workers suffer from stress at various points in their career. Recent initiatives in several services have uncovered the need for stress management help, and it is suggested that up to 40% of practitioners may be suffering from stress, (King et al 1989). In South Yorkshire, a working party report prepared by the University Applied Psychology Unit, (Oade and West 1989), found that stress was a major problem for some people within the service, and they recommended the setting up of a confidential and professional counselling service. Other recommendations confronted organisational

issues and it was commented:

"The fact that 80% of Probation Officer respondents felt that management did not emphasise the human factor - "how people feel" - is disturbing in a service which is concerned first and foremost with human behaviour."

Organisational studies into various causes of job stress, highlight job characteristics, role conflict and ambiguity, role overload, the amount of contact with others, organisational climate and career concerns - (Arnold and Feldman 1986 , Chapter 16) - all of which are concerns apparent from my interviewing sample. When under stress, workers find it hard to manage their daily tasks, and do not have any space to consider the development or suitability of new ideas. They are coping instead with potential ill health (for example recurrent headaches or colds), with anxiety, frustration, and other psychological factors, as well as a lowered ability to concentrate and make decisions, (Arnold and Feldman 1986 p.468). Probation officers are never going to be in a strong position to attempt to change the organisation or their practice if a substantial number of them are suffering from stress caused by work overload and conflicting demands. Whilst it is important for services to facilitate stress management courses and counselling services - this would only be a means to alleviate symptoms and not to attack root causes as noted in the Applied Psychology Unit survey. It has been noted that administrators and managers need to identify and address organisational factors that contribute to stress, (King et al 1989). Unfortunately, within the South Yorkshire

Service the only development to counter the problem of stress has been to nominate several workers as suitable counsellors; but they do not have any reduction in their own working commitments in order to take this on!

These issues provide enlightenment into how the Service culture is moulded by daily demands and the build-up of personal stress. This perhaps helps explain why patterns and practices are maintained. Constant demands that need fairly immediate responses leave little or no space for reflection, change or the development of new ideas - as expressed by one officer:

"It requires a concerted effort to stop and ignore all the demands for a while so you can just think about where you are going..."

Despite such problems there are attempts to initiate and develop new ideas, many of which do not last. It is space and time that officers see as lacking.

Lack of developmental space

Even if a new development is attempted, for example in Sheffield a regular discussion forum for court reports on black clients, initial enthusiasm appears to wane when fieldworkers stop attending due to other demands on their time. Other examples include client groups and outings, where the number of helpers quickly reduce over time. Many innovations have been attempted in other Services, for example social skills work, Heimler techniques, family therapy and behaviour modification. As pointed out by

Vanstone & Seymour (1986), the effect of their application is not well documented:

"but the evidence there is suggests the development of new methods is either ineffective or neutralised by the organisational environment."

They continue, suggesting that the Probation Service is a:

"conservative social system in the mould of Donald Schon's stable state whereby ... language about change is for the most part talk about very small change, trivial in relation to a massive unquestioned stability."

Such a suggestion is much in evidence from my sample, and they themselves have commented on the amount of 'talk' but conservatism and lack of action in the Service. From the pressure of constant demands already discussed, a stable environment is essential for security and the maintenance of some feelings of control - as one officer commented:

"for our sanity and self-preservation, I suppose we daren't really contemplate change."

When projects are set up, careful negotiation is required for facilities or resources that are out of the ordinary - for example time and space for inter-agency or community group meetings. As workers in this situation have found, agreements are rarely honoured in practice. An example is of a project that ran successfully for over eight years - although not in the way it was originally intended.

The Hyde Park Project

The following quote from one of the workers is necessarily long as he explains the political situation as he understood it, behind the setting up of the project:

"Thinking about the setting up of the Hyde Park Project and how that came about - from a situation where forty probation officers had four or five cases on Hyde Park it resulted in two probation officers having two caseloads. Space was made in the organisation because another Project closed leaving extra posts for the probation team. It was a political thing in closing down that other Unit and this put pressure on management to consider carefully what they would do with those posts. There were a group of probation officers who had been made to think about the service that was being given to Hyde Park by one of the people who had been on the previous Unit project, and because of his particular interest things began to develop partly because he started to get people together. At the same time there was an Assistant Chief Officer who was interested in change and wanting to open new ideasso it was pressure all round that created a change in the way the Service was delivered to an area. But constraints were put on those two people who started that particular project from the beginning. They were told to go to Hyde Park and to investigate certain things and that they would have no more than a certain number of cases, but throughout the time that they were there those caseloads have always been high. So obviously one of the constraints to change is resources and in that particular instance it is to do with the organisation's response to its own initiative - not really totally backing it or even following it through. Management made a decision that there would be a workload reduction but when it came to it there wasn't. Maybe it wasn't just resources, perhaps it was also to do with the lack of checking with other officers about developing the project, as other officers were expected to take on the extra workload and reports. That support wasn't there and individuals in a situation like this don't feel they can go and complain and make a lot of fuss because they feel themselves to be in some sort of luxury as they were very lucky to be even given the space to be allowed to work on a community project. So they don't really feel that they could then go and press the management or their colleagues to come and take extra work as it would really come down to their colleagues suffering. Perhaps it's because within the whole Service these sorts of projects are seen as marginal."

A number of implications follow from these comments and they can be grouped into two sets of conditions - practical and mental - which are necessary before a project should start. Practical conditions include resources, organisational commitment, and prior discussion and ongo-

ing sharing of ideas with others in the agency. These will be considered in turn:-

Practical Conditions

- 1 There need to be essentials such as manpower, time and a suitable location. In the case of Hyde Park, two workers were assigned to the project but did not receive the promised workload reduction thus curtailing their personal resources and relying on their personal enthusiasm and sense of responsibility to find the necessary extra hours.
- 2 Organisational commitment is not only necessary but needs to be overt so intentions at the start of a project are carried through and are not just 'forgotten' as happened on the Hyde Park project. Management need to display their ongoing support to provide the security that workers need when employed in an unorthodox setting.
- 3 Before any new idea is developed it must be shared and discussed with other members within the agency, so problems can be tackled and alternative ideas incorporated. In the Hyde Park project there was no 'checking with other officers' despite the expectation that they would, 'take on the extra workload and reports'. As noted in a paper produced by the project workers - the positive and negative aspects of such a project seem to be,

'dependent on the nature of the relationship which evolves between the project workers, and colleagues operating within the more orthodox structure - at both practitioner and management levels.'

They continue, noting the difficulty of physical separation of a project which is necessary, but can become a philosophical chasm if polarisation occurs when relationships between the two settings drift and stay apart, resulting in the project becoming defensive and inward-looking,

'Essential dialogue between detached workers and their colleagues is undermined, exacerbating the sense of difference between workers, and reducing the extent to which such specialist projects (and workers) are seen as an integral and integrated part of the Service.'

Mills and Shorthouse (1985) p.80

This quote neatly leads to the second set of essential conditions - those of mental preparations.

Mental Conditions

From the quoted comment of the worker on the Hyde Park project, there appear to be two firmly held organisational views about projects which make their long-term failure an inevitability.

These are: 1 projects are a luxury
2 projects are marginal to everyday work.

From these points it seems to follow, that project workers are in a luxurious position and their work is marginal to the Service. These appear unquestioned assumptions that have been part of the organisational culture for years -

thus there is always an assumption that projects are not part of the 'real' work, that they are either time limited or bound to fail. Organisational studies display the need to reduce the conditions of error when implementing a project or change programme, by realising the incongruity between espoused theory and theory-in-use, for example, workers may wish for projects in principle, but not when it comes to the reality of practical demands. Until this incongruity is addressed, projects will not be seen as a positive and integral way of learning and developing the probation service. Argyris and Schon provide an analysis of several case studies where firms have experienced similar blocks to learning and development through their fixed perception of certain issues, (Argyris and Schon 1978). Their study of 'Mercury' (pp 36-44) shows an organisation with two separate contradictory systems of development, which was not recognised due to an inability to confront underlying dilemmas from the organisations early development. This, combined with incongruities between their espoused theories and theories-in-use for development, lead to a learning system which 'prevented its members from engaging in good organisational dialectic' (p.44).

In a similar way, due to the unspoken incongruities between the probation services espoused theories and theories-in-use in relation to projects, good organisational dialectic about other new developments is prohibited. The Hyde Park case study indicates that

projects are not seen as helping the work and removing some of the everyday pressure for probation officers, but as something that reduces the resources, so increases the workload. Hence as well as dissuading workers from developing projects which may make their everyday work harder, the very way that a working day plans out will also stultify innovation. This was clearly seen with the inter-County Mediation Discussion Group which had a total membership of about thirty-eight, yet only ten to twelve officers managed to attend each session; development was curtailed not because of the number of people attending but because each session was generally made up of a different twelve, hence impeding decision making and the compilation of a coherent Service policy about mediation practice. Each session appeared to re-cross old ground as shown by this comment made by one manager on attending his first meeting for about a year:

"I'm concerned that it takes so long to take on new ideas...I don't think things have changed, the last meeting of yours I felt we weren't any further forward than we were twelve months ago..."

This type of comment was made by a number of people, but they were those who intermittently attended meetings, made useful developmental suggestions but personally took them no further, perhaps assuming that they would be carried out by others. In many of the comments there was an implication that I should develop the ideas further, yet this would not have aided the integration of such ideas with daily practice, as the interest of others has to stretch further than attendance at meetings. Yet until

others are able to take on the ideas of mediation practice as their own, no prospect of development is likely. As Garratt (1987) points out:

"...most people so restrict their frame of reference ...that little true change can occur...they view virtually all problems in a similar way...when asked to change matters, they tend to operate in a confined 'single loop' of learning on which they can only do 'more of' or 'less of' the same thing..."

p.59

Single Loop Learning

One officer recognises how difficult it is for new ideas to become integrated, but identifies the problem as the working group, and not their perception of the problem and restriction to single-loop learning, which prevents re-framing:

"...a common purpose and single-minded aim is hard to agree upon and even more difficult to achieve with a lot of people in a large inconsistent working group..."

For a detailed discussion about single and double-loop learning, see Argyris and Schon (1974 and 1978). Another officer who had moved from a different area talks about change being possible in a smaller, cohesive office where he said, an innovatory environment seemed to exist, and where ideas were supported by practical resources so developments grew. Yet within large or small groups, the mix of personalities and the character of the probation Service can inhibit joint or project working, as expressed below:

"It's particularly difficult with probation officers who have got this idea of autonomy in their heads - they don't want other people suggesting other ways they could work."

There seems a balance needed between allowing space and providing support, and a balance needed between practical and emotional support; and much of it hinges on how people personally relate.

Management permission to proceed with a new development is one hurdle, but fieldworkers generally wish for colleagues' support and will wait for others to step forward. A good example at this stage is my own dilemma of not wishing to push ideas at people or to develop mediation as my expertise alone, (as happened in the previous mediation project in Barnsley); to an extent I was waiting for a colleague or colleagues to step forward and take some developmental initiative alongside myself. Hence my own sense of comfort in my position was also a hurdle, in terms of feeling insecure and isolated. A more recent example is the community mediation scheme that I am developing (see Chapter 14). This initially felt a struggle until several people who were as enthusiastic as myself stepped forward to work alongside me. This in itself is of interest, as these people are not from the same agency; they have been able to absorb some of the ideas both within and out of their working context and to develop them further.

Such examples, as well as indicating the results of attempts to individually introduce new ideas, have touched on organisational features which prohibit change. Mediation practice has proved a good example, and these themes are developed in Chapters Ten and Eleven. Despite

the pressure of work and lack of apparent developmental space, fieldworkers still appear to want to change their practice or some aspect of the service. This will be discussed next in relation to the divisional changes which formed the South Division, and also through a consideration of the contribution of projects to change and the development of new ideas.

Fieldworkers desire for change

Sixteen out of the twenty workers interviewed spoke of wanting some form of change, whether to do with their individual position, their work setting or within the Service as an organisation. Particular changes specified were often to do with the divisional reorganisation and potential practical work developments with colleagues, for example joint working or developing group work. Only two workers did not express wider concern about the apparent increasing push towards a more punitive Probation Service as mentioned earlier (Chapter Six).

Despite wishes for change, very little is seen to happen as movement is so slow; over the period of my research, although the divisional reorganisation settled and many of the fears were dissipated, little has yet been developed despite a lot of talk about developing patchwork.

Change through Divisionalisation

The following three quotes show the frustration, confusion and distress caused by the formation of the Divisions from the point of view of management and main grades; the interviews were conducted ten months after the reorganisation. This probation officer had worked in a separate office unit in Sheffield for several years before divisionalisation, with the same group of colleagues:

"...I'd like the group of officers I work with to change...to be more mutually supportive, and so I can get to know them personally. I'm pleased there seems to be some move towards meeting in smaller groups... we need the humour and support that only exists in a small group of people in this Service."

One of the higher managers had been very keen to develop the division, and felt disillusioned that others did not see it in the same light:

"Having two new Divisions that to me was quite a new lease of life. And I was very enthusiastic about that, but very sad that I've not been able to carry that enthusiasm to staff, ...the potential is there for moving forward into all sorts of work..."

He attempts to explain the lack of enthusiasm through workers interpretation that they were directed into the division - seeing such views as resulting from a lack of effective communication.

Another main grade worker makes similar points to the first but in a more analytical manner. He considers there to be a critical size for a group to achieve effective working relationships, and believes the divisional size is jeopardising this:

"I'm disappointed with work, it is certainly linked to the structure of the Division at the moment which is still in transition and I don't think lends itself to satisfactory staff inter-relationships... there is something about the critical size for a group of people who can work together and get on...so that you can get to know one another and trust one another and that's just not happening here."

The initial concerns here are that the divisional change has created distress and confusion as well as creating an unwieldy working unit. It is also evident that different grades of worker feel in different ways and perceive the change differently in respect of what has happened, as well as in terms of advantages and disadvantages. Quotes from the same people later, display a general feeling that the Division has settled, so now the real work can be tackled. The first officer hopes for changes in the way he works due to the formation of a cohesive work group; the large central division has satisfied the wish to return to 'teams' by the formation of sub-groups:

"The Division did feel a bit anonymous when it first came, I felt a bit cut off, I was not sure what was going on; that has gradually changed because of the split into the two sub-groups at West Bar and there is now some sort of weak beginning of a group that can work together."

The Divisional manager later acknowledges how long change takes and how impatient some people can be for results:

"One item that none of us took into consideration at the very beginning of the Divisional change was just how long change takes, to begin with I was very concerned and very worried that we had made a mistake, as nothing seemed to be happening and all we got was lots of bad feeling about change...That has taken a long time to work through, but within the last six months there has been some real development..."

Even though higher managers would say the formation of the division was not imposed (see Chapter Three), the above comments talk in terms of managers sitting back and watching workers grapple with the division - fearing that due to the distress and length of time, 'we had made a mistake'. The other officer had not been in Sheffield for long before the creation of the Division, and he comments about the time that it seemed to take to settle and his concern over the history of changes:

"I think I was very naive about the Division when I first came, I don't think I realised the extent to which the history of the previous teams and of those people who had been in them was going to affect attitudes to the evolving Division. A substantial number of people regarded it as being unnecessary, as being a sort of management device, I wasn't aware of the politics behind all that so what surprised me was the period of time it took for the dust to settle. I also think there were considerable hidden agendas around...like giving others access to a good Senior. But now that is all largely forgotten, and people are getting on with making the best of it..."

Others also recounted to me the many stories and speculation that were rife when the divisions were formed, and remained as preoccupations for many for up to two years later. The manager was right when he cited communication to be a problem, as mixed messages were present from the start, and even now there are bad feelings about the creation of the division despite work developments. This results in confirmation that change is imposed, is negative, and a situation that has to be made the best of rather than something that is sought and progressive. One officer in particular was able to explain the feelings that many others struggled to express:

"It became very obvious that sitting with a group of 18 probation officers trying to make a decision about whether or not we should send one or two letters for an SER interview, was never going to be a way of formulating policy or discussing issues...the other Unit being in a separate building caused the first split; the second was the West Bar group forming itself into two groups...it was a fairly quick step then to moving back to sort of teams, although there is a lot more sharing of the allocation of work."

Another worker expressed the general feeling that there is a lot more work to do to form a cohesive unit and before anything new can be contemplated:

"...it's changed!...it's developed into basically just two teams, an Inner and Outer City...It's about being able to work together and about being comfortable and safe within a group, and feeling a sense of belonging rather than being part of a vast Division of people. So you've got colleagues you can trust and who you know share similar ideas, so you can discuss with them and ask for information and advice."

Thus at the time of my research, change to many represented the immediate Divisional upheaval; to consider broader issues there has to be a secure base from which to consider other potential developments.

Differing Views of Divisional Change

The change was seen positively by some people and a means whereby other developments would be more likely to be taken on in the long term,

"we can cross boundaries more..."

"... I have a wider variety of clients."

"... it has greatly improved the management which was very narrow with Seniors having to be everything to their team... it has been a freeing up exercise."

"There is a lot of sharing... more than there was previously when we were in area teams."

But this point is not followed by another officer:

"we now cover such a wide geographical area that things like sharing work or knowing one another's cases are unheard of now - I like knowing what each other is doing and being able to substitute and have real support, and supervision... its merely an academic exercise."

This last point shows how different people perceive the same situation, and that change can result in different experiences for different personalities. Ironically more recent views generally concur with this last point.

Newer workers and one who is involved in a specialism, seemed to be generally indifferent to or unaffected by the changes:

I was comparatively indifferent to the formation of the Division because it was clear it wasn't going to impinge on my work... I was going to be working with the same caseload in the same location and that was what I wanted... obviously though it has impinged on me as far as working with colleagues is concerned as I found myself working with a different group of people."

"I'm a little out of touch with regards to what may or may not have happened within the South Division and whatever has happened has not, in fact, encroached on my area of work...I'm working on a Drugs specialism and have my reference group outside the Service."

This worker needs a secure base and reference group, (as do the other workers), but he was secure during the changes due to his 'group' being outside. Nothing was done to help others cope with the change or understand it. The crucial key activities to implement successful change were ignored. These are summarised by Plant (1987) as, helping individuals or groups face up to change; communicate like never before; work at gaining commitment; ensure early involvement; avoid overorganising; and turn

perceptions of 'threat' into opportunity (pp.32-36). Yet the structure to enable such steps to be possible does not seem to exist - and this is a crucial issue to be explored in Chapters Thirteen and Fourteen.

This further exploration will involve a consideration of the service as an organisation that displays symptoms of neurosis, such as breakdown in communication, low energy and morale, a questionable self-image, an inability to plan ahead, and disagreement over values and goals, (Merry and Brown 1987 esp. ch.1). All these features are apparent in the previous discussion, and will recur in the discussions to follow.

Hopes for Change

When considering new directions for the Service, officers more often specified their own small scale hopes in relation to the Division, because there seem to be too many problems to overcome to take on anything additional, and too little time to effectively think through ideas; several officers felt very cynical about any prospect for change. They generally lack strategies or knowledge about how to deal with or approach wider issues. When asked to specify developments, officers return to the small scale and do not talk about ideas to change the wider scene. A number said -

"you have to be realistic about how much people and the job can change - and I think this is very limited."

Discussion about the prospects and constraints to change brought out general points and led to discussion about how to introduce new ideas and the concept of having a Special Project Team.

Change through Special Projects

All but one worker saw the value of a Special Project Team as being to explore new ideas or develop potential new ways of work. They argued that the ordinary job does not allow the essential space as this quote indicates:

"The resources have to be kept as a Special Project because if they are swallowed up, they will never be freed up again for people to use and experiment with."

Most of the fieldworkers qualified their views by saying the Project had to be relevant to the Service and preferably linked with daily practice, or developed as part of a chosen team project. One of the area managers neatly summarises this:

"Special Projects...unless they operate in a way which is recognised and accepted by the Service as a whole, won't achieve anything. The best change which probation officers might actually carry out is demonstrating that something works. A Special Project is only as good as its capacity to take the rest of the staff with it at every level. It is no good coming up at the end of a year or two years and saying we believe this works, because you lay yourself open to the view that you had the luxury of the time and space to develop it. Others cannot do that because they are writing eight Social Enquiry Reports a month and have caseloads ...I think it is not the quality of the idea, it is the organisational structure of developing and looking at new ideas in that particular way that is of importance."

Yet this manager found it difficult to specify a structure which would encourage project developments and make them accessible and achievable for mainstream workers. It

seems chicken and egg, as without time and resources nothing can be developed, but if there is space away from mainstream work it is not a relevant transferable working situation; projects are seen as luxurious and marginal as already discussed, and this links with arguments developed in the previous section about 'lack of developmental space'. As explained by Katz and Kahn (1966) when talking of people pulled out of their customary work position for project work or training:

"...they return to their customary positions with the same role expectations from their (colleagues), the same pressures...the same functions to perform ...Even if the training programme has begun to produce a different orientation...they are likely to find little opportunity to express their new orientation in the ongoing structured situation to which they return."

p.390

Change is said by many to be a difficult and gradual process which has to be worked at and has to continuously build on people's experience. Several officers noted that the history of the Service and its individualism is a constraint to change; to affect this a long term strategy would be required to change perceptions, including revision of training courses and perhaps the introduction of tutors from a variety of disciplines with, perhaps, community-based developmental skills. One manager posed the idea that introducing students from other disciplines may be of benefit to the Service, and provide an enlightened perspective on the work that we do - he says:

"I suppose what we may need is...research projects or where we ask people from other disciplines to come and do projects which may affect us. Maybe from computer

departments; they may help us with our registry. Although I can see the complaint that it would take up time and would be inappropriate because we would not be taking so many probation students, but taking architect students or whatever, and is this the role of probation officers? But surely there would be some benefit from it. It would bring in other ideas and stimulate the Service, but this sort of an idea is a battle to sell to others."

Here, this manager is suggesting a radically new idea, but he already knows the arguments against it - 'it would take up time' - 'is this the role of probation officers?'; such ideas are not in tune with current service thinking and practice. He also has not thought the ideas through, as he cannot detail how other students would be used - just says.. '... surely there would be some benefit from it.' To implement such a policy would require a revision of service culture and adjustment of aims, which appears insurmountable, (Plant 1987).

Problems and Positives About Change

Probation officers talk a lot about constraints to new projects and developments but rarely talk about the positives. Maybe this is a sign of a demoralised Service as already suggested. Within my interviews several workers do speak of the Service as being demoralised and typical comments are:

"I think morale is low in the Service..."

"I think there are blocks to implementing changes and I think this is because people are demoralised..."

They believe the demoralisation is due to the direction the Probation Service and the Criminal Justice System seem to be going. The service is seen negatively, as lacking power in the political scene, and the individual

worker is seen as powerless to fight or influence these trends as already mentioned. It also indicates a lack of confidence in promoting projects, as the end result is foreseen as negative.

In the South division, officers feel they do not receive back up, and a probation officer who had been involved on a community project explained how this affects his view and definition of what projects are for:

"...to give space to practising probation officers to actually test out ideas in a practical way...but without affecting others or influencing the overall workload distribution."

This implies that any project is fine and a good idea so long as it does not affect other practice by increasing workloads elsewhere.

If projects are seen as marginal, how can they be accepted as a major way of tackling new directions and developments? Is it because projects in South Yorkshire are not seen as having changed anything in the past, that they are now seen as marginal, or has this always been the case? Are officers waiting for the grand project or the answer to the Service's dilemmas to materialise that will then successfully accomplish change in an exciting new direction? Such mixed messages are perhaps the reason why most workers suggest that ideas need to be developed within the field setting, and must be seen as relevant by all the team from the bottom upwards:

"Ideally I think change should come from the bottom ...from individuals or groups of individuals

sharing a common idea. ...change from above tends to be resisted and resented...a natural conservatism if you like, perhaps tied in with a kind of disenchantment with the hierarchy..."

Support from the top is also crucial as pointed out by other workers. One comments that in the long term,

"there needs to be Service commitment at all levels to the development of the idea otherwise the necessary resources or facilities or back-up may suddenly not be available."

If a project is a team enterprise, this would imply that every team member needs some commitment to the development, but also that their ideas require some congruence. This would avoid the "them and us" syndrome which occurs with some special projects and specialist workers, but it may still create other problems in trying to reach a consensus over a project and in making space away from everyday demands. An officer who recognises many of the problems of projects and of attempting to make space, goes some way to suggesting that it is the perception of the job of probation officer that needs to change in order to enable other changes to have effect.

Ways to Promote Projects and Change

She suggests that space is best provided in the team setting, although if one person does not agree it can create tension and frustrations and potentially more work.

She tries to explain this:

"I think it's because we work in this vacuum of sorting out our own individual priorities. A better way to approach new ideas may be to have people attached to teams to explore ideas and the teams to be given a low

workload so they can explore the ideas as well..."

She then comes up against the same problem as ever - that if one person or group has a reduced workload, there are those who have to take on a higher workload - although -

"Alternatively, our managers have to say to the people who create our workloads, no, no more at the moment because we are involved in a project. Its a commitment from our managers that is important as well as from the officers on the ground...as long as we can say I'm too busy, then we'll go on not changing our perception about things."

Another officer suggests a different way to organise a project, as expressed below:

"I would like to see a demonstration project, where issues are looked at and then brought back to be looked at by other people, ...activities that groups of staff are already committed to in some way. ...by say seconding a member of the team into the Research Unit or onto an M.Phil so that they have the space and time to think for themselves, and on behalf of their group of colleagues who are still working, so you don't have this trying to transfer what is learned in one centre to another centre which just doesn't seem to work."

He suggests that this may involve team members in half time project work, and if they remain members of the team the ideas may develop as an integral part of that teams work. He continues:

"If you've got somebody floating around who is nudging people and reminding them or even just being there to act as a conscience about new ideas, that may stir people into doing things..."

This suggests someone acting as a change agent, and to a large extent is the way I have been working but without the additional conditions. I was not an original team member, the project was not owned by the Division, and neither did they receive any workload reduction in order to participate. So there are very different issues and

implications to explore here. This will be expanded in the chapter considering the change agent as an instrument within the organisation, (Chapter Fourteen).

One main grade worker who is convinced that ideas have to originate in teams, finds it difficult to see how the space for the original impetus will ever arise. Workers are not allowed or allotted thinking time, and courses that may stimulate ideas are generally restricted due to lack of finances and are sandwiched within normal working commitments. The following quote expresses this. He starts by saying that ideally when a worker has an idea he should be given space to explore it and to involve other team members so it is a two way process, but in reality where people have caseloads and reports:

"I fear, ...very often space and time isn't readily available. It maybe says something about our Service in terms of management style and priorities; if it was part of the system that space was created for even just thinking time to think up new ideas and ways round problems, then perhaps new developments would happen."

This officer is starting to think about attitudes and expectations and how these affect perceptions and work and the way officers tackle everyday demands. Already, in discussing potential change mechanisms, particularly through the medium of special projects, a number of constraints to change within the probation service have been identified.

The Constraints to Change

From my interview data the constraints that emerge from

the discussions fit well with the literature and documented constraints identified by officers from other localities. See for example Waters (1985), Vanstone and Seymour (1986) and Senior (1988). These can be listed as follows:-

- 1 The history of the Service - individual offender-based, with a traditional casework approach.
- 2 The culture of the Service - one of autonomy, individualism, with a common caring identity yet an insecurity in the portrayal of this to the outside world.
- 3 Preciousness about individual autonomy - a valued aspect of the job and a desire to keep things as they are - an instinct for survival.
- 4 Fear of the unknown or the unfamiliar - a tendency to conservatism and resistance to change which is only natural.
- 5 New ideas can challenge present practice - a fear of being criticised particularly as some probation officers have worked in the same way for years.
- 6 Change requires effort - present work is too draining to allow space to think and assess alternatives.
- 7 A lack of trust in management - both real and imagined, they are answerable to the central Home Office and work to priorities that change with the political climate and not due to Service needs.
- 8 Lack of perceived management support - apparent difference between official and operational goals.

Management by objectives and cost effectiveness; a business ethic does not appear to support any new ideas that are counter to the environment of punishment and control.

9 Fantasies that develop implying lack of real communication - a distant hierarchy and line management control, with constraints on resources and developments but no shared discussion.

10 A perception of the service that does not integrate change and the development of new ideas as positive and forward looking.

This list reflects most of the resistances noted by Plant (1987) in his discussion about introducing change to organisations. He makes a total of sixteen points and they all hold true both in general and specific terms for the development of new ideas in the probation service, and particularly the idea of mediation practice. His list is as follows:

- 1 Historical factors
- 2 Low trust organisational climate
- 3 Custom bound
- 4 Threat to status
- 5 Threat to power base
- 6 Fear of the unknown
- 7 Lack of information
- 8 Misinformation
- 9 Threat to core skills and competence
- 10 Fear of failure
- 11 Fear of looking stupid

- 12 Reluctance to experiment
- 13 Reluctance to let go
- 14 Poor relationships
- 15 No perceived benefits
- 16 Strong peer group norms

p.18

Further discussion of these resistances and potential ways of dealing with them will be considered in depth in Chapter Fourteen. Evidence of these constraints and both institutional and personal resistance to change has been a constant feature of my research. Yet officers see changes that do occur as being imposed from outside or imposed by 'management'. Their perception of such issues and their views of the service affect their receptivity to ideas and their ability and incentive to innovate. To take the discussion further, the following section will consider officers views of the service, which have already been alluded to throughout this chapter, in greater depth.

Probation Officers' View of the Probation Service

Although aware of changes that affect their work, most fieldworkers see these as being imposed from outside so out of their control, as expressed below:

"Yes, the Service may be becoming more punitive and focussed on control, but it's not through the Service itself, but more through the Government and legislation."

Such views are contradictory, as the same officer continues by criticising the Service and particularly

management as being ineffective and going along with changes against so-called Service policy. Other officers also criticise the service and management:

"I think the Probation Service is like an organisation that is out in orbit somewhere. Totally undirected... I think the management of the Service are useless... I don't think they stand up for things...the managerial structure is just a joke."

And this worker sees the problem of lack of change as being due to management:

"I don't think the Service will ever change...because if you've got people of a certain type in the position of selecting, say future managers, then I think they will be more likely to appoint people like themselves rather than people who may be some threat. It's down to the cosy life and weak personalities..."

But on the other hand, this same officer notes that the ineffective nature of the service can be an advantage:

"...what I'm describing as faults also serve as virtues as people can use the faults...the loopholes to duck through and get on with what they want to do."

Apart from the virtue of freedom in a Service that does not seem to have much direction, there are also a number of references to the organisation, suggesting that the leadership tends to be made up of similar types of person, and that management itself is still desperately searching for some form of certainty of objectives. This in itself, is a problem, as noted by Garratt (1987) where he notes a desperate search for certainty in many organisations which saps energy and stifles enthusiasm (P.132).

Garratt also talks about the problem of having people in management who are similar to others which can lead to a

lack of development:

"Whilst often...the top team is truly pleased to have such a person on board as they reflect accurately the values and behaviour for which the others stand - it can lead to similar problems of risk-averseness..."

p.93

It is rare that the Probation Service takes on anyone from any other discipline or background, ensuring that the "our kind of person" ethic is maintained. There is an attitude in the Service that no-one can effectively manage without having experienced first hand the traumas of the maingrade job, yet those who have been away from practice for some time are whispered about as being out of touch with reality. The so-called advantages of the organisation which allow workers to do what they want does not seem to inspire them to 'duck through loops' and develop new ideas and directions. Why is this? The fieldworker who spoke earlier about the advantages of loopholes commented that perhaps people do not have any ideas that they want to develop. In a later discussion another officer commented in a similar vein:

"I'd like the Service to change...but I don't know how to do it or how to change the Service on a policy level...I think I'm just guilty of inertia or a lack of motivation."

Lack of Motivation and Service Morale

As one of the managers comments, his biggest headache is to motivate people. He comments that the right person with enthusiasm, who is prepared to push at an idea, can quite often achieve something but even this is not guaran-

teed. It seems pertinent to suggest that maybe the lack of direction felt by many within the organisation causes dissatisfaction and confusion, and this climate does not create ideas. Many officers engaged in this discussion revert to previous points about the Service lacking any form of consensus:

"There just isn't a consensus amongst maingrade workers about what being a probation officer is all about, so we can't really change it to anything different if we don't know where we are starting from..."

Is the confusion created from outside or from within? Perhaps, because the Service is not united, external pressures easily affect the atmosphere as expressed below:

"I think morale is low in the Service because we are having to deal with the harsher situation outside in the community, and are therefore having to face a lot more difficulties that clients bring in as a result."

One of the Divisional Seniors also comments about morale - this time in relation to developments:

"If you have a climate of high morale and high hopes then you are much more likely to get things off the ground..."

The lack of morale more generally seems to have resulted over time from the apparent loss of direction within the Probation Service both locally and nationally. And due to the Government's push for harsher measures and a Service that can be assessed through its economy, efficiency and effectiveness, working to provide alternatives to custody. The same Divisional Senior expresses his concerns about national changes:

"I'm actually very worried about the national emphasis on Home Office Statements and Objectives and the Local Statements of Aims, Tasks and Resources which puts all the eggs almost exclusively into the alternatives to custody basket. That seems to be a cul-de-sac as there will inevitably come a point when we can't actually keep any more people out of custody...then you are assessing an objective which is unattainable and this then destroys staff morale."

He identifies several other areas that he believes are important:

"such as what does the community expect us to be doing? what is the public view about our role in sentencing? How are we represented to the media?"

Presentation of the Service

Most probation officers would say that the Service does not sell itself and that in the main we are quite a conservative bunch of people, as has already been noted.

The following brief quotes emphasise these points:

"We must be the most conservative group around in terms of change..."

"We ought to be a little aggressive, a little more assertive - I think we are just too conservative..."

As described by most of my sample of probation officers, we so lack confidence in the value of what we do that we lack the belief that other people can have confidence in what we do as well, so we are almost subversive about our activities and do not try to sell our skills. When discussing their skills, probation officers are very proud about some of the help they are able to give to clients, but they themselves recognise their inability to sell these skills and their fear that they will not be recognised by anyone apart from some of their clients and other probation officers. This is well expressed by an

officer who has been working in the Service for almost eighteen years:

"Skills like counselling and helping people to change, and helping people to manage their lives better are things that we are good at, we are good educators... we are in a position of organising social training... how to cope with frustration...But none of this can be measured. I'm sure if someone could measure the amount of trouble and expense I've saved in eighteen years, I think I would be well in profit!"

Maybe this is the return to the unquantifiable "help" mentioned in Chapter Five - but however probation work is defined, all the interview sample saw the important aspects as being the personal contact and inter-action that takes place with individuals, where success is more an intuitive feeling of progress than anything that is quantifiable. Officers tend to believe that as the work is not easily quantifiable, there is no clear image to portray. They also tend to feel that anything we are good at is not something that needs to be sold, unlike managers who tend to begin to look at the service offered by probation officers as potentially saleable items. This is well expressed by one of the Divisional Managers:

"...the one thing this Service doesn't do for itself is sell itself. I think we have a lot to offer...I think we need people with minds a little different to probation officers who are good at looking at things.. in a detached way and pulling out whatever it is we have and putting it together in a package for the general public, the media, whatever..."

He gives an example of the court setting, where he suggests the probation service is not afforded proper status or respect - in fact 'we are treated like the court cleaners'. One of the divisional officers makes similar

points but also notes the difference between managers and maingrade as expressed below:

"I think we should have a more challenging role particularly in the criminal justice system, and stand up and say loudly and publicly, this is wrong - but we can't even get to an agreement about this... I think in the Service now...basic grade probation officers and Probation Service Managers are certainly not working towards the same ends...these sort of factors mitigate against change..."

Perhaps as Garratt (1987) suggests, where a Service does not allow sufficient growth and learning to take place amongst its maingrade workers, - it also restricts space and process...

"for people to be able to integrate their work into the wider perspective"

p.122

Another point he makes seems to hold true as well -

"if employees are misdirected and mismanaged in the social, emotional aspects of a learning process, rather than just the personal terms and conditions sense, then they will become disruptive, unproductive, block learning and/or leave. ...It is fairly easy to kill learning and create a subversive sub-culture."

p.103

A Narrow Perspective and In-Service Rivalry

Within the service officers often talk of working subversively - or 'working against the odds'. This feature encourages individualism and can affect the whole service which adds to the problems of management. Individualism does not only occur within divisions, but also between districts - as each probation area has a different culture and ethos which affects how people work as well as the overall management strategy. One officer commented on this having moved from another South Yorkshire area:

"I think we've got to be seen as a whole Service rather than just different districts working against each other...That is probably what worries me about the Probation Service, the way...people are backed into corners so there is no open discussion and no real choice. I mean, I would be happier if there was a climate in which even if workloads dropped then everyone can discuss and choose what should happen to the resources."

She feels the districts are played off against each other to fulfil some hidden management strategy - that they do not relate to the main grade or attempt to develop a cohesive service either vertically or horizontally.

One of the managers was very ready to acknowledge this and to take a part of the blame. He expresses this below:

"Maybe its something for us as managers. This is criticising me too...I don't think that managers in the Probation Service have learned to be managers really. I don't think we've done enough of... trying to encourage development and picking up things and moving them on. We are very good at sitting down and consulting ad nauseum but not actually moving forward."

He notes that ideas are often lost through lack of resources and back up, and sees some of the difficulty as being individualism, as everyone wants to get on with their 'own thing'.

Communication and Organisational Change

The other problem he identifies is communication, saying that:

"...somehow we cannot find the way of talking to each other without the fear of compromising our operations."

Another manager talks on the same theme:

"To work as a manager, there is a need for self-preservation, ... enhancement of self value that marks you out as different...But by marking yourself as different you then need something to fill up the gap

that you have just dug and you are then into bridge-building - so that managers and workers can even talk the same language. Management are constantly trying to break down barriers or build bridges, but it somehow can't seem like that from the other side. It must seem more of a conflict situation than one where I can influence or offer help towards practice change..."

Another manager speaks of the fantasies that develop not just between management and maingrade but between groups of maingrade operating in different areas. This is expressed below:

"People need to be kept informed as much as possible about the implications of any changes and must be allowed to express their feelings. We have to try to find systems that are open systems...to stop the sort of fantasies that can occur about what other people are doing."

Fantasies develop about projects and any developments that are in any way out of the ordinary; this can impede their growth, their degree of influence, and workers receptivity to them. Hence, as clearly expressed by one manager, to institute lasting change it is a:

"very slow painstaking business of personal commitment ...people have to change at their own pace and in their own time, and change is very piecemeal and incremental ...it depends on personal values and work opportunities..."

Another manager suggests that changes need to start way back, so that in the long term:

"one thing would be to change the expectations of people when they come into the Service, which has implications for student training...for selection...the kind of placement you offer. So this will affect the expectations that people come with as new officers. The other strand is the need for more emphasis on in-Service training. I think everyone needs an opportunity to develop and learn about other areas of practice and to extend their skills."

This point takes up the ideas developed in recent organisational literature, that any organisation needs to devel-

op a culture and philosophy of action learning if it is to grow and survive. This does not only apply to industrial and production-based firms, but equally to organisations concerned with services to people. As pointed out by Garratt (1987):

"Central to the new ideas is the notion that learning has become the key developable and tradeable commodity of an organisation. Generating and selling know-how and know-why, the learning of the organisation and its people, is becoming the core of any organisation which has a chance of surviving in the long term. We already know a lot about organisational learning processes. When this is added to the new ideas on the generation of vision, the refinement of thinking processes, the development of policy and strategy, the notion of managing as a "holistic" process, and the acquisition of new managerial skills from outside the traditional boundaries, then there is a powerful mix available."

p.10

Such knowledge as yet does not appear to have penetrated the Probation Service, and there is a distinct lack of integration of personal development activities with appropriate organisational structures and processes. On-going learning is seen more as a personal choice and responsibility, and even this is constrained by lack of time and funding. Yet it is increasingly widely acknowledged that managers have a duty,

"to encourage a culture of learning throughout their organisation and to manage the different layers of cultures within their organisation".

Garratt p.112

Alongside training, the inclusion of people from other disciplines or simply encouraging work alongside people from other disciplines, would be a useful stimulus and introduction of fresh perspectives and new ideas, as mentioned by one of the managers I interviewed and quoted

earlier. Garratt again makes the point - quoting Jeanne Kirkpatrick:

"I think one of the pitfalls of very large bureaucracies is of a certain staleness developing, a certain lack of imagination, the tendency to the routinisation of everything."

Garratt (1987) p.99

The standardisation and formalism of a number of probation practices is a growing phenomenon, and is also one of the increasing fears of the probation officers that I interviewed. The Probation Service instead of stepping further into the bureaucratic mould needs to develop an action learning environment, whereby:

"crucial organisational problems are taken as the vehicle for simultaneous manager and organisational development, thereby ensuring a cost effective investment in the organisation's human resources."

Garratt p.95

This way of looking at the Service would provide a positive impetus in considering or facing the problems that exist, notably the Service's lack of clear direction and lack of overall structure and identity as an organisation in its own right. It would also ensure the involvement of all personnel, and confront the recently enforced but on-going debate about cost-effectiveness.

Conclusion

This chapter has considered a number of themes, ranging from job satisfaction and how this is gained on an individual level, to concerns about the service in terms of the political environment and how it does not encourage

change both internally and externally. Indications of service culture can be seen from its ethos of individualism, to its lack of effective communication and the absence of any coherent mutually agreed policy. From the material so far, the espoused theories of probation officers are apparent, interlinked with their ideals, yet in practice, they feel inhibited by the constant daily demands and pressures, that prevent them exploring or innovating or encouraging others to develop new ideas. Lack of confidence and suspicion of management exacerbates the problems, together with confusion over the aims and culture of the Service. The next chapter will consider actual practice, and so provide a more coherent picture of probation officers theories in use. It will then start to explore the interest in the development and practice of mediation, and the position this had in the work of the division. This provides a practical look at the introduction of ideas.

CHAPTER NINE

VALUES-IN-USE, DAILY PRACTICE DEMANDS, AND THE DEVELOPMENT AND POSITION OF MEDIATION

"...the probation service is acknowledged to be a service having its roots in social work...what I hope having a social work base does not mean is an exclusive commitment to the interests of the so-called "client"; ...or, worst of all, a belief that probation officers are somehow the "nice guys" of the system, balancing or even correcting the repressive work of the other services." (i.e. the Police, the Courts, the Prisons and the Crown Prosecution Service).

David Faulkner (1989)

The last three chapters have considered the background and socialisation of probation officers, and service and practice changes over time; officers ideals and how they say this affects their approach to their work; their job satisfaction; pressure of work and desires for changes in practice and to the service. The last chapter concluded with officers views of the service together with some comments and criticisms of its management. Such issues have provided a picture of the service as an organisation embedded in its primary tasks and unable to look upwards and outwards at new ideas and developments, except in an idealistic way. This chapter continues the debate about the daily pressures and demands that curtail ideas and enthusiasm, and begins the discussion about the introduction of mediation practice - drawing on quantitative data collected as well as discussion material. It will provide a picture of how mediation was thought about and attempted (or not) by divisional members, and provides a foundation for the following chapters that explore the potential position, development and future of mediation practice.

It is divided into two sections, with the first concentrating on how probation officers say they work, the tasks they do, and how they cope with the organisational pressures and atmosphere. The second part will concentrate on an analysis of the quantitative data collected in relation to daily work and attempts at mediation.

Part 1 - Coping with Practice

It is interesting that all those I interviewed had a strong opinion about the probation service - mostly critical - and that their ideals indicated ways they thought they ought to or would like to work. For some this included a consideration of mediation practice; for others mediation was not necessarily an ideal in itself, but represented a potential new development, and so highlighted for them the constraints and difficulties of change due to daily pressures. Typical days and tasks have already been described and discussed in relation to work pressure, using officers own perceptions and choice of material. Other material utilised so far is from the conversational interviews - so in essence is 'self-report' material and is a better indication of workers perceptions of their own work and their espoused values. That is it indicates:

"...What people say is the reason for their behaviour, what they ideally would like those reasons to be, and what are often their rationalizations for their behaviour."

Schein (1984) p.3

So to really understand what probation officers do it is

necessary to look at their actual practice or theories in use which will govern their day to day work - where the underlying assumptions about what they do are so taken for granted that they have dropped out of awareness. Underlying assumptions are 'less debateable' than espoused values,(Schein 1984 p.4). A good example in the probation service is - 'the offender is our client', and in the court setting - 'people who have offended should be processed'. Espoused theories and theories-in-use may not be compatible (Argyris and Schon 1974 Chapter 1), for example an officer may claim to work in a community setting, yet in practice only work with offenders, or an officer may say she is under great pressure, but in reality may have usable space with reorganisation.

The following analysis will focus on the work of probation officers and will use my observation of their practice, as well as their own views of the discrepancies between their ideals, actual practice and what is expected of them. I present an analysis of quantitative data collected throughout my follow-up work with the six self-selected probation officers (see chapter three), and during the two month period of intensive data collection on court reports with the whole division. This will display the extent to which officers perception of work pressure and lack of space is borne out by facts and figures. Qualitative data is intermixed as discussions and feedback were ongoing, and I recorded discussions in note form during the quantitative follow-up work. With court reports and casework, the number of potentially mediable cases is

considered, together with examples, actual work undertaken and officers reasoning about their actions. This leads on to a more intensive discussion and qualitative analysis of interest in mediation in Chapter Ten.

The Divergence between values and practice

Not only do probation officers rarely work as they initially intend, but the literature that describes probation practice rarely captures the essence of everyday reality. From day to day, what probation officers actually do is a different story to that stated by official Home Office documents and reports, and as described by many academic accounts of probation practice. One attempt to highlight and explain this discrepancy is in a book written by a practising probation officer and a former probation officer, (Walker & Beaumont 1981). Major probation tasks and practice are described as they are intended to work and the contrast drawn with the reality of practice as experienced daily by probation officers:

"Many probation officers experience a divergence between their personal opinions and values, and those they are expected to uphold." p.5

Case examples and discussion are used to show how probation officers grapple with flawed intentions and ideals, while they try to reconcile -

"contradictions inherent in the role of the probation officer". p.13

Personal accounts of the work undertaken by probation officers are similar, indicating a general congruency of tasks, and suggesting a general understanding and acceptance of the statutory job requirements. Differences

exist between how individuals approach some of the tasks, and attitudes are mixed about the relevance or suitability of different forms of practice. This is seen with a community approach to probation practice, where officers views range along a continuum from those who see it as a highly relevant way of practice, to those who believe it has no relevance at all. Research conducted by Henderson (1988) analysing the opinions of members of eight teams showed this well, and also identifies another key feature within the Probation Service; that of "tolerance of differing views, and respect for the autonomy of colleagues work" (p.30). As Henderson points out - although this allows officers to develop their own way of practice, it has disadvantages as it can lead to isolation, to the reinforcement of opinions that new developments are 'hobbies' or specialisms, - so resulting in the lack of integration or development of ideas. This is important as it suggests that alternative ways of working can be introduced and tolerated despite a lack of overall interest, or where others see the ideas as a low priority or incompatible with both the remit and the statutory position of the Probation Service. The confusion of attitudes over the understanding and importance of community work seem to apply equally to mediation practice. Arguments focus on - who is the client of the service - and what should the remit of a probation officer be.

The client group of the Service

Many of the arguments propounded both for and against the

development and relevance of community work, noted by Henderson and by Senior (1988), are similar to those discussed with my sample about mediation practice. One probation officer in the interview discussion about mediation in the court setting commented,

"The ideas of mediation are all very well, but they are not really the task of probation officers are they?"

The discussion then turned to consider what a probation officer's tasks should be; should the probation officer's task include working with both sides of an event? Some officers in my sample saw the logic of this, but others disregarded the concept as not necessarily being in the best interests of the offender. This is partly because some officers see the offender as being their sole responsibility, and that to show concern for the victim would dilute the help they could offer to offenders. Several authors see this as the confused moralism of 'radical criminology' which gives proponents a strong sense of identity with offenders. One of my interviewing sample spoke of having 'some kind of identification with people who were marginal to society...' This results in the belief that officers can:

"only be concerned with victims at the expense of the offender. Many feel that they play into the hands of right-wing law and order lobbyists by the very acknowledgment of the harm suffered by victims."

Phipps (1986) p.113

Similar critiques are offered by Cohen (1979), Downes (1979) and Mungham (1980). Others suggest that it is a lack of humanism that makes it difficult to include concern for victims as well as offenders (Quinney 1980).

The reality, I would suggest, is the need to overcome the psychological hurdle of believing they are two opposing groups; in reality, offenders can also be victims and vice versa in many different senses - both are members of society, of communities and have other identities (for example parents, neighbours, customers etc.). This highlights an initial confusion, as most probation officers see their role as working with offenders - although they would express the ideal method of work as being more integrated with the community. Yet those who talk of a community approach, rarely display this in practice, showing that their theories-in-use refer to offenders. On this basis, where the offender is taken as the primary concern, there does appear to be an underlying consensus of relevant tasks for probation officers.

Tasks for Probation Officers

Much probation work appears to be accepted as it is maintained and followed (even if grudgingly), without question. Tasks for officers seem reasonably clear, which direct their energies mainly towards the court setting and to working within an entrenched and immutable system. The institutionalised court system - geared towards processing offenders in the fastest way possible and lacking in humanitarian attributes, is clearly portrayed by Shapland et al (1985) and in much of her research about victims in the criminal justice system. Her points have equal relevance for offenders. With probation officers, it is the differential interpretation of their role that

forms a gap between the official and the practical accounts. Probation officers pursue their tasks in ways that may appear contradictory to themselves, as well as to their various audiences. For example, how a Probation Order is spelt out in a court report for the audience of magistrates may be very different from the friendly and potentially helpful discussion with the offender about the usefulness and terms of an Order.

Basic probation officer tasks are set out in the 1984 Statement of National Objectives and Priorities, and can be summarised as follows:

- 1 The preparation of court reports - with a view (but not exclusively so) to the making of probation orders.
- 2 The supervision of offenders on such orders in the community.
- 3 The supervision of all Young Adult Offenders when serving an institutional sentence and when released on licence.
- 4 Similarly for parole supervision.
- 5 Provision of voluntary aftercare and throughcare support for any adult who wants it, including support for their families.

Centrally, policy from the Home Office, and local policy in each area develops and specialises the role of probation officers by prioritising or targetting certain groups or areas. These may be detailed in local plans, such as in South Yorkshire, the Aims, Tasks and Resources

paper (1984). But in reality the above tasks leave little room for anything more as they stretch further than the specifics of supervision and court work. A recent study conducted by Davies and Wright (1989) into the 'changing face of probation' considered (amongst other things) the various tasks of a fieldworker and the respective priorities they afford to each (p.7). I have listed the tasks below in decreasing order of importance.

- 1 Social enquiry work
- 2 Counselling individuals
- 3 Court work
- 4 Workload management
- 5 Dealing with other professionals
- 6 Keeping records
- 7 Groupwork
- 8 Co-working
- 9 Family therapy

From my own past practice and observation in the South division I would agree with this list, although I would question how much constructive workload management and planned contact with other professionals goes on in reality. In my experience, much of this is reactive. As found by Davies and Wright it is the top three tasks that take up most if not all a workers time, and they utilise their energies coping with these daily demands with no space to think where this is leading. If they develop any additional or innovatory work, for example groupwork, the justification for it has always been found within the wide framework utilised in both the National and Local

Statements of Objectives and Priorities. Although in practice, it has not been necessary to provide a justification but merely to find the enthusiasm, time and resources. For example, in Sheffield Probation during the years 1978-83 there were several flourishing youth groups in one particular district. These were run for young offenders which when operational seemed a very necessary provision, but as soon as the enthusiastic workers left or moved, the groups came to an end and the demand seemed to fade. These were operated as additional to statutory tasks in the officers "own time". Is this the only way that innovatory work is integrated? - and is this additional commitment method of work encouraged? In the past this was the case - but it does not appear so anymore.

Subversive or socialist practice

More recently there appears to be greater pressure on maingrade workers to prioritise their tasks and to justify their work involvement, not just to higher management but to themselves and to their colleagues. This has particularly developed following the Government Green Paper "Punishment, Custody and the Community" (1988) and in Sheffield particularly following the Action Plan - Tackling Offending (1989). As voiced in the South Division in Sheffield there seems to be developing a "siege mentality" - a term coined by one officer - that unless officers pursue the basic tasks quietly they may be forced to take a more controlling and punitive role - which has never been part of the unspoken ethic of social

work in probation. During a team meeting in January 1988 I recorded many comments from a discussion about how officers work in practice, how they should work and how they could identify "what is good practice". The discussion did not seem to progress. The following comment by one officer seemed to voice the consensus:

"we can just never get anywhere as our concepts are so woolly, we seem to have so many talking shops supposedly to work out policies or new ideas - and maybe we all express views, but they go nowhere. It seems we can never reach any sort of consensus ...perhaps the act of discussing is what's important ...it keeps us quiet for a while as we become too aware of the compromises necessary to get anything done and we are not prepared to make allowances if they affect our workload."

As is noted in all the literature about change - it is naturally resisted as it is painful - see for example Plant (1987) on managing change. But perhaps the above quote also expresses the disagreement in the service over goals and values, and the lack of communication between the management levels, which should unify and help develop the organisational mission. See the discussion about declining organisations in Merry and Brown (1987) especially Chapter Three. This results in the contradictions that seem inherent in probation work; probation officers cannot tailor their work to their values and cannot tailor their values to their work. So they work more on the bases of compromise and subversion. Many officers spoke in the discussion interviews about "working subversively" believing they are expected to supervise offenders in an official and condemnatory way, as regularly expressed as necessary in the media; in reality most officers form relationships with their clients and have a friendly,

advisory or paternal approach. As one officer said to me after another team meeting discussing practice:

"I think what each of us does is find our own level of sabotage, compromising between our ideals, general practice, expectations and convenience."

Walker and Beaumont (1981) express this point in subtler ways, but attribute the ethics of such practice as being part of a socialist approach:

"socialist probation officers find themselves working within a Criminal Justice System, much of which they oppose. Whatever the scope for other action, they will find themselves seeking to protect people from the worst consequences of the system, resisting its values and opposing the way it works."

pp.168-169

They later express how this approach should affect practice in the way clients are approached, and in the way tasks are tackled. They state that:

"...we must emphasise the positive value of defensive work within the agency. ...energy will be directed towards resisting the pressures and limitations which management seek to impose."

pp.186-187

Members of my interviewing sample would not necessarily call themselves socialist probation officers, but they would not argue with the sentiments put forward in the above quotes. The air of pessimism about pressures on the Service already mentioned, seems to be seeping further and further into the probation office atmosphere, and it is something that can easily be felt whenever taking part in meetings and in hurried discussions and chats over cups of coffee. It is described by one probation officer as:

"most people feel pretty despondent about the future and what we may have to do, so they are now just keeping their heads down and coping with the everyday."

Ten years or so ago there was still a sense of possibility - where change, innovation or new directions were tangible, even if never a material fact. There seemed a sense of hope and a feeling that new ideas were possible. This was expressed by all officers who have worked for ten or more years. Yet officers remain in the service, and develop strategies to cope with the pressures and difficulties that surround them.

Coping practice in a declining organisation

One probation officer describes the past as:

"heady days in terms of new ideas and new projects and there seemed to be growing resources...but now we have got back to a much more basic and constrained idea of what the job is about."

It could be argued that a sense of despondency has grown, as despite the feelings of hope nothing of any substance developed, so the psychodynamics of this would be a growing sense of guilt or failure to confront ideals when the opportunity was there. Or perhaps it is more a sense of loss, as the times of possibility seem to have gone. Such feelings are retrospective and have been generated due to the growing number of internal restrictions and external ones imposed on the organisation from the Home Office. It is common for probation officers as with many professionals to:

"...identify more with his(her) profession than with the organisation where he(she) practices it."

Mintzberg (1979) p.357

This has already been shown by officers feelings of job satisfaction, which relate to their individual contact

with clients and are not to do with any organisational systems or practices, (this was also found by Davies and Wright 1989). A doctrine of impotence seems to have developed ('there's nothing we can do to stop it') to justify compliance with some of the new policies and strategies, together with a fear of what might be imposed. This is particularly so when all workers are aware of such comments as that by David Faulkner in a conference address in July 1989 when speaking of the service:

"It is professional but it is not a profession. It exists to perform a range of specific functions..."

p.607

In the past there did not seem any desperate need to work out and attempt to promote the ideals that many probation officers work with, or to consolidate skills to promote the identity of a profession. Now the sense of just existing and coping with the general run of the mill work is a prevalent feature. As already mentioned, these can be identified as features of a neurotic or declining organisation with lowering morale, a low energy climate, ambivalence over work tasks due to conflicting expectations, and breakdown in communication, (Merry and Brown 1987 p.18). Such organisational problems, with ideological discord experienced by officers, inevitably affects current work and their consideration of anything out of the ordinary. From both sets of full interviews, which include discussions about changes in the Probation Service, the following are typical comments:

"To do something very different is very difficult when it feels as if our energies and demands are all elsewhere...this Service is part of the state apparatus and we are part of the Government structure...so all we can do is try and conform with what is expected of us and deliver the goods, the value for money stuff. That way we stay in business."

The following quote shows how such pessimism is voiced specifically:

"New ideas, like mediation, should be part of our work, even if just sidelines. But the problem with anything that not only takes time but a shift in thought processes is that it is pushed to one side in the face of the daily grind."

In regular discussions with one officer I quote from him at the beginning of 1987:

"Mediation as a way of working is important and should be part of our work and part of the Criminal Justice System - although I wonder how many cases will prove to be suitable...I'm waiting for a bolt from the blue! although probably what I should do is work in greater depth, most of my cases I just get on with and get out of the way."

A year later the same officer commented:

"I've had no time to mess around with extra things, although I'd have liked to. It's been frustrating in a sense...I haven't had the time to do anything but think about it and even then not much. There's no confidence left in the Service, no confidence in management and morale has degenerated. People are just keeping their heads down, I don't think we dare try anything out of the ordinary like mediation."

All probation officers have commented on the pressure of work and the demands that they have to cope with daily, which prevent them taking on any new ideas or concentrating on the development of new work methods. Such views are prevalent and are displayed in meetings and friendly discussions, so affect the atmosphere of the South division. In the previous chapter I looked at the qualitative material from the discussion interviews and included some typical days from probation officer's

diaries. The analysis will be taken further now, using the quantitative material about court reports and case-loads - specifically referring to mediation.

Part 2 - Working Reality and the introduction of mediation

Introducing quantitative data

The qualitative material covers the recorded discussion interviews and semi-structured case discussions, as well as comments noted during impromptu conversations, formal and less formal meetings (divisional and small group) and general impressions from mixing with officers - in the lift, making coffee, and so on. This data spans the whole of my two year research period from November 1986 to November 1988, although the structured and more formal collection phase covers the period April 1987 to March 1988. During this more intense period I also collected quantitative material. The most extensive collection of all data was during my regular follow-through interviews with the six self-selected probation officers. During the monthly interviews we discussed all their court reports from a mediation angle; the officers and I kept records of each report on forms devised in conjunction with these officers, see Appendices 5, 6a and 6b. The forms allowed details to be kept about the type of offence, the sentencing court, the offenders number of previous convictions, the amount of information available about the offences and victims and where this was obtained from, as well as a description of the offence situation and work undertaken - specifically looking at the reasoning why

mediation was or was not attempted. With each officer I also recorded for each month, the total number of completed court reports, the officers caseload number, the number of days taken up by leave, sick leave or additional commitments (for example, student supervision, courses etc. - no member of the group suggested that time spent with me should be included in this!). I also completed a simple stress rating with each officer using a scale from 0 to 5 with 0 representing no feelings of stress or pressure to 5 representing feeling under intense pressure; this was devised by the officers themselves, and the figure was linked to brief notes about their feelings.

From these detailed records and notes, the most revealing material is the qualitative side, where the six officers have rationalised, criticised or explained the way they tackled each report and gave their retrospective thoughts about why they felt as they did. But, the quantitative material also presents interesting patterns that are worthy of note, and link with the qualitative data. As the quantitative material is from such a small sample it cannot be seen as statistically significant but it does reflect important trends - for example, in terms of report types and the percentage of victimless crime - fairly accurately. As a comparison, I collected similar data (although with descriptions of work in less depth) from every member of the South Division including the detached office unit over a two month period throughout February and March 1988.

Firstly I will consider the data from the six self-selected probation officers based in the central office, then move to a comparison of the data from the whole Division comparing workloads and reports from the central office with those from the detached office.

Material from the six officers

Throughout the year of data collection, the pattern of allocation remained fairly steady. All six prepared an average of 66 reports over the period and although this represented a wide spread (see Table 9.1) when Not Guilty and Institutional reports were subtracted the spread narrowed considerably with an average of 47 reports completed by each over the year. After the deduction of holiday periods this works out at an average of 1.6 total reports or 1.1 full court reports per week. Of these, the percentage of Crown Court reports for four of the officers is consistently half; the other two officers have respectively a much higher (69%) and a much lower (39%) percentage, reflecting their individual interest in, firstly the more serious type of case and offender, and secondly, an interest in the petty offender with more serious personal problems who tends to appear most frequently in Magistrates Court. The officer concentrating on Crown Court work found that only 48% of his reports had identifiable victims, and of these 36% were commercial concerns. The other officers had an average of 75% of their reports with identifiable victims (a range of 67% to 86%) and an average of 39% commercial or corporate

victims. This indicates a higher chance of working with a potentially mediable case if it has been allocated from Magistrates Court.

TABLE 9.1 COURT REPORTS

O f f i c e r s	Total Reports	Total Reports minus NG letters & institu- tional reports	% Crown Court	% with identi- fiable victims	of these % personal victims	of cases with victims % mediated
A	72	42	48%	67%	64%	39%
B	66	51	39%	76%	62%	26%
C	77	49	53%	86%	63%	21%
D	61	46	54%	76%	66%	13%
E	68	46	50%	72%	52%	6%
F	54	48	69%	48%	64%	0%
Spread	54-77	42-51	39%-69%	48%-86%	52%-66%	0%-39%
Average	66	47	52%	71%	62%	17.5%

Figures collected over period April 1987 to March 1988.

Within a given report allocation there seems to be a fairly recurrent percentage of personal victims which probably reflects the general pattern of offending, (as found in research by Hough and Mayhew 1983), and also the allocation policy of reports by apparent victim type; personal victim cases sound more interesting than the more common commercial offences of, for example shoplifting, so types of cases are more equally shared. A further reason may be the tendency for the personal victim type case to be more involved and time-consuming, so the workload is also shared out. I quote from one of the officers:

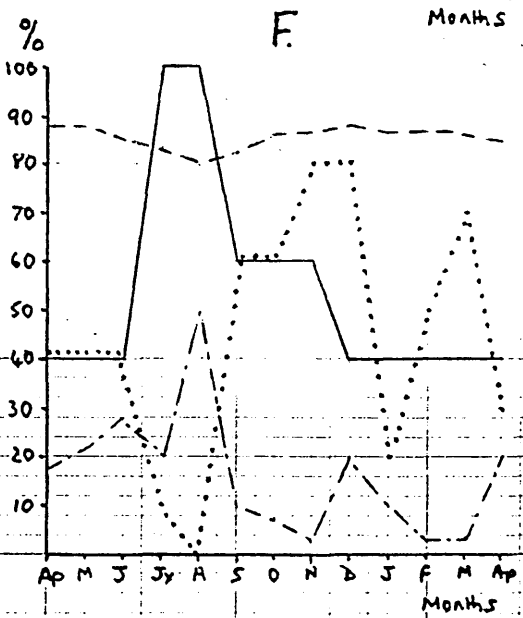
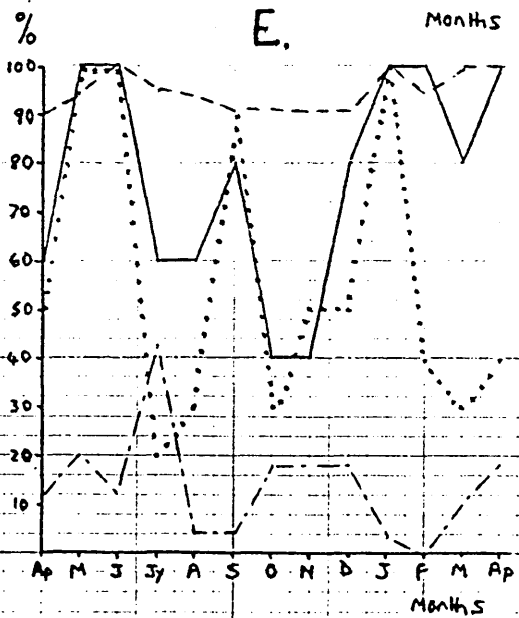
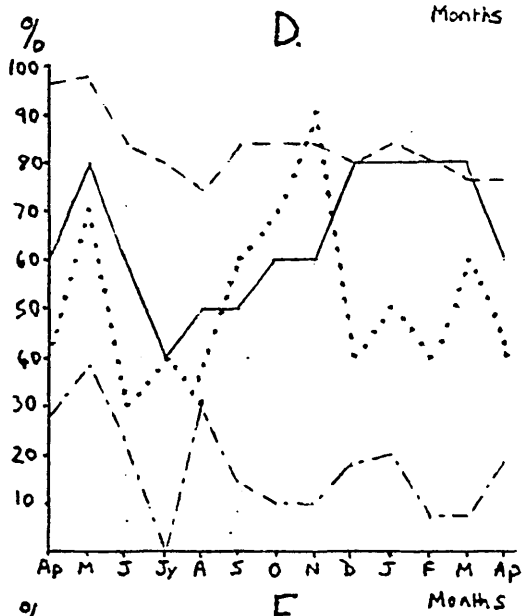
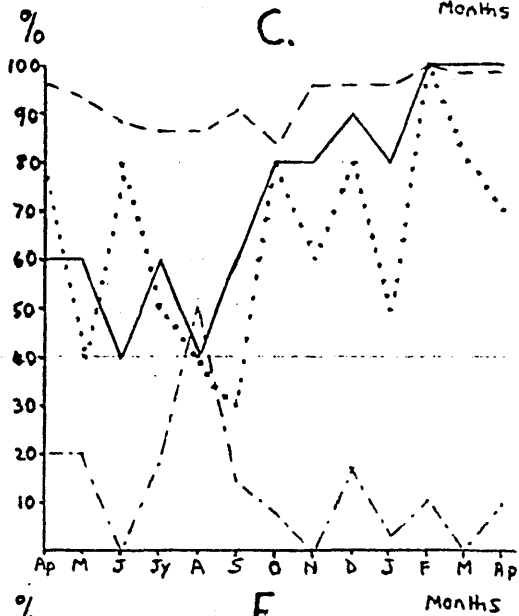
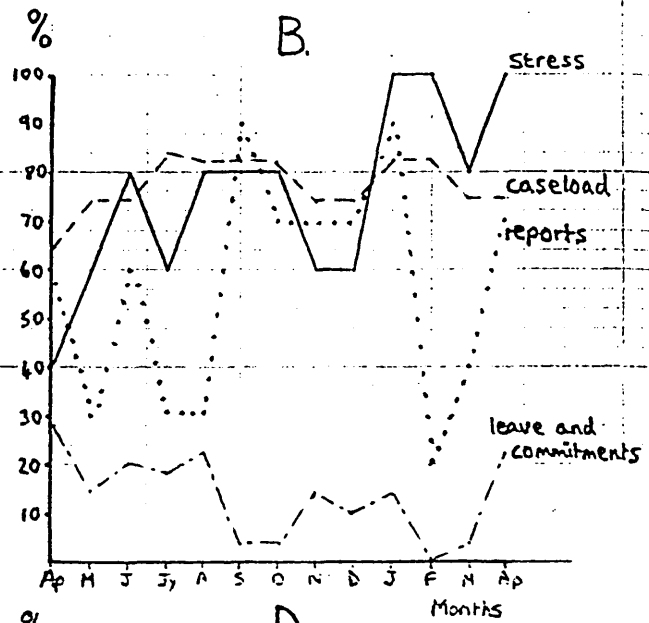
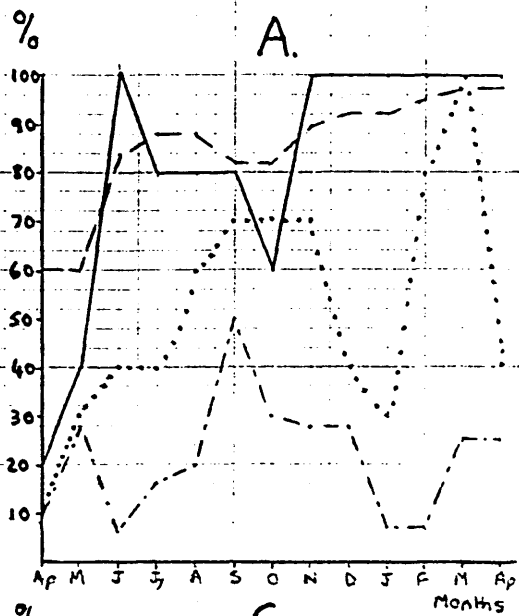
"if I don't want to spend too much time on a report I'd be more prepared to take one where there is no victim or a commercial victim rather than a potentially messy personal case where there often tends to be offender personal problems involved."

By themselves, these figures do not say much, but they do indicate the quantity of reports constantly requested and the differential demands that they make on each officer depending on report type and to what depth they individually work. These figures start to provide a picture of the setting within which officers are trying to find space to explore a new way of working. Just the number of reports, particularly those for Magistrates Court which have a short deadline for completion, precludes a certain amount of innovation, particularly bearing in mind the average caseload of each officer.

Caseloads in the division varied from 36 to 51 (excluding one officer who had recently joined the Division and began with a caseload of 27 which rapidly increased though to 50 over the year); the six probation officers had an average of 43 active cases. Table 9.2 shows a series of graphs one for each officer which displays the comparison over the year between their caseload, the number of reports completed, the amount of time taken up by leave, sick leave or additional commitments and a stress rating which displays the level of pressure they felt under. It is within the setting of high work demands that officers choose whether or not to attempt an alternative way of practice which to them initially implies an increased workload and increased pressure.

TABLE 9.2

STRESS AND WORKLOAD ANALYSIS



The graphs in Table 9.2 have been plotted to record the fluctuations of the variables of reports, caseload and additional commitments in relation to changing feelings of pressure and stress over the year. They show a marked similarity in certain respects.

- 1 That pressure is experienced with an increase in the number of court reports; this is shown by a matched graph pattern with some slight lagging behind of pressure which grows behind increasing report numbers. Only one officer does not conform so closely with this, as he appears to cope with work pressure fairly happily until he is going on holiday, then the figures rise even if his quota of reports does not.
- 2 Caseloads to an extent follow a similar pattern as they rise and fall depending on Court Orders that result from court reports. So the more reports written, the more likely there are to be supervisory orders resulting from them. Cases when first taken on, generally involve more work than on-going cases.
- 3 Leave and other "extras" often coincide with feelings of higher pressure due to less time being available for the day to day demands, but this is not strictly the pattern. Perhaps this is due to some degree of relief being experienced as a holiday approaches and a feeling that the officer is reaching a point where they can relax for a while.

One interesting feature is that everyone seems to feel under some degree of pressure all the time, the figure was never 0. It could be argued that with self-report scales no-one would ever admit to having an easy time, but the impression gained by my own practical experience, linked with general conversations about stress at work, indicate that it is a constant feature of a probation office or indeed of any social work based office. Recent 'stress surveys' in Manchester (King et al 1989) and in South Yorkshire, (Oade and West 1989) confirm this. Crucial factors for further consideration, are the strategies employed by workers to cope with constant stress; these affect the day to day quality of work and the desire, inclination and drive of any individual to take on any new initiative or project that might increase their workload. Such problems of stress and workload management are apparent from my interviewing data and have already been touched upon in earlier chapters. Mediation can be seen as an additional feature that would create work and therefore increase stress - so how far do officers resist new developments to avoid additional stress?

Mediation Practice

An assessment of how much mediation practice had taken place over the year displays figures corresponding more to the degree of interest shown by the individual officer than to the number of suitable cases and the amount of time apparently available. In report writing, an area to be noted although not for analysis here, is that each officer will approach their report writing in a different

way in respect of time spent, contacts made and so on. Similarly, over time, as work pressures change the same officer will produce variations of quality and content between their own reports. Individual approaches will be made up of an assemblage of theoretical knowledge, practice wisdom, experience, feelings and observations, as noted in research by Curnock & Hardiker (1979). More recent research confirms this; (Bottoms and Stelman 1988). Although to a great extent, personality and inclination of interest seem to play a large part in attempts at mediation practice - when tabulating the reasons for officers not tackling mediation in a specific case most officers would have similar excuses. These excuses generally appear entirely valid within the officers personal working context, yet from my experience on the mediation project in Barnsley it is easy to find reasons that suggest mediation is inappropriate for any particular case. Yet my practice experience showed that initial reasons may be ill-founded as initial information can be deceptive, for example a shoplifting case that seems impersonal may turn out to be from a local shop that the offender regularly uses. I attempted the first stages of mediation with all but the most complex of cases and found a large proportion that "worked in some way" despite initial impressions of unsuitability. My experience of needing to persevere held no sway with any of the six officers, who needed a report to "look mediable" before they would then consider whether they had time and space to take it on. This need was partly on the grounds of

concern about a "new method", but also through a need to justify stretching their work beyond their statutory duties to the offender. They identified my work in Barnsley as justifiable through being a Special Project and so not an example of ordinary practice that they could follow.

All but one officer approached the possibility of mediation with the initial thoughts, is this going to be of help to my client, despite them all grappling with an attempt to take the offence as the starting point and not the offender. The one officer who was able to start with the offence, only did so in selected cases where she identified their suitability and attempted mediation practice. The following table, Table 9.3 shows a list of twenty-one reasons why mediation was not attempted, which I have ranked in order of significance by scoring the number of times the reasons were mentioned (several reasons were often given for one case, hence the totals do not tally). The table provides a picture of the variety of reasons used. When considering the ranked reasons, one factor is outstanding from my records of detailed discussions. During general discussions about constraints to mediation, the lack of time and information are top of the list, but when discussing individual cases more specific reasons relating to the individual client are uppermost; for example lack of remorse or the offender having serious personal problems.

TABLE 9.3

REASONS FOR NOT ATTEMPTING MEDIATION

REASONS	Officers						Total
	A	B	C	D	E	F	
Offender personal problems	5	7	6	5	13	3	39
Victims impersonal	1	10	8	4	9	3	35
Offender no remorse	4	4	5	15		2	30
Lack of time	3	1	5	1	2	3	15
Too many victims	3	3		2	3	3	14
Offence professional/serious		2	2	2	1	6	13
Info too scatty	2	7		2	1		12
Offence 'silly'	1	1	2	4	1	3	12
Offender denies offence	1	2	1	5	2	1	12
Victims out of Sheffield		2	3		2	3	10
Offence too complicated	1	4		3	1		9
Offender felt victim		4	3		1	1	6
Offender not co-operating	2		4				6
P.O. avoided confrontation					4	1	5
Offender custody	1		3				4
P.O. forgot victim						4	4
Offence long time ago	1		1		1		3
Offender 2nd hand involvement			1			2	3
Offender feared retaliation		1			1		2
P.O. feared harm to victim			2				2
Victim as criminal as offender					2		2

(Figures relate to the number of times each reason was given by each officer. The total number of times a reason was given has formed the basis of the ranking above).

To consider how an offence and offender are considered suitable for mediation I will now look at the necessary process for assessment.

Mediation Selection

To consider mediation, the general pattern of action on allocation of a new court case by the six officers would be:

- 1 To look at the type of offence, the criminality of the offender and any complicating features such as the number of co-defendants, the number of offences to be taken into consideration, and whether the offender was in custody. If the offence was apparently too serious

or complicated, the officer would tend not to think any further about mediation unless the offender directly asked for such help.

- 2 The next stage would be the process of contacting the offender and establishing information about the situation, initially from the offender but from other sources if this seemed practicable and straightforward. Setbacks at this stage, for example by the Police refusing to provide information about a victim, may well preclude any further work.
- 3 Officers would then judge the feelings of the offender towards his/her offence and talk these over, talking also about whether they would like to make amends in some way for their behaviour. Where an offender denies culpability or appears unconcerned or antagonistic towards the victim, mediation ideas would be dropped.
- 4 When an offender displays remorse or an inclination to think about their behaviour, the next step would be to contact the victim.
- 5 Victim contact would be by letter first, despite my experience and advice that initial personal contact is taken more favourably. Despite this, one officer who always wrote first always received positive replies.
- 6 Visit(s) to the victim may then result, or at least telephone conversations. This contact in some cases

led to a meeting, or might have just been an end in itself. In all situations that reached this stage, it meant ongoing contact with both victim and offender and a consideration of needs and responsibilities towards both.

7 Meanwhile the normal process of offender assessment would be taking place in relation to 'risks, needs, resources and any goal strategies and recommendations for court' (Curnock & Hardiker 1979 p.169). This is the normal ongoing process of filtering the needs of the offender for longer term work in terms of supervision and/or hostel placement, community service, groupwork and so on. Most officers would see the process of mediation as doubling their workload by the inclusion of victim contact; yet if mediation turns out to be necessary within the family some probation officers would not see it as extra but as part of their recognised role.

The four examples in Appendix 10a show some instances of successful and unsuccessful mediation. Further examples are contained in Appendix 10c, most of which have been written up by the officers concerned.

These four examples show two cases where mediation was considered unsuitable, the first where the victim appeared 'criminal', and the second where the offender appeared manipulative. They are followed by two situations where mediation proved useful and successful. They all display

how additional contact is necessary with the offender as well as time spent with the victim, in order to investigate and potentially carry out mediation. Steps one to seven detailed earlier are seen to operate, and the sifting process to determine whether the case is suitable follows a consideration of the reasons listed in table 9.3 against pursuing mediation.

The next section will provide a comparison of work demands in relation to the amount of mediation undertaken by the six officers, and the rest of the South division (i.e. the central office and the detached office together).

Material from the South Division

The following table, Table 9.4, compares data gathered from the six self-selected probation officers over the period of a year, with the data gathered from the two Divisional Units (the central office which includes the six probation officers and the detached office) over a period of two months. The number of reports prepared per month is comparable between the two Units, but the data gathered from the six officers over a year shows a lower average figure. This is probably easily explained by the months used for comparison, as February and March are low holiday months (for probation officers and the courts), whereas over the full year "slack" months, for example July, August and December will tend to reduce the overall figures. There are monthly variations between the number of reports prepared by individuals, but this tends to even itself out over the year; reductions occur for personal

TABLE 9.4

SOUTH DIVISION REPORT DATA

Comparisons

Data from:	Total No. of reports per month	No. of full reports per month	% Crown	% with victims	Of crimes with victims:			% Mediated
					Commercial	Public	Private	
1. Six POs April 87 to Mar 88	5.5	4	53%	71%	25%	3%	43%	13% (a) 18% (b)
2. Twelve POs West Bar Feb-Mar 88	6.5	5.5	53%	65%	23%	5%	36%	13% (a) 20% (b)
3. Six POs E.Avenue Feb-Mar 88	6.5	6	50%	72%	15%	2%	56%	10% (a) 14% (b)

(a) % mediated of total rpt
(b) % mediated of rpt with an identifiable victim

1. Data gathered over 1 year
2. Data gathered over 2 months (includes equivalent data from 1)
3. Data gathered over 2 months

holidays and sometimes when an officer is coping with an active or problematic caseload. The detached office does seem to take slightly more work and of a more time-consuming nature, i.e. full court reports with a higher proportion of victims. This may well be explained by the areas that they cover, particularly one area of Mosborough which is a growing township with an increasing population and increasing interpersonal problems. The proportion of Crown in relation to Magistrates Court reports is remarkably close, showing an even demand throughout the year; probation officer choices about report types even themselves out within the two office units. A comparison of types of offences between the two offices proves interesting as there appears to be a higher number of victimless crimes dealt with in the central office.

This is not shown by the yearly figures from the six probation officers, possibly because these officers had a greater interest in mediable cases so tended to take reports or be allocated reports where there was an identifiable victim. It is not only the collected data which suggests this, but comments and observations from probation officers indicate that the central office deals with more victimless and commercial crimes (58%) than the detached office (43%). This may be explained by the mixture of localities that the central office covers including part of the town centre and areas notorious for their transient population. Similar findings about the prevalence of victimless crimes in these types of areas has been recorded in research studies by Bottoms et al

(1987) and Baldwin & Bottoms (1976). The detached office covers localities which can all be defined as more community-focused, as identified by Henderson (1986). From research on the previous project, (Smith, Blagg & Derricourt 1986), areas with a greater sense of community lend themselves more readily to possibilities of mediation, as offences more often affect personal victims. They are also more often committed by local offenders towards local victims, as found in other studies, such as those by Hough & Mayhew (1983), and Maguire (1982).

The detached office has a higher proportion of personal/private victims (56% as compared to 36% of all identifiable victims in the central office). Yet there is a smaller percentage of mediation attempted. The way mediation has been interpreted does include mediation initiated by the offender's families or friends, by another agency, and mediation that has been started even if thwarted in some way (for example in several cases the Police intervened and blocked victim contact). But although such cases do not provide pure data, they record the officers encouragement, support and/or participation in a mediation approach.

The higher percentage of mediation undertaken in the main office may be a small indication of my influence, position and availability as a consultant. On its own, percentages are not sufficient evidence of attempts to develop practice, but they are supported by the comments collected in the report data. Discussions about reports indicate a great deal of thought by the majority of proba-

tion officers about the concept of mediation, and its potential development and applicability to their work. Even if figures from the six probation officers that I spent time with over the year are disregarded, the central office figures are higher than the detached office when considering specific cases which were completed or started with reference to myself. I only had two requests for help from officers in the detached office, and other cases where mediation was attempted or accomplished tended to be the more obvious family situations or where the offender instigated mediation.

My hunch had been that reasons for not attempting mediation would have been more sophisticated in the office I was attached to, but this did not prove so. An explanation for this may be that the detached unit officers asked me to talk to them individually in order to discuss mediation before they completed the forms, so this may have affected their views and/or their language used. I did notice an eagerness on their part to include anything that had the smallest hint of mediation so that they could indicate some interest; personal contact inevitably affects responses and perhaps indicated some degree of assumption by those officers about the acceptance of mediation elsewhere. An alternative view though is that their interest and my contact with them, however brief, provided a stimulus for them to look at new work and to re-assess their old work in a different way, so in itself this is a positive effect - although it proved to be short-lived.

Appendix 10b provides examples of some of the cases where probation officers at Eastern Avenue thought of, instigated, or supported mediation practice. They were recorded by myself during discussions, and the first four case examples show the maintenance of a traditional offender-focused approach - concentrating on helping the offender through the court case with no work done towards the wider effects of the offence. When there is no initial suggestion of apparent benefit, mediation is not pursued even indirectly. Also, time and the fear of becoming involved in a difficult situation, are factors which result in a mediation approach being avoided or ignored.

Such issues suggest that officers avoid additional work in respect of court reports, but are more prepared to consider the offence further, if the offender is going to benefit or the court case will result in a supervisory order.

Similar situations and reasoning about mediation practice, is apparent in the central office in respect of all officers. The difference in this office (where I was based), is that four of the six self-selected officers attempted several instances of mediation which they may have abandoned had I not been around for them to consult. Several other officers in the Division approached me for help in potentially mediable situations. When officers approached me for mediation help, it did not merely indicate a suitable case, but a time when they felt under less pressure from other work.

The timing and choice of mediation attempts

The timing of mediation attempts are generally indicative of a month when the officer did not feel so pushed for time. For example, a newly appointed officer with a low caseload, took on a five-handed case where five lads had burgled a school; the mediation took four months to complete, but for all concerned it proved very worthwhile. The self-selected probation officers considered mediation more often when they had time, but when a case seemed most appropriate they would attempt to make time. For example, a case of house burglary where the offender took items of sentimental value as well as monetary value, and caused some damage. The offender had heard from local gossip how upset the victim was and told the probation officer preparing his report he wanted to make amends in some way. The probation officer was shortly to go on holiday and had a backlog of work, but wrote to and visited the victim. After several discussions, the victim said he would like to convey the effect of the burglary to the offender. Several meetings were arranged by the probation officer, all of which went well, proving helpful to both victim and offender. (The probation officer's own write-up of this case can be seen in Appendix 10c, No. 1).

When an offender suggests 'mediation', there is a strong incentive for it to be pursued, so the question of time is brushed aside. As mentioned already, when discussing the reasons why mediation is not pursued, time is generally cited as a problem in general conversations; when specific cases are considered the reasons are personal or

case related.

This returns to a previous point, that the offender is the starting point for probation officers. To some extent this is inevitable - as it is the offender who is referred for a court report and not the victim, - but I suggest that it is more than this; as it is the offender who is generally the cause for concern, it is their welfare that spurs the action to mediate. Only one probation officer developed the ability to maintain sufficient neutrality to approach the victim through concern for them and could see the importance of this, before developing any mediation component. Despite their interest being for the offender, most officers would not acknowledge this directly to a victim, but this is not always the case as was shown by one situation when a letter written by a probation officer (based in another division) reached the newspaper headlines. The officer appealed to the parents of a boy who had been killed, asking them in a letter to see her as it may help her to help the offender charged with manslaughter. This inevitably came over as a totally insensitive request with the offender's interests uppermost. On the other hand, a concerned probation officer may be misunderstood by the victim who sees the Probation Service as offender focussed. One case example showed this, where an offender burgled a near-neighbour when they were away on holiday. A feud developed between the two families. The offender's parents felt torn between supporting their son, and displaying that what he had done was very wrong. The whole family wanted to sort out the situation in some way.

The offender expressed remorse over his behaviour and great upset over its results. But when the probation officer visited the victims he was subjected to a tirade of anger and abuse about the lad and his family. To an extent the anger was focussed on him as being involved with "the delinquent family". The probation officer felt confused and unsure how to handle the situation and how to help, fearing he had made the situation worse, partly as all he could offer was an "ear", and partly because he had the welfare of the offender at the back of his mind. A further visit proved a quieter discussion, but still did not resolve anything; yet it provided the opportunity for the probation officer to share the victim's anger and upset, to express his sympathy, then to convey the victim's distress to the offender. In retrospect the probation officer could see that he had opened wounds for the victims with which they needed help, so on-going work should have been taken on. This was not a factor he had considered at the outset of the case. He says the experience has dissuaded him from attempting other work, as he fears he would be opening situations where he would need to give time and commitment that he does not have.

The approach of most officers who attempted mediation was through concern for the offender, and they found difficulty in changing their perspective which was something I had achieved working on the previous project.

The need for impartiality

In the practical work that I undertook in the Special

Project, I approached each situation as an offence where I had equal concern for victim and offender, hence I was prepared from the start to offer longer-term help to whoever needed it. One officer who managed to work more in this way found it easier with individual cases, but harder to integrate with her total caseload, as she found she was making conscious choices as to whether she had the time to take on the more potentially involved situations. In discussing the future of mediation practice, this probation officer said:

"mediation clearly has a place in working with offenders. However, recognition must be given to the time and energy this demands. Whilst support is marginal, mediation is carried out in addition to normal caseload demands. Integrating and raising the profile of mediation work could ease some of those problems."

Officers explanations of why mediation had or had not been attempted indicated much about their own thinking in relation to its development within probation.

Reasons for not pursuing mediation

Throughout the whole division the reasons given for attempting or not attempting mediation provided an indication, backed up in conversation, as to who was interested in attempting to practice mediation and not just interested on an intellectual-theoretical level. The reasoning also showed those who had a greater degree of understanding of the concept as they could see how mediation could be applied in differing ways in their work, for example mediating between an offender and a

public body, (for example Social Services or the DSS). Those probation officers who lacked interest or were not prepared to consider mediation at all, were easily identified by their excuses for not considering mediation, as they tended to give reasons such as it was not a priority or it was not appropriate. Other officers, even when no mediation attempt was made, would try to excuse it by reasons such as lack of time, lack of information, the offender lacking remorse or the offender having overriding personal problems.

The following table, Table 9.5, has been compiled by drawing out the three main reasons given by each probation officer in the detached office and each probation officer in the central office and then abstracting the four major reasons from each of the two offices in order of importance. This then shows as follows:

TABLE 9.5 REASONS WHY MEDIATION WAS NOT PURSUED

West Bar Office	1	Offender remorseless
	2	Offender had serious personal problems
	3	Offences and offender too serious
	4	Victim an impersonal commercial concern.
Eastern Avenue Office	1	Offender remorseless
	2	Situation too complicated
	3	Offender had serious personal problems
	4	Victim an impersonal commercial concern

As can be seen, the reasons given by all the probation officers seem very similar. They certainly focus on the offender and make judgments about the offenders needs and the needs of the victim. Yet judgment seems to be made about the possible applicability/relevance of victim/offender mediation only in relation to the offender. Victim contact has to seem of relevance to the offender before it is made, which suggests there is no thought of potential victim benefit until later. One advantage that a mediation approach does have, is in encouraging the probation officer to talk about the victim and the effects of the offence, to the offender. But the offender is the starting point. This is displayed to a greater extent in Table 9.6 which details all the reasons given, and includes such reasons as: the offender felt victimised; there were too many co-defendants; or the offence seemed too petty. An exception to this is where on a few occasions a probation officer thought about mediation, considered the victim and feared their exploitation by the offender; this happened on two occasions. On four occasions a probation officer felt the victim would benefit more by help from Victim Support and so made referrals to the local scheme. Reasons given compare closely to those given by the six self-selected officers and discussed earlier - see table 9.3.

TABLE 9.6

REASONS FOR NOT ATTEMPTING MEDIATION

The three most commonly used reasons by each probation officer have been combined, totalled and ranked in order of popularity.

West Bar Office (11 officers)		Eastern Ave Office (6 officers)	
Offender lacked remorse	7	Offender lacked remorse	3
Offender had serious personal problems	5	Situation too complicated	3
Charges too serious	2	Offender had serious personal problems	4
Impersonal, commercial offence	3	Impersonal, commercial offence	2
Too many victims	3	Charges too serious	1
Lack of time	2	Offender would not agree	1
Lack of information	2	Lack of information	1
Offender not co-operating	2	Offender felt a victim	1
Offence too petty	1	Offence too petty	1
Unsure where to start	1	Offender in custody	1
Too many co-defendants	1	Offender indirectly involved	1
Didn't think of it	1	Not a priority	1
Offence not suitable	1		

As well as the practical difficulties of working with victim and offender, it also proved difficult for an officer to think in a different way, which is necessary to be able to offer equal help to both victim and offender. I quote from one of the officers who made this point while discussing reports:

"I find it difficult to do a sort of "gear change" and think of the harm done to others by the offence; I know it is important but it seems to be on a parallel track to what is expected of us as probation officers i.e. to prepare a court report...and to focus on help for the offender which is normally more about their personal lives and less about the offence".

Another officer refers more to time and getting on with the 'job' of producing a report:

"When a report has a deadline, questions of mediation just don't come into play, I don't think along those lines until you ask me to; I just do a report as the court has asked".

Assumptions are made about the type of case that would be suitable, for example a case where an offender was charged with burglary of several small shops. I quote from the officer concerned:

"I did not think about mediation in this case until afterwards, when I realised it would have been very appropriate as all the shops were small and were close to where the lad used to live. By then it was too late as the offender was in custody. I tend to find that it is a trigger that is set off with me when I think of mediation, cases where people are personally known for example. With shops my immediate reaction is that it is inappropriate, that it is large scale and impersonal and there is never really any time for reconsideration of this".

In another case the same officer said:

"I didn't really think about it until now, I was busy and being pushed and I just don't look for extra work in that situation".

These feelings and comments are fairly typical.

Yet cases that are attempted, even if not originally instigated by the probation officer themselves, provide a great deal of satisfaction and cultivate a desire to try mediation again. For example, a situation where a probation officer was writing a report on a husband who had badly assaulted his wife. Before the case came to court the wife had taken the husband back, but it was apparent

there was some degree of coercion involved. After counseling work with the wife and husband separately, they were able to meet and look at the different issues involved. As a result, the couple separated but in a friendly and controlled manner. At the end of the case the probation officer was very pleased by the work she had accomplished, feeling that she would have taken the offender's side if she had not approached it as a potential situation for mediation. She felt she would be more confident trying to work in this way in the future.

CONCLUSION

As with the case just mentioned, a consideration of individual case examples shows the interest and enthusiasm that is generated by a successful situation - and how all those involved achieve a degree of personal benefit (the victim, the offender and the probation officer). Yet this does not represent a growing or developing commitment to the ideas or work methods of mediation. Within the Probation Service where the work pressure is to meet court deadlines, produce other reports and supervise a large caseload, it can be seen that many other factors are present that determine an officers priorities and interests. By interests in this setting, I mean self-interests, as it pays greater dividends to work in a similar way to ones colleagues and to cope with the daily demands by avoiding anything that is out of the ordinary. With average caseloads of 45 and preparing six reports per month, it is no wonder that probation officers have no

time to stop and contemplate what they are doing and what they would like to be doing. The work pressure remains high, and even at times of quiet it is natural to relax and try to recuperate rather than plan and instigate alternative methods of work. Yet such statements belie the enthusiasm and dedication of several probation officers who despite pressures and high workloads, will take on additional commitments, for example groupwork, volunteer supervision, or even mediation; but these are not the norm, and tend more commonly to be probation officers with two or three years experience and rarely those who have been in the job for more than eight years. The implication is that different approaches to work, and new ideas, are additions to the normal workload and eventually enthusiasm and energy wear out.

This pessimistic setting is reinforced by managers, who however much they want to encourage new developments, have their own deadlines and the supervision of the daily tasks to accomplish. An example of this is a Senior Probation Officer who had been part of the Barnsley Mediation Project and moved to work in the central office; he found it very difficult to continue developing some of his ideas of mediation when he had other responsibilities and demands to contend with. Those probation officers who achieved some satisfaction in their work, apart from individual casework, tend to develop their own niche in terms of practice and interests, and to maintain this irrespective of divisional/service changes, for example one officer who specialises in working with drug abusers.

He works in a detached manner and seems to find more benefit from liaising with others working in the drug field rather than other probation officers. If mediation had become a specialist interest to others it may well have fitted with and affected more of their work, yet to do this it would have had to be compatible with the culture of the Service, which is predominantly court-based and focused on the offender. The following quote by one officer sums up mediation almost as being unnecessary, and non-essential, I quote:

"Certainly there are times when I have felt so busy that the priorities of the day sort of rule and in those circumstances the last thing I am going to do is to start looking for unnecessary work...I mean anything that I can avoid doing...if you've got a tremendous amount of work on both your normal caseload and the SIR work that you are doing then everything gets squeezed out apart from what is absolutely essential."

Yet to conclude on a positive note, another officer sums up mediation as:

"...of the cases I've been involved with...there is a long term cost benefit, I genuinely think those people are really thinking about their offending and are beginning to make choices which may save time in terms of future reports or court time...in a sense its silly to imagine its not part of our work, because its about working with the offence and all things surrounding it.... But what we need is understanding in the agency, and space....."

This final comment returns to the organisation and the need for an idea or work method to be accepted as part of constantly developing practice. To explore this further it is necessary to look at the culture of the Probation Service - aspects of which have been touched on already. The next two chapters will consider more qualitative data about mediation, continuing the practical theme of this

chapter, to be followed by a discussion about the future of mediation. Elements of the Service culture will be mentioned throughout, but the points will be drawn together and expanded in chapters twelve to fourteen.

CHAPTER TEN

PROBATION OFFICERS VIEWS ABOUT THE POSITION, VALUE AND DEVELOPMENT OF MEDIATION

"Officers...tended to be sceptical about the feasibility of making mediation a routine part of probation practice; they felt they would have no time to do it unless some other aspect of their work were reduced. The scepticism and uncertainty... contrasted sharply with the enthusiasm and clarity with which the project officers themselves spoke about their work. ...The main lessons... seem to be that new ideas are likely to be understood and accepted more slowly than their advocates would wish..."

Smith, Blagg and Derricourt (1985) p.138

The last chapter considered quantitative material collected from the six self-selected officers, as well as from the division as a whole and showed that there was scope for mediation in terms of the number of suitable cases. Yet the quantity of work, statutory demands, and officers perception of cases would often prevent any consideration of mediation. This is reinforced by the perceived position of mediation within the service as a marginal activity and one that demands extra time and commitment. Yet interest in mediation practice was evident from all discussions including the recorded interviews. Practical examples of mediation discussed, cited in the last chapter and detailed in Appendix 10, together with the qualitative interview data, add richness and substance to the discussion about the value, worth and position of mediation practice.

Probation officers did not simply accept or reject the concept - but in the main spent time trying to understand and make sense of the ideas in relation to their own practice, their ideology, the organisation, as well as the wider political scene. Their conversation thus gives insight into these thoughts and debates. They also provide some elucidation and illumination not only into the position and possible development of mediation, but into the Probation Service as an organisation with pressures and demands that create its ethos and culture, and the attitudes and practice of its workers.

All members of the Division knew that my position was in part to stimulate and encourage their interest and knowledge about mediation, as well as to assess its relevance for development within the Probation Service. In effect, the role of stimulating interest began as soon as the research project was suggested, and thinking and learning about mediation began as soon as I was available for questions, to discuss issues or to just "chat", prior to my first set of interviews. Interest at this stage was inevitably self-selective, as I did not approach those who did not ask anything of me. Information was also available from one of the senior officers in the division.

A potential aid to development

Before I took up the consultancy position in the South Division one person had prior knowledge and experience of mediation ideas. The Senior of the previous Victim/

Offender Project had moved to take up one of the three Senior posts in the South Division some four months before my research was suggested and accepted. It must be noted that there was no discussion or agreed role for him to play in the research, although it would be fair to say he was accepted as having considerable knowledge and interest in mediation. This could have provided a marked influence in the Division in terms of disseminating ideas, promoting discussion and developing skills. Yet this did not happen, mainly because he was fearful of being seen to push the ideas too much, to be seen to own them in some way, or perhaps more importantly, to be seen as involved with my research:

"I have become a bit hesitant about pointing out potential mediation situations at allocation because people have, in a sense, come to expect that of me because of my association with the Project before, so I have tried to keep a fairly low profile on this..."

Hence it appears he intentionally took a "back seat" role, wanting to make space for officers to make their own decisions and to only respond or help with the ideas if directly asked. Alongside this he was also anxious to establish his own position as a newly-appointed generic Senior and felt this had to be done in a traditional way, with no specialist interest providing a distraction. In interview he continues...

"It has been a strategy which may not have been an appropriate one to try to back off from the front line of mediation, although the reason in part has been to kind of earn my spurs a bit as a Senior of a generic field team, which is taking months to do..."

This resulted in him appearing to several probation officers as having lost interest in mediation, as there was an expectation he would openly back the ideas. During the second set of interviews my comments in interviewing him when he asked me for feedback from other workers, expressed this:

"Some people have actually appreciated the fact that you have had a low profile although one person has asked me whether you were sick of the idea of mediation and didn't really think it fitted in with probation because they haven't heard you say anything about it...others have questioned your interest..."

This was based on comments such as:

"...from contact with my Senior I would have said that your role was peripheral to the Probation Service as far as he was concerned, he never talks to me about mediation."

Another officer who was very interested in the development of mediation commented:

"...if each group of officers had somebody around who had the role of raising mediation, ...being the prompter within the group who had some responsibility for making sure that mediation work developed... that would be a real help... but I'm confused as the Senior who could have done this has kept a very low profile. It could almost be interpreted as that Senior, if you like, wishing not to promote the idea."

Yet another officer commented positively:

"I know he is...supportive of the idea, and constantly looks for opportunities to promote it..."

Differential interpretations of behavior

This is a clear example of how the same actions can be interpreted in different ways, and suggests that one of the determinants of peoples behaviour can be their

interpretation of how others see them, (Berg & Smith 1988). From the interview data it appears that instead of following his own interest, this Senior behaved in the way expected of him as a traditional Senior, thus reinforcing the organisational interests as perceived by him and others. Everyone's behaviour is to a great extent determined by needs, and authors have proposed motivational categories to provide a basic analysis of human motivation. This is described by Schein (1980) p.85-87, where he compares basic motivational categories proposed by four different authors. The categories proposed by McClelland - those of power, affiliation and achievement provide a way of considering the senior officers needs. A senior probation officer only has a limited amount of power (higher grades have more power in the organisation, and the main grade has power in the individual work they do). The role appears to depend more on affiliation, as it is a bridging role between the main grade and upper management. Achievement will depend on the quality of affiliation developed - hence a primary need may be to behave in ways that the senior perceives his colleagues want. The role is one of supervision, support and enabling of others - not an overtly developmental role. For further explanation of the role of senior see Boswell (1986) and Vanstone (1988). It appears that this senior had to make a choice between conforming to tradition, and playing a pro-active role in a new development. But as is pointed out in much of the organisational literature, when behavioural decisions are

made they are made in a situation of 'banded rationality' - a term coined by Simon and described in Arnold and Feldman (1986) p.403. Decisions are always based upon an incomplete and often inadequate comprehension of the true nature of the situation faced. That is, the senior did not foresee his actions being construed as a lack of interest in mediation - merely that he was not being 'pushy'. Although moderate stress is necessary to create the motivation for decision and choice, a high level of stress,

"...may impede the decision maker's ability to engage systematically and objectively in careful analysis and choice."

Arnold and Feldman (1986) p.404

The senior was under a high level of stress partly due to his move from project senior to a fieldwork senior post, but also due to the creation of the division which had unsettled most workers and caused a lot of distress. Knowing how workers felt about the divisional change, the senior assessed the divisional needs and his own as requiring time to settle, hence he adopted a low profile on the developing ideas of mediation.

His behaviour also implies several things about the dynamics of the organisation - that it is not acceptable practice to step out of the usual senior role, and that the task is to ensure the smooth-running of conventional practice. He was also unconsciously reinforcing a view of research and projects as being less important and not integral parts of probation practice. There is also

another implication - that it is easier for a maingrade worker to work in a different way than for a senior supervising officer, as a field workers role can be more individual, so can incorporate divergent practice. A senior has to take an overview of all developments, and may be more aware of reservations. This senior recognised mediation as a potential challenge to conventional procedures and bureaucracy. He says:

"I have no doubt at all...its a movement that is going to develop apace, but whether the Probation Service remains part of that or keeps up with the pace I'm not so sure, because we've got so many in-built institutional blocks to overcome...as to how this job in the past has always been done."

This comment expresses reservations, which may have affected his incentive to promote the ideas. With too many problems to overcome, people can experience role conflict due to their own expectations, the expectations of others including main grade workers, higher management and myself, and pressures to conform to tradition; such stress reduces ability to contemplate divergent practice, (Arnold and Feldman 1986 p.462). When asked whether the place for development is the Probation Service, he answered:

"No, not exclusively (at all), some of the most exciting community-based mediation that I've heard about has come through voluntary groups, the Newham Project is a good example and the Schools Mediation...but the idea of offenders making good, and for one Service to be equally concerned with the problems of all people sucked into the Criminal Justice System, is still one that we need to pursue from within the Probation Service."

Points made in the last two quotes open up the discussion towards organisational difficulties towards developments which will be considered in chapter thirteen.

Initial Knowledge of mediation

Despite one Senior having a lot of background practice and experience in mediation development, other members of the Division were not in such a privileged position; only three members had attended the three day course on mediation ideas run at the end of the Victim/Offender Project in September 1986.

From the initial interviews, everyone's definition or idea of mediation provided a guide to their degree of understanding. This was inevitably influenced in part by contact with myself; from my circulation and availability for discussion within the Division prior to my interviewing schedule, and also from the lead-up to the interviews when I was often asked to explain what I meant by mediation and the relevance I could see it having for the Probation Service. I did not resist such explanations, and feel that it aided understanding; although it did appear to influence some of the comments in interviews, which on occasions mirrored previous comments of my own. There is always the consideration when asking people to define something, that they wish to appear to have a grasp of the topic and to sound as if they know what they are talking about. Their definition may not be a working one; their underlying views, which will be those that

affect practice, became more apparent in the discussions about mediation practice and development. If mediation is defined as -

"non-judgemental third party intervention to facilitate the process of mutual resolution of differences between two parties."

Marshall (1988) p.150

- it potentially encompasses many forms of probation work; from work within families, marital situations, to neighbour conflicts, problems with organisations, agencies and Council departments, as well as victim offender work. Yet many officers grappled with the term mediation as shown by many initial comments before they gave their definitions. These were comments such as:

"We are working with people who have harmed others and we have a duty to confront them. It would be hard to do this in an uncritical manner if we saw the victim as well..."

"We need to end up having a sort of almost equal commitment to victim and offender..."

"From my experience of working with two sides...the pure emotional stress level that it brings up for one officer...must be a terrible strain."

These officers also made the observation that as an offence has been committed, judgement against the wrongdoer is inevitable - and is reinforced through knowledge of the victim. Yet probation officers can hold apparently conflicting views about an offence and an offender, and yet not see them as such, but more as contradictory emotions that they need to cope with. Initial thinking about mediation caused several officers to re-assess the way they approach the offence with the offender.

One officer tried to express the conflict she envisages would be created through victim offender work, she has worked with offenders for almost fourteen years:

"...I just feel that there must be somewhere...a risk of a conflict of interest, if you are on the one hand trying to represent the interests of the offender, and yet at the same time you are somehow or other trying to do something about the difficulties being experienced by the victim..."

Another officer who has worked for over fifteen years expresses difficulties with terminology:

"Words like victim are a problem, I do feel that many offenders are victims but not necessarily of individual crimes that are committed against them. It may be that they are victims of a lack of love...or of a system that needs people to be oppressed for it to work."

Thus initial thoughts for many officers were generated through a discussion about the position of offenders and the use of emotive terms like 'victim', and how they cope with working with people of whom they feel critical. Other officers suggested the term 'mediation' is questionable, as, to enable all those affected by an offence to communicate and sort out their feelings and wishes should be a natural approach, and not specifically labelled. It can also make the term dangerous, as some work could be incorrectly labelled 'mediation' and so corrupt the concept; this fear is expressed in an article by Davies et al (1988) where they specifically look at the dangers of mediation in the court setting where it would appear more as coercion than as a free choice. This problem is recognised by some officers and one commented:

"There is a danger here, I mean look at probation officers labelling such things as induction groups or mediation, it gives it a very grand title, its a bit like saying you are going to go and do community work. No-one really knows what you mean even if they assume they do. Its the same thing with mediation, there's a danger that people assume it means one thing... Perhaps it is better not called anything, as its really quite a natural way of responding to people's needs."

So from the start, some officers understood mediation as an all-encompassing process of working with people and enabling them to look at their own situation, (whether as victim or offender), in a new light and in relation to others involved; but few officers could describe the process of mediation. I would suggest that an understanding of the process grows through experience and a developing awareness of its potential and actual use. From the more complex perspective therefore, a substantial change in probation officers views would be a growth in understanding, and an awareness of the possibilities of mediation over the period of research. This would not necessarily mean that any work was accomplished; a year is a fairly short period of time for the take-up of ideas. The next section focuses on early definitions.

Understanding mediation

The growth in understanding of mediation is displayed through an analysis of the qualitative data - the discussion interviews as well as individual consultations throughout the period of study. Insight is also gained from discussions about the quantitative casework and report data including probation officers descriptions of

the mediation work which they attempted or completed. This data combines well with the measured attempt to gauge the development of understanding through changing definitions over the year. During the first set of interviews comments about mediation came up naturally, but the general questions I posed to everyone were: what do you understand by mediation? Do you have any knowledge of mediation? Have you done any? Spoken to others about it? The direct questions at this stage were to enable a comparison to be made with the interviewing data collected a year later. It was hoped to provide some indication of attitude change, displaying the degree of change or growth in sophistication of their understanding of the concept of mediation as well as practical achievements.

During the first set of interviews when I asked - what do you understand by mediation? I received a mixed response. Answers ranged from one admitting - "I don't know" - several who were unsure, for example,

"...Oh, I'm not sure really how it works, just know its to do with victims."

- to some with very clear ideas. For example,

"As far as the Probation Service is concerned, mediation is mediation between victim and offender and the probation officer is the go-between...to enable both people to have less of a hurtful experience..."

And one succinct definition:

"Bringing together victims and offenders with the hope that each will have a better understanding of the effects of the offence on each other..."

Others who had clear ideas did not refer specifically to probation but spoke more generally, for example as below:

"Its about looking at both sides of the coin and seeing whether or not there is any room for, firstly understanding...and secondly...work to be done to resolve things, either by bringing the two people together, or by working with them independently."

More generally, a muddled explanation was provided, showing a lot of confusion about the term itself, and in relating it to probation practice. Several officers suggested that mediation is a confusing term:

"It's a sort of jargon really..."

And others implied that to ask about mediation is a vague question:

"What kind of mediation? There are lot of different kinds of mediation...and different ways of doing it, like family work...its open to personal interpretation of things really..."

These officers did not provide a definition or explanation, but found it important to discuss whether mediation was an appropriate task for probation officers and whether mediation between victim and offender was 'right'. The following comment expresses the fear that victims would be persuaded against their real wishes to co-operate, and that if probation officers worked with victims they would be less able to work with offenders:

"...I just have a reservation about how much victims feel they have got to co-operate...because people don't like to say no...also if all probation officers were always working with victims and offenders... inevitably you'd swing round to the side of the victim all the time..."

Others showed confusion about working with victims and offenders, but tried to define mediation in terms of considering the offence in a different light:

"Mediation starts from the point that there is an offence committed against a victim - and their interests seem to be fundamentally opposed and are traditionally seen in that way; I think mediation is an attempt to say that this may not always be the case and there may be ways of overcoming this..."

Others felt that they did not understand mediation due to the complexity of the term and the mixed way that it appears to be used. This is well-expressed below:

"I don't really think I know what it means...It conjures up words to me like compromise, negotiation, conciliation - those sort of words which always feel a bit confused..."

Later, when we discussed the individual victim/offender counselling work that I did which did not result in a meeting but merely the conveying of feelings between the parties by myself - she also found this confusing and commented:

"No, I wouldn't understand that as mediation. I would understand that as...providing a service for people as individuals...In civil work I would see mediation as being a crucial part of what the Service offers. But you definitely need to...bring people face to face..."

She is right in many respects - although I would argue that individual 'counselling' before a meeting is a 'mediation approach' - which may not result in mediation if either or both parties do not wish it. Another officer, one who has worked in the Service for well over fifteen years, sees mediation as being an important concept and almost an idealistic method of practice for the Service. But he expresses some confusion as to how it

could fit with established service practice. He defines it in a descriptive way, exploring aspects of it as he goes along:

"Mediation...is going back to the sort of integrating thing of not regarding crime as part of something that is opposed to society and at odds with it...but as something that happens and has to be taken care of and dealt with between us. So it is bringing together potential enemies and opposites, and finding things which people can understand and own. From the offender's point of view it's about understanding their own behaviour in terms of the effects on other people. There's also an element of reparation...making good in some way...really mediation is trying to resolve differences as a means of resolving conflict."

The members of management interviewed were all able to give a clear meaning of the term mediation. Two managers referred to a narrower and wider context for mediation - and I quote these below:

"It has got a narrow and a wider context...probation should be in to mediation in whole areas of its work... the Probation Service stands on the boundary of the community and the courts, and some of the institutions where offenders go...There is nobody else with a vested interest in somehow sitting on the boundary between the community and the courts and trying to explain to both what goes on...Mediation is implicit in that role because you are constantly weighing up how the community sees a particular act with how the offender sees the act and how the court sees the act.... On the narrow individual level, what it is about is that the probation officer takes into account the needs of the offender with the position the victim finds him or herself in and somehow tries to use that as an indication that there is another way of looking at something and...it actually fits the overall context of the position of the Probation Service."

Mediation from this comment - as well as being offender focussed, is described as a 'tool' for a probation officer to use to help their job in court and in looking at the issues they deal with; it is not described as a method of

helping both victim and offender equally. The next quote is less offender focussed:

"Mediation for me is a mixed up concept,...for me it is, sit down with your offender and look at the offence and attitudes to it...and the effects it has had on the victim. Looking the same with the victim and then trying to see if there is some middle ground where, either they can come together to work it through, repay or whatever...like community service, we're actually putting things back into the community here because there isn't always a victim, ...But its...how we cope with crime and offenders - mediation helps towards that. Maybe mediation helps the community..."

This manager acknowledges joint work with victim and offender but expresses some confusion on how this helps the service, the community and coping with crime; but his sentiments are strongly in favour of the development of mediation.

The final quote from the initial definitions is the explanation about mediation given by the Senior involved in the past project. He defines mediation in terms of work he has done and in terms of individual potential practical accomplishments:

"...one component is to enable two people...where one has hurt the other and committed a crime, to get to know each other and to be able to make their own decisions on how they want to resolve disputes which are still around. This may well require the services of a third party, perhaps just to act as a mediator who relays information about one from one to the other, but better to set up a climate so that they can meet each other as people so they can decide how they want to deal with the issue. This is about helping people understand situations for themselves and to be able to meet each other in a climate of trust and confidence hoping that some good outcome will come from it. But there also needs to be a protective role, to try to help people in a fairly non-directive way to weigh up the pros and cons ...as they don't normally meet each other and are kept apart by the court system. So if they want to remain in that role...then the mediator must respect that and protect it."

The above definition includes the role of mediator as counsellor and impartial helper - enabling people to understand and make decisions for themselves. This view does not specifically include the court system or involve the traditional work of probation officers. So this senior in his thinking about mediation stands apart from many of the division, but particularly from other management. Referring back to the earlier discussion about this senior's position - his stance is hard to maintain in a position where he is aiming for acceptance as a generic and not a specialist senior. From his definition, he is able to utilise a mediation approach in the few reports and cases he now takes. Although considering the definitions as developable ideas - it is apparent that the other managers in particular may have expectations about my role and about how mediation should be developed. I would speculate that the expectations were for me to attempt to tailor mediation concepts to the current work of the probation service. This is an issue to be taken up later on, as it may well have affected how my role was allowed to develop by the organisation - and how my work was interpreted. The previous project senior was aware of how a mediation approach confronts some service practice issues; they are issues he would say he has grappled with for many years.

Officers definitions are enhanced and clarified through a consideration of actual work undertaken and how that was identified as suitable for mediation. For example, whether

a case was identified by the probation officer as suitable for mediation or whether it was identified as such by myself, or by the probation officer after discussion with myself, indicates how officers practically used the concept. For example, one officer who works as a specialist drug addict adviser had little contact with me during the casework year, but in interview, assumed that mediation was a process only applicable to victims and offenders. After discussion, he could see that he occasionally worked in this way himself. I quote below a section of our conversation:

"Have you come across mediation...in the residential setting between other workers and residents...it may well be a concept that comes into your work quite a lot."

"Why do you say that? What do you mean by mediation?"

"Trying to impartially help people sort out disputes or differences."

"Right, not necessarily just between victim and offender? Ah, ...well in that case yes it certainly has. I often mediate between staff and residents, or care staff and doctors; I hadn't thought of it like that."

He then proceeded to list several examples where he has attempted to mediate.

Probation officers from outside the central office also grappled with the definition of mediation. One probation officer discussed a case where he would have liked to mediate, but then told me that this was spoilt because having discussed the theft with the offender the offender

then went and returned all the goods taken. This emerged as a situation where the boy's father had mediated, as he had instigated a meeting and the return of the goods. Whether the probation officer had prompted it or not was irrelevant; I felt that it should be classed as a case of successful mediation and that the probation officer should recognise it as such. Other probation officers outside the central office had picked up my definition of mediation; whether they worked to it or not, it was often this definition that was quoted back to me in general discussions. A year later, definitions were considered once more, and indicated some changes in perception.

Changes in perception

From the interview data collected during the second set of discussions, changes in perception and the use of mediation as a process became very apparent - particularly when asking each officer to reconsider their previous definition or view of mediation. For each person interviewed, I summarised their previous response to my question, what do you understand by mediation? I then asked whether they felt my comments were accurate, and if their thoughts had changed in any way. All interviewees said they found my portrayal accurate and most people expanded or clarified what they had said. To them all, the understanding of the term was not an explanation or definition, but incorporated the place of mediation in probation and their analysis or feelings

about its value. Everyone personalised their comments, relating their definition or statement to experiences of work they had undertaken or had at least thought about. Although over half (approximately 65%) stated there had been no change in their definition or understanding of mediation, half of these then went on to qualify their statement or even to expand on it. For example:

"No. I mean I can see now that you could come across a situation where you did need to do some mediation possibly if it was say, an assault in the family,... but I hope I would do that anyway...but apart from that no, I haven't changed."

With some officers, from the qualification of their previous views some change in thinking was apparent, although this officer would say that it was to do with a better understanding of my ideas about mediation, and how that should or could be promoted:

"No, no I haven't changed. No, if anything I hold my view more firmly. But I have been talking about mediation in general and if I think of mediation in general it is something that I'm a bit apprehensive about simply because I see it as being generated by the Home Office in response to political initiatives that I don't favour. Now I think that mediation in particular might well have a great deal to offer, particularly if it is client-initiated and we are responding to something that a client has brought forward as being a real anxiety of theirs. Now that's a situation in which I would favour it and in which I have you know, done boring little things along the route myself!"

So even when officers have said that there has been little or no change in their definition, it does not indicate an absence of development. Some growth in understanding is displayed by the way they clarify their points and expand on questionable areas. The use of practical problems and examples to expand points, often explains some of their

dilemmas in attempting to use mediation, and highlights organisational issues which cloud the paths of development. One officer expressed how he has struggled to understand and use mediation particularly in the face of too high a workload. So when specifically asked about changes in understanding over the year, he said:

"...its been a learning process for me...I've really struggled...I suppose I'm fairly rigid and inflexible ...but it must in part be due to the way this institution works..."

Another officer also expanded his definition of mediation by speaking of understanding:

"...its helped me understand the whole situation better and that's what it's about for victims and offenders too..."

For another officer, who completed the highest amount of mediation work in the division, the year was also a time of growth, enabling her not only to understand mediation better - but to adjust her other work as well:

"...its helped me to look more at the offence... brought it to the fore...and done a bit of consciousness raising about that and victims..."

The changing ideas of managers over the year tended to be more theoretical and less practice-based. They all recognised some changes although these differed in direction. One of the divisional seniors who had been a little sceptical of the relevance of mediation for probation, changed her view:

"I'm more certain that it's relevant and an area of work that the service does need to develop. It can be used in lots of settings..."

One of the divisional managers spoke of attitude change in his second interview as he feared that nothing much had

changed in the division, but he later acknowledges that when change occurs it is gradual and incremental so is not always obvious. In relation to himself he believes that some of the ways he has been thinking recently indicate some attitude change, as well as a slow development of ideas. He illustrates this by a description of a meeting of senior officers where there was a long debate over a difficult issue that was causing a lot of misunderstanding and controversy - he went on to say:

"...what came into my mind was that we ought to be dealing with this by mediation; I wouldn't have thought of this before...there are so many things mediation can get into that it has got to be an important concept and it really is worth pursuing... mediation does strike me as being the natural way of the Probation Service ... it is a method of work which can be learnt and this needs development...more than just someone pushing ...we are not good at picking things up and taking them forward...We may now have the general background, but don't have the right techniques, Service and individual, in order to carry it through."

Yet despite his insight and position in the management hierarchy he appears to have few ideas about how to motivate the Service, or how to develop a suitable climate for the introduction of change. Unfortunately, in his meeting he may have thought of mediation - but he did not suggest it. This may be due to his position in middle management as more of a go-between between the upper echelons and the maingrade workers, leaving him little space to promote ideas, develop or innovate. The position of management in relation to innovations has already been touched on in chapter eight - but will be looked at in more detail in Chapter Thirteen.

Other officers enlarged definitions will be considered in relation to themes they brought up in the discussions as they were so inter related. The issues raised can be grouped under three broad headings. Firstly, mediation as a challenge to conventional practice; secondly, the appropriateness of mediation; and thirdly, mediation as general practice change.

Mediation as a challenge to conventional practice

One experienced officer felt the issues and ideas relating to mediation had challenged his thinking and approach to working with offenders, and he noted that this change had a spin-off for offenders. He found it questioned the practice methods he has built up over the past eighteen years and this in turn affects the clients who have previous knowledge of him and/or the Service. Offenders known to the Service seem to have perceptions or expectations of how a probation officer should behave and what they should offer; expectations can reinforce the behaviour of officers as well as their clients. When asked whether anything had made him think differently - this officer responded:

"Yes, fundamentally so...I think there's a developing debate about community responsibility for crime... which I see as opening the doors for mediation and work with victims. Possibly integrating that with what happens to offenders, so that as far as offenders are concerned what they have done and what is done to them come into a closer relationship. What I see now is a system where people come through here for things that they did a long time ago, ...and they have not thought about their victims before. There is a kind of culture - from the courts - reflected in solicitors... that offenders come to the Probation Service to get something helpful that will stop them getting locked up

or that will mitigate sentence. Its a different language from what I'm talking now; once you start trying to talk about victims I feel I'm introducing a ...yes a different language. I'm opening up thoughts that haven't been there before and for which there aren't the same sort of programmed responses. A lot of questions you ask...you know that people are telling you what you want to hear...the whole psychology of talking about guilt now is quite different for me...I think what I'm doing is a sort of self-re-education about guilt, remorse and responsibility and things like that in terms of working equally with victims and offenders."

There are a number of issues raised here, some of which confront the culture of the Probation Service and how officers have worked over the years with offenders, and in the court setting, where reports are often geared towards some form of (often unacknowledged) mitigation stance. In the court setting, a lot of practices and procedures become almost a ritual for the court workers, the solicitors, probation officers and for many offenders. He also raises the question of the traditional way that offenders or people labelled as offenders respond, and how they expect probation officers to treat them; they have assumptions about how they should behave within the system if they have been through it before. Mediation introduces a different language, but it is one this officer suggests, that links with the growing interest in community initiatives and responsibility, and the development of alternative approaches to crime.

Yet it is one matter to acknowledge how mediation challenges conventional practice, but another to be able to work in a different way and adopt a different outlook. This is shown by the next theme.

The relevance of mediation

Consideration of the low number of practical mediation cases completed relates to and exposes other issues, particularly when officers attempt to explain why they have not developed this way of work. One officer in attempting to analyse why he has not successfully completed any mediation, highlights several major points in his comments. He had originally felt very positive and confident about mediation ideas, but was looking for practice to consolidate and clarify his views of its position in probation work. He felt quite disillusioned after his first few attempts due to numerous setbacks as described below:

"I actually don't think I've been in many situations where it has presented itself, and I suppose this quite surprised me. But it doesn't help when you do have a case: one situation where I made a start it didn't work out because the police approached and 'frightened off' the victim...and there's the time thing, when you are presented with a report to write in a certain period of time, the tendency is to look for the things that are going to help you write that report fast, and there haven't been many occasions where I've felt contact with the victim to be a useful way of approaching the report in an immediate sense. Sometimes I think its purely down to logistics; there might be a situation where it would feel a positive thing to do but there are lots of other things going on...for example the offender being in custody, having lots of additional offences...it starts to lose appeal as it is going to be a lot of effort and a lot of work...and one of the things you should think about with mediation is its value to the victim - and you have to invest time in that - and I'm not sure that in our day to day working life its what we are here to do - traditionally at least."

The points emerging here can be separated into six themes:

- 1 Selection. The problem of identifying suitable cases at first sight;
- 2 Interference. Not following through cases due to setbacks, for example police intervention or lack of information;
- 3 Time. Feeling the pressure of time to provide a court report and seeing mediation as on-going work incidental to court. Also awareness that rushed contact would be detrimental to both sides;
- 4 Complications. The involvement of complicating features such as the offender being in custody, there being a large number of victims, or a lot of co-defendants;
- 5 Fear. The fear of becoming involved in a lot of work that may be emotionally draining, or which one feels unable to cope with professionally or otherwise;
- 6 Role. The question of whether probation officers should be considering victims at all as it is not their traditional role.

A probation officer who identifies these points and cannot answer them, may well be prevented from moving forward. Such a list of problems may render an idea unworkable, although with some developments, the identification of problems can be a natural process in order to sift through and overcome the dilemmas. There is always fear of the unknown and concern about adjusting to new practice -

particularly if not formally acknowledged. Few other probation officers recognised all these points, but most identified one or more as being particular problems for themselves. Many officers assumed a situation had to "look" mediable before they should consider it, as expressed below:

"I've still come across very few cases which to me appear suitable for mediation. Maybe because I think of mediation in connection with petty, less serious offences, and I try to specialise in serious and violent offenders. I've been surprised when I did an SER on a fourth co-defendant where another officer was doing the other three reports and trying mediation - I'm sure the offenders weren't at all sorry...I think it was all a waste of time!"

The other officer clearly didn't agree with this, and results backed her up. She commented:

"Even though this particular case went on for so long - four months - there was still a surprising commitment from both sides...good things have come out of it for all concerned...in particular the lads have started to think about how the offence affected the other people involved."

This suggests that initial impressions about the suitability of a situation may be wrong - but also that as different officers work in different ways their approach may affect the potential outcome of a situation. Casework differences in terms of personality, method and outcome have been much discussed in social work and related literature, and such themes are relevant here - see for example the differences between project workers described by Smith et al (1988).

The following comment, from an officer who completed several pieces of mediation expresses concerns over time, role and a personal fear of the unknown:

"Quite honestly there is a sort of feeling, for me anyway, of some sort of relief when I know I won't be taking on something which could actually prove to be quite a big thing and which at present would be very much additional to what we're expected to do. There are times when I feel I have the energy for that, and there are times when I haven't...its like when people don't keep appointments...you can end up thinking oh great!"

Another officer talks of the importance of the principles of mediation, but her disappointment at the few opportunities to implement them and the lack of recognition by the Service when she does:

"I find it very difficult to practice and to use mediation as often or as much as I would like. One case I've been involved with has been so time-consuming...in a way its put me off...but its still worth doing...but problems are part of being in this agency, its about there not being enough time or space available to do anything that's extra. Other aspects of work are there and have to go on; mediation is extra on top of it all. There is very little recognition given to the amount of effort, time and space that goes into all this kind of work."

If a method of work is not generally accepted practice, workers want or need acknowledgment, prestige or concessions for having pursued it - particularly if it requires time, effort and dedication. The acknowledgment and prestige that they require is two way - not only from senior officers or higher management but also from client feedback. At this stage the latter is more likely than the former, as mediation is not accepted practice for probation officers. Once mediation has been pursued and

successfully accomplished, it is then perceived as a valuable and relevant approach. Successful practice breeds the enthusiasm for more practice attempts, and this develops and consolidates understanding. But without support and acknowledgement, enthusiasm will die. This neatly leads on to the last of the three sections, which considers the question asked by many probation officers - can mediation be incorporated in general practice. Questions were asked in relation to the previous project, and whether I could sustain my 'skills' in a conventional setting.

Mediation as general practice

The previous Mediation Research Project, suggested mediation to be an approach which could be adopted as part of general practice - yet the concept has not been around sufficiently long for workers to be easily familiar and conversant with it. Following the three year Project, I am the only former team member who is actively pursuing mediation. The Senior of the team, as mentioned earlier, has become absorbed in his divisional Senior role and finds it difficult to find space away from his administrative and statutory commitments; the other officer, based in another district, has maintained an interest in mediation but finds it difficult to pursue practice amongst conventional work demands and deadlines. Having practised mediation for six years, and having had some form of acknowledgment for my developing expertise, I

should be better placed to maintain this work method. Yet, in a conventional team, without people working in a similar way around me I question how long my alternative methods would last; in the long term it is easier and more comfortable to conform. Lack of change in others also sows seeds for doubts about the idea - which may be well-founded. This suggests that attitude change is only brought about over time and where there is a positive and developmental climate that affects others, so acknowledgment, continued learning and support is ongoing. Neither has been present in the South Division, in fact the timing of my role was poor as it coincided with the creation of the division and the climate of despondency mentioned earlier. This issue will be explored further in the chapter concerning my position as a change agent.

No officer developed a mediation approach as part of their general practice. Even those who accomplished a fair amount of mediation work saw it as 'extra' and not part of their everyday work. As explained by one officer:

'... the problem is that mediation hasn't really got going because it is not an accepted way of practice... all the everyday pressures that can't be stopped prevent its development...'

So there has been no general development of mediation as everyday practice - it remains debated and questioned, despite a growth in understanding and the continuing piecemeal work of a few enthusiasts. All workers saw a need for some form of service change in order to develop mediation - whether this was identified as a growth in

resources, or changes in culture and direction. Their discussions about their changing views of mediation continually returned to views about the service and its need to change in order to incorporate new ideas. Several acknowledged their own need to change, but this was only seen as possible as a follower to service changes.

Change

Individual and Service change are related concepts; the Probation Service has always been characterised by people working in their own isolated way, which is still true today. Changes have been piecemeal and workers now comply with general policies and standards, but individuality of work method is maintained.

Officers may have ideas that do not appear in their practice, so it seems that the development of an individual's thinking may sometimes only affect internal concepts and ideals, and not necessarily change his or her practice, as is borne out by many quotes already given. Service or policy change to incorporate mediation may result in some individual practice change, particularly by those who have expressed a great deal of interest, but felt constrained by the organisation. Those more sceptical officers would seem unlikely to develop mediation practice partly because the process of mediation has to be negotiated freely, so if imposed or approached with constraints, arguably the result would not be mediation! If the six problematic themes mentioned

earlier were confronted, mediation development may well proceed - although alternative problems may then arise. Without the cited problems being at least partially resolved, it seems developments will fade; dilemmas such as these seem to create inertia. Perhaps the atmosphere of the organisation fosters inertia which is maybe one of the blocks to ideas, as identified by several workers. This officer who has been in post for about eight years feels he is as guilty of inertia as everyone else:

"...I think the problem is a sort of inertia of which I am as guilty as anybody there seem so many complications and pitfalls to developing ideas that they put you off trying...so its easier to sit on the fence than to make a commitment..."

Officers understanding of mediation and comments about it tend to a great extent to focus on the organisation; pointing to organisational acceptance or rejection of the ideas or the perceived inertia and lack of managerial commitment. Critical comments point out that nothing really seems to change, that there is no acceptable process or channel for new ideas to be developed or to sustain new ideas. Officers speak of the lack of opportunity, or blocked opportunities where there are either no suitable cases to attempt mediation, or suitable cases where information or communication is blocked by outside factors. A major problem is still confusion about where mediation sits within criminal justice, and indeed whether it can be or should be part of the Criminal Justice System, ideas explored by Wright & Galloway (eds)(1989). The stance of the Probation Service towards

victims is muddled, causing workers to be unsure of the appropriateness of their concern, contact or responsibility. This is highlighted in the comments from one of the Chief Officers; the same person who spoke earlier about the relevance of mediation 'fitting the context of the Probation Service' as it is 'a Service sitting on the boundary of the community and the courts'. He suggested probation is the most appropriate Service to explain and work with both sides of an event. Later his views appear to have become more offender-focused and to show a confusion over the appropriateness of responsibility towards victims:

"I don't know whether I've moved on or moved back ...but I think for me it is a more simple concept now... whatever the Service does...we have now to address in our work, the offending behaviour of our clients more clearly than we did before because that's the justification for our involvement...consequently mediation should be seen in that context and therefore should be used if it assists in that process...yet for me the priority is not assisting the victim, the priority is assisting the offender and if that means putting in some effort in a particular case to assist the victim as well then so be it, but it shouldn't be seen as even an equal priority...I think the general public sees the Probation Service as working with offenders, and I think we should capitalise on that and be clear and secure about that particular role. But just as in many other areas of our work, we would be wanting to bring attention to the plight of people who we come into contact with indirectly, so we should be ensuring that victims get a good deal as well, but maybe through the auspices of some other organisation."

There is confusion shown here between mediation and offering a social work service; mediation is seen as another means of helping the offender. But it would only be mediation if both victim and offender were given equal help to decide on a meeting as an opportunity for them to

meet up and exchange views and positions, in order to come to some joint understanding of the event; it has to be a two-way process. Long-term social work help may also be needed, and the Probation Service has a statutory responsibility for this to the offender, and a moral responsibility to the victim once contact has been initiated. It may be more appropriate in some cases to refer needs for long term help to victim support schemes - but in my experience some cases are best followed through by the original worker. Many of the comments about the probation service and mediation in my interviews, refer to the need for some form of organisational change. Some of the points will be drawn together here, but expanded in chapter fourteen.

Introductory thoughts about organisational change

There is perhaps some inevitability about the failure of new ideas that require some organisational change. A recent article in Probation Journal states that:

"Any proposal for innovation in client supervision in the Service should be tested against these two questions - does it provide for continuity of care? Is it administratively simple? If, the answer to either is no, the chances are it won't work."

Millard (1989) p.18

Mediation may provide care but it would be follow-up counselling that would provide continuity. To incorporate the process into probation work would not be simple in terms of understanding and adjusting to the new ideas, and although administration could eventually be

straightforward - adjustment to new work methods and allocation systems would not be easy, particularly if they were related to the Criminal Justice system. So are the ideas unworkable in the context of the Probation Service?

Change cannot easily be structured unless planned and imposed, and the points in working life when an idea may take off can be due to any number of factors, and not just based on personal interest or inclination. For example, one person within the South Division who was sceptical but interested in the initial ideas, having tried a few cases unsuccessfully, expressed quite a degree of disillusionment. Yet the recent Project developing community mediation is one she has been very much in favour of; she has attended every discussion meeting including local community groups. Other workers who originally showed a lot of interest in developing mediation, find it difficult to pursue their ideas on their own without my availability for consultancy and support. It is an element of work that needs time and commitment in order to understand and develop it; one particular officer didn't seem to have either when it came down to everyday practice:

"I want a straightforward job that pays the mortgage and from which I can hope to switch off from when I am at home. I don't want extras!"

Few others expressed sentiments as strong as this but the majority acknowledge that it is hard enough to manage to switch off from the job in ordinary probation work, although a routine can be developed in order to allow free

time to be productive and self-renewing. Anything new or extra does put stress on top of already difficult and stressful situations. But for several officers, even if they have not maintained their mediation practice - the approach and the concept have provided a new way of understanding and tackling their work. One officer in particular identifies five important points that her development of mediation has raised. She has written these up following her three case examples contained in Appendix 10 (Officer A).

This chapter has highlighted probation officers interpretation and understanding about mediation and how this changed over the period of a year. Their views developed and became more sophisticated, but although a high level of interest was shown, many problems associated with mediation development and incorporation into daily practice were identified, notably those related to the organisation and its traditional role within criminal justice. A need for service change was contemplated, as well as the difficulty of maintaining anything new or out of the ordinary without on-going support.

As discussed in Chapter Seven, probation officers have their ideals and still have their view of what their job should be like. They quite often qualify this by "if only..." and these views have arisen again in the interviews when we discussed whether mediation has a future. The next section will consider the future of

mediation, integrating relevant comments from probation officers about their ideals for practice, whilst considering the advantages and constraints of a mediation approach.

CHAPTER ELEVEN

DOES MEDIATION HAVE A FUTURE?

"The mediation movement rests on a vision of criminal justice which competes with that enshrined in the existing system. Thus..."bringing the victim back in" has very different implications when grafted on to the present system, as compared to serving as the main ingredient of a new, forward-looking, re-integrating approach to victims and offenders. How is the tension between these largely incompatible approaches to criminal justice to be handled - especially as the future fate of mediation initiatives probably depends on getting this right?..."

D. Nelken (1986) p.5

This chapter continues the discussion on the theme of mediation. It is a consideration of its potential future development through the views of the interviewing sample linked with their attitudes towards its place in the Probation Service.

It must be noted that the interviews were conducted in March 1987 and a year later in 1988, and views change over time, particularly in relation to the organisation and political climate. This is particularly pertinent for the probation service at the present time as its structure, autonomy, jurisdiction and methods of work are all under 'threat' following recent government papers - notably the White paper 'Crime, Justice and Protecting the Public' (Home Office 1990) and the Green paper 'Supervision and Punishment in the Community' (Home Office 1990). The views discussed thus specifically refer to 1987-88, and although many seem to hold true for the present time, this

is speculative and no recent follow-up work has been attempted.

The last chapter looked at the development of interest in mediation - which in a general sense was very positive; despite officers describing problems and restrictions both personal and practical which they experienced to varying degrees, which affected their development of practice. The low number of situations mediated (20% of cases in the central office over a period of two months, and 18% over the year) clearly displays the limited amount of work accomplished, although the quality of contact in nearly all cases was very high, together with a high degree of satisfaction from all participants. When discussing mediation practice - many problems have been highlighted and a number have already been noted in previous chapters. The most illuminating discussions about mediation occurred when I asked, "does mediation have a future?" The answers became entangled with two other themes - firstly the beneficial and dubious aspects of mediation; it was the balance of positives and negatives that led to views about the future development of mediation as well as idealised visions of 'what should be'. Secondly, answers focused specifically on the context of the probation service and problems associated with developing anything - not just mediation. Officers experiences in grappling with mediation ideas were crucial in their thinking about how they as probation officers, and the service as an organisation, could accommodate or adjust to a new approach and way of thinking about working with offenders. So a number of

organisational issues will be drawn out, alongside views of my role and attempts to disseminate mediation ideas. Additional issues highlight officers perceptions of how management have seen my role and supported my work and research, and views of how change or new developments should or could be instituted. This chapters overall focus on the future of mediation will still encompass an idealistic component; it is the next chapter - Chapter Twelve - which will attempt to ground officers views in the reality of past experience and present developments.

Views about the possibilities and potential for mediation practice present an optimistic picture; they suggest hope, enthusiasm and directions for development. It must be noted though, that there is an obvious gap between theoretical interest and active promotional interest. If a concept is seen as outside the boundaries of conventional work, it will not easily be seen as having potential for inclusion without Service changes; this is one of the on-going contradictions in probation practice - that officers may believe in alternative methods of work but not feel able to incorporate them. This is generally true of community work and community projects - see for example the analysis of a community project by Chapman & Pinkerton (1987). They suggest that where there does not appear to be space for viable work to follow up an idea, to continue developing...

"...involves reformulating our practice ideology to engage directly with the contradictions which plague

our work and thus enter a new, often frightening, space..."

Chapman and Pinkerton (1987) p.16

This can result in a change of direction and a new understanding of the problem and choices about action. But they say, will not be experienced as satisfying if...

"...the change in practice has not been accompanied by a worked through change in ideology..." this can result in "...the feeling that community work, however worthy and relevant, is not part of the mainstream..."

Chapman and Pinkerton (1987) p.16

Such projects they suggest will eventually run into difficulties...

"...because such projects have not resolved the 'contradictions' but are rather working them differently."

Chapman and Pinkerton (1987) p.16

Comments from officers in my sample display contradictions in terms of changes they would like to make but cannot, due to a failure to reformulate their ideologies about the probation task. Instead, they talk of constraints and inhibitions to development not only of mediation practice but of relevance to other potential practice changes. When speaking of the future of mediation, comments indicate that mediation is a highly rated process of work, and one that is seen to be of importance for the future in all fields of inter-personal relations. Most officers note a continuing wish to develop mediation ideas or to see them developed elsewhere, but point to the organisational demands and pressures that prohibit this within the Probation Service. Those who have struggled with developing mediation practice over the year are very clear about the

organisational culture that seems to consistently block most new developments that require a reformulation of ideology. Probation officers see mediation as a development that requires a new method of work or a new approach which they cannot accomplish alone; it questions the basis for, and practice of traditional work. This also means that mediation confronts the work and practice of the individual probation officer, an issue noted by some but avoided by others. It suggests that the service culture is predominantly one of conformity to the traditional role and tasks, so to step outside, a reformulation of individual ideas is needed. At the extreme, the ideas of mediation confront the underlying values and beliefs which have been with the Probation Service since its inception, as they challenge the system and process of criminal justice of which probation work and probation officers are a part. These themes have already emerged in previous chapters.

Questions about the future of mediation have been taken up by workers in two senses; one, speculation about likely developments, and two, preferred developments which in many cases appear idealised views. Both responses clearly indicate the growth of interest in mediation as a process both in theory and practice. Answers to the question, does mediation have a future? link with persistent discussions throughout all interviews about the beneficial and dubious aspects of mediation. With practical experience some of the personal concerns about

mediation practice were transformed into generalised fears about abuse of the idea, and criticisms of the organisation. Concerns and advantages will now be looked at in detail.

The Beneficial and Dubious aspects of mediation

As is shown in table 11.1, the beneficial and dubious aspects of mediation practice as raised in the discussion interviews can be tabulated, showing the number of times points were referred to by individual probation officers.

When the table is simplified, the points can be seen as contradictory themes that relate to the potential development of mediation as well as to other new ideas. This can be drawn as a force field analysis (table 11.2), which is a diagnostic tool devised by Kurt Lewin as a framework for problem-solving. It can be useful at the diagnostic stage where,

"...people's attitudes and reactions are important. It uses the familiar behavioral science concept of apparent immobility in a social situation representing a state of dynamic tension between the needs, drives, aspirations, fears and other feelings of the people involved..."

Tranfield and Smith (1982) p.27

A clear representation is shown of the driving forces which desire and push for change, counteracted by the restraining forces which prevent and hold back the Service and individuals from implementing change. It indicates the contradictory themes and dilemmas (internal and external), that probation officers are faced with when considering the potential development of mediation.

TABLE 11.1

VIEWS OF MEDIATION

<u>Beneficial Aspects</u>		<u>Dubious Aspects</u>	
Fits the ideal context of the Probation Service putting it on the boundary between offender and community	12	Is it a probation role? The Service climate is to work, only with offenders	7
Is a more balanced approach, encouraging all to look at the wider context of the offence.	9	Is it worth the time, effort, resources etc. if not acknowledged	7
Educates the community about offenders	6	Holds a questionable place in sentencing the offender	7
Provides specialist help for victims	6	How can coercion of victims be guarded against?	6
Probation officers would be trained, as mediators/negotiators	5	Makes work harder as the probation officer role is less clear	6
Working with victims helps work with offenders	5	May result in less sympathy and ability to help offenders	5
Helps offender take responsibility for behaviour	4	How does the probation officer escape being in a power role as an authority figure?	5
Encourages a less formal/bureaucratic system	2	Probation officers are not trained as mediators	3
Educates courts and the media	2	Relevant in too few cases - many cases are victimless	3
Takes emphasis away from punishment and control	2	Politically dangerous making offenders responsible for all that leads to crime	2
		May draw in low tariff offenders	
		Fear of confrontation	1
		Separates probation officer from colleagues who work traditionally	1

The figures represent the number of times each point was mentioned by a different officer.

Closed low-risk climate	Present inter-personal climate	Open high-sharing climate
-------------------------	--------------------------------	---------------------------

Driving force → ← Restraining force

Mediation fits the ideal context of the Probation Service, putting it on the boundary between the offender and the community and so developing the role of P.O. as mediator/negotiator.	→	←	Is it a probation role, when the Service climate is to work with offenders within the court system; mediation confuses this role
17			20
Is a more balanced approach encouraging and educating all including the community courts and the media, to look at the wider context of the offence.	→	←	Is it worth the time, effort, resources etc. if it is not relevant in many cases, may draw in low tariff offenders and may only be acknowledged if used politically.
17			13
Provides specialist help for victims and offenders, helping offenders take their share of responsibility where appropriate.	→	←	Probation officers role are as authority figures so mediation may result in coercion of victims, encourage confrontation, especially as P.Os are not trained as mediators.
15			15
Encourages a less formal/bureaucratic system, taking the emphasis away from punishment and control.	→	←	May reduce the P.Os ability to work with offenders; may estrange those who do develop mediation from their traditional colleagues.
4			6

(The figures represent the number of times each point was made by a probation officer)

Nineteen out of the twenty workers interviewed could see both positive and negative features to mediation. Only one probation officer could not initially see any positive aspects, although this had changed by the second set of interviews. This probation officer believes that it is wrong to individualise offences and that "generalised regret for what they have done" is the most he hears from his clients, as he says:

"the great majority of my clients have mostly rationalised their offences in ways which suit them and I don't think I have a particular role to interfere with that".

He continues:

"Clients are in a vulnerable position...particularly at the report stage to agree to whatever it is their friendly, neighbourhood probation officer is putting forward...our agenda as social workers in the courts very often gets us into grey areas where we are making quite unrealistic deals with offenders."

Other officers commented on the power they have over vulnerable clients and how awareness of this is essential to work fairly and effectively; no others spoke of the individualisation of offences as being wrong. The majority saw the courts and the Criminal Justice System as taking all control away from offenders so rendering them powerless to do anything about their offence, except wait for sentence to be imposed. Mediation restores some of that balance even if separate from the court setting - although officers had differing views about the relevance and position of mediation in relation to the probation service.

Mediation and the Probation Service

The majority of my interviewees saw mediation to be important as a skill and as a process, which has the potential of providing a more balanced approach; enabling a more rounded view and understanding of the offence within its context together with the provision of help and understanding for the offender, victim, and the community. It is also seen as an educative process and an educative need, for probation officers as well as for community members. It is seen as something that may encourage less formality and bureaucracy and help to take the emphasis off punishment and control and even help avoid the definition and labelling that stigmatises offenders. One manager already quoted particularly saw mediation as fitting neatly into the work the Probation Service already does:

"The Probation Service really stands on the boundary of the community and the courts and some of the institutions where the offenders go, and it is the only organisation...with a vested interest in trying to explain to all what is going on...mediation actually fits the overall context of the position of the Probation Service."

Yet others question whether mediation does fit with the Probation Service. A popular question posed by many workers is: Is mediation a probation role? particularly where the Service culture is that of working only with offenders. This worker has a clear view of what he believes is expected of probation officers:

"I don't see it as my job...I don't think we are paid to work with victims because victims aren't a problem which the Government feels it needs to deal with. But I'm not saying it is right that we shouldn't work with

them but I think the reality is that we can't because we are not paid to do so and that is not my decision it is just not seen as a priority."

This probation officer is perhaps referring to the Government's view towards statutory provisions for victims of crime - as in the voluntary and public sector - there is increasing concern for victims of crime. Over the past six years, many initiatives, such as victim support schemes, (Reeves 1985), have followed from surveys highlighting the suffering of crime victims, from the British Crime Survey, (Hough & Mayhew 1983) onwards. The suggestion is perhaps that the Government does not see the Probation Service as having any responsibility for victims, which certainly seems to be borne out by the recent Audit Commission Report (1989), which details the key functions of the probation service as; providing information and advice to decision makers within the criminal justice system; working constructively with offenders in the community on supervisory orders; and working with people in custody and on their return to the community, (p.9). The only mention of victims is in relation to probation officers needing to confront offenders with the consequences of their behaviour in relation to themselves and their victims, (p.45). This document moves away from the community work input mentioned in the previous Home Office document of National Objectives and Priorities, (Home Office 1984), which suggests that the service can make 'a unique contribution...in the wider social context in which offending takes place...'

It also moves away from the 1984 Probation Rules:

"to take part in crime prevention projects, reparation schemes, victim support and other work in the wider community."

Rule 37

Probation officers particularly question the relevance of mediation in the context of the court system, as it is seen by many (and these were mainly those who knew something about mediation) as having a questionable place in sentencing; it is an individual, private and personal process, and not something that can be ordered or imposed as is involved in the court system. As one officer commented:

"Mediation can be included within probation practice ...that's different from saying that it should be included in the sentencing process...helping private individuals to reach a private settlement is very different from having a public situation in a public court."

Bearing this in mind, another frequently asked question - is it worth it? - seems very relevant. The present, traditional context of probation work which demands reports by a deadline, requests information about offenders and recommendations for either punishment or treatment, is time-consuming in itself, so is it worth putting time, effort and commitment into a new process that may have no immediate overt spin-off, and may not even be acknowledged by the Service? After consideration of all of these issues, one officer concluded:

"It would have to be an independent venture and not included in the day to day work of fieldworkers because of resources, time, caseloads etc...as well as inconsistencies that would result because of workers different ideals, and differing degrees of support and acknowledgment from managers.

But officers also talked specifically about daily practice and how mediation could or could not form a part of that.

Mediation and Probation practice

In a more individual way, one of the problems suggested by one probation officer echoes the feelings of many who have attempted some mediation practice, seeing it as a process of work that in the long term would separate them from their more traditional colleagues, this officer said:

"Because it is something different you stand out amongst colleagues. Other colleagues who are not of the same mind might make comments...these sort of negative comments don't help when you are trying to mediate. But conversely other colleagues have been encouraging."

A similar point was made by another probation officer but this time in the context of asking me about my own role and my own comfort in introducing the ideas of mediation, he said:

"I don't envy you your role, as it must be very isolating trying to introduce something when everyone has their own way of working. Even though I'm interested in new ideas, when it comes down to it I really prefer to be like everyone else...with mediation I sometimes feel you're unsupported and left out on a limb."

The complicating feature of mediation is that although it can provide a more balanced approach, it challenges existing practice by widening the considerations and making them more complex; hence as several officers have said, "it makes the probation role less clear" and "it may result in probation officers having less sympathy and ability to help the offender". Several officers feared a mediation approach would detract from their role with

offenders, as through personally knowing how much the victim had suffered, they would feel less able to offer the offender unbiased help. This is indicated by the following quote:

"I think I see the work of probation as specifically for offenders and that its not appropriate to include victims in our work...I can see difficulties...its quite simple when you sit down with an offender and hear their side of the story, but to be faced with the other side would make things quite difficult. I fear it would colour my treatment of the offender."

Another officer acknowledges difficulties because of the change in perception and understanding that is required, but sees mediation as offering a more balanced approach and a more realistic way of coping with an offence:

"I think it makes it more difficult, because you are taking into account another strand that you have conveniently avoided because it is difficult...but it is more realistic...before...I was championing the offender...I no longer do that, I'm much more ready to challenge people."

Another probation officer takes the debate further by highlighting the difficulties of changing practice to work with victims as well as offenders, and hints at issues that imply a radical shift in thoughts and practice:

"...I just wonder whether it is possible to continue to have the single-minded attention to the needs of offenders which is a necessary pre-requisite to this job. But I think that what we should be about is the work with victims at the same time. Although it galls a bit for most probation officers to begin to put their attention to the victim as well. ...we all see it in the media, the poor old woman...we shut it out of our minds...we do tend to shy away from the way that victims lives are affected. I think it is going to take quite a radical shift...to work face to face with the victims of offences and to co-ordinate that with working with offenders."

Five probation officers said that working with victims enhanced their work with offenders, others feared it would be detrimental and emotionally draining. Contradictory points are often made, which is hardly surprising, given the complex and emotive issues to do with offending and different perceptions of the impact of offending. Although it must be noted that the ability to remain impartial in a conciliation setting is probably one that depends on the individual, their way of working and their ability to understand different or contradictory points of view. One officer who initially felt she would not be able to manage to mediate in any situation changed her mind having completed a piece of work. She initially said:

"I would like to become involved in mediation but there are a lot of reservations that I have about myself personally being able to offer a double service...as I have enough trouble dealing with my own emotions sometimes..."

Later, after she had successfully completed a piece of work she said:

"I suppose I probably feel quite different at the moment having got involved in some successful mediation..."

Practice can inform and change perceptions, particularly when someone has been able to freely attempt a new way of work or different thought pattern; this process of development is noted by Argyris and Schon (1974). Yet many of the officers who did not attempt mediation foresaw too many problems and potential areas for malpractice.

The Misuse of Mediation

A crucial concern is one of power; can someone act as mediator if they are seen as a power or authority figure? Can a probation officer mediate? Probation officers are seen by some as a negotiator for offenders within a hostile Criminal Justice System, but is this a realistic perception due to the imbalance of power in a court setting? - the Magistrate or Judge has the 'final say'. Out-side the court itself, if probation officers are seen as having authority in a situation, this may well coerce the victim or offender into agreeing and participating in mediation or some form of reparative agreement. The question of power within mediation has not been dealt with in great depth in the literature, unlike a consideration of power in racism or feminism. More often it is an imbalance of power between the two parties that has been of concern - but this, it is suggested, is an aspect that should be effectively addressed by a skillful mediator - (see Wright and Galaway eds. 1989, in particular the chapter by Sally Merry, pp.239-250). For a person to be able to mediate they not only have to be impartial - but need to be seen as impartial by the parties concerned. Thus, for probation officers, it implies the learning of alternative skills to those they are expected to operate in the court setting, as noted by Ruddick (1989). In the project where I worked, one of the concerns was that when mediating, one or both parties would feel coerced into the meeting - such fears were not substantiated; see the research by Smith et al (1986). Most probation officers

in my sample felt they approached offenders in such a way as to allow them choice, although acknowledging that offenders are in a vulnerable position with a court case pending. One officer quoted earlier, feels that however he works, he cannot remove the element of control that he has over offenders at the court report stage:

"they are in a vulnerable position...to agree to whatever it is their friendly, neighbourhood probation officer is putting forward..."

Another probation officer felt that her 'power' role would also affect victims - although her view was not backed up by her own practice. She commented:

"I just have a reservation about how much victims feel that they have got to co-operate...people don't like to say no..."

The suggestion here is that a victim may feel that they ought to help as a public duty, instead of taking part in mediation as a process of resolving their own issues. This is an important point, but my own practice has shown that all victims have a degree of self interest, although some do see their taking part as a 'public spirited act' - but that in itself has been a justification for them and not a result of coercion. Most of the fears of compulsion are voiced in relation to the Criminal Justice System, using the term reparation rather than mediation, and particularly in relation to diversion. Davies et al (1986) suggest that ideas of reparation have been seized by the probation service to help them mitigate the destructive effects of the retributive system. They suggest it does not work but instead is abused:

"Pursuit of reparation in the service of diversion is a reflection of the huge shadow cast by our retributive Criminal Justice System...using reparation to mitigate a retributive system is not a shift in the direction of reparative justice; on the contrary, it merely confirms that justice is viewed in retributive terms since even reparation is called upon to serve and, occasionally, to satisfy this voracious monster."

Davies et al (1986) p.89

As the above quote suggests, it is the Criminal Justice System which introduces the element of compulsion and thus distorts any good intentions or perception of these good intentions included in acts of mediation or reparation.

Quoting from Davies et al again:

"The offender's sincere desire to make amends and a requirement to do so are not incompatible in themselves: the problem lies in demonstrating that sincerity once the element of compulsion (or inducement) is introduced."

pp.97-98

Such issues were discussed again and again, particularly by officers who did not attempt any practice, those who did attempt some practice seemed to find benefit and explanation in the individual work and some of the larger scale problems became lost in their enthusiasm. From my practical experience, when working with victim and offender - the court case became incidental to any mediation. The mediation had personal value to the individuals concerned and I found this to be sufficient justification. Problems that did not 'disappear' with practice were issues such as the amount and format of information to be included in a court report. I always found this difficult, although victims would be prepared to discuss it and generally felt that after a positive mediation experience the offender should be 'let off lightly'. A

contrasting fear is one of impressions of the judiciary when reading another report (where mediation may have been possible) that does not mention mediation - and potential requests that 'mediation should be tried', or assumptions that 'mediation must have been tried and failed'. Situations like these did not appear to arise in the previous project - but the potential is there if mediation is taken as part of the process of reporting to the court.

Three officers pointed out that as probation officers we are not trained as mediators, and they therefore voiced the fear of potential harm caused by unskilled workers. These three together with five others expressed the view that we ought to be trained as mediators, although some probation officers believed they had the skills and that to some extent we constantly mediate in the role of a probation officer.

Another fear voiced by two probation officers was that mediation in the context of working with offenders could well be dangerous and a ploy ripe for development by the Thatcher Government; it could be used in a way that would focus all the blame and responsibility for offences on the personal and on the offender, instead of considering social, economic and political responsibilities. This links with the views around today of increasing individualism and individual responsibility - almost a reawakening of the Victorian values of individual pathology. For a discussion of this see the recent book by Marquand (1988).

A doctrine of individualism ignores the inadequacy of the Social Fund, the education system, housing policy or recreation facilities, and how they affect people's learning opportunities, behaviour and choices. As expressed by one officer:

"The framework within which I approach my job is that crime is a social problem. There are various statistics that support the idea that more crime is committed by the working class...the other side of that is the way society is policed and I think the majority of our clients are working class because it is working class crimes that the police spend all their time detecting and arresting people for."

Although mediation does not confront social problems and social issues, it does not ignore them, as within mediation such issues can be discussed and understood relative to the other party. It is important though not to allow conflict resolution to end at the personal, as it needs to confront conflicts within society that lead to inequalities, a point strongly made in the introduction to a book edited by Fattah (1986). The majority of other probation officers take this view as well, although to varying degrees - such views are discussed in books and articles, for example Jordan & Jones (1988). They suggest that:

"...the link between poverty and crime is strengthened by factors which are political, social and moral, not purely economic."

p.123

Practical fears about the dangers of mediation were mentioned by half the group, and these included; probation officers not having the right training, the fear that petty offenders may be drawn further into the Criminal Justice System, being fearful of the confrontation that

may occur in a badly managed mediation situation, and the fact that there would be too few suitable cases with personal victims to make the whole process worthwhile developing. This latter point is also mentioned by several probation officers in the second set of interviews, where a large number of victimless crimes and crimes against impersonal organisations are identified as taking a lot of workers time. This is an important point, but when officers are looking at the need to work with offenders in the context of their offending, a mediation approach would arguably be beneficial whether there is an identifiable victim or not; in any case it should not be the quantity of situations that makes an approach worth pursuing, but the quality of help and benefit the approach offers to the individuals concerned. As many of the probation officers pointed out, mediation as a process, incorporates an approach to offending and therefore can be used in helping offenders look at the consequences of their actions, whether there is an identifiable victim or not. In some respects, the question of 'suitable cases' in terms of types and severity of crimes, avoids thinking about mediation as an alternative approach or as separate to the present system. Instead, it perpetuates the present system as well expressed by Nelken (1986) in a write-up of a seminar considering 'Reparation in the Criminal Justice System':

"This problem of identifying appropriate cases is anyway something of a half-measure to avoid the choice between alternative conceptions of criminal justice, each of which could be used to address the full range of offences. In short, how cases are responded to itself shapes the phenomenon at issue. This, of

course, represents both the challenge and the promise of mediation, if it is to change the face of criminal justice."

D. Nelken (1986) p.5

Many of the dubious or problematic areas take on a different shape in practice, although an awareness of potential problems is essential. For example, the potential power in the probation officer's role which may compel an offender to participate without a real choice. If probation officers have the ability and the skill to act as mediators, situations will often present themselves, whether they result in complete mediation or in only the initial stages: incomplete mediation may not matter, as just the approach may well be helpful to both victim and offender as well as to their community or others involved. I quote from a recorded interview of myself in the early stages of this research:

"My interest and thoughts developed from two major influences. One, that the mediation process involved a valid and helpful way of working providing benefit to both victims and offenders independently, and where appropriate together. And two, that working in this way focussed my attention on the offence, on dealing with issues between people, on community strengths and differences and a number of other personal aspects. Hence it provided a forum for the expansion or development of other ideas such as how offenders can reintegrate back within their communities and how they are dealt with and treated by others...One of the important things I see about mediation is the spin-off ideas that come from it; that make workers look at mediation concepts within other settings such as the courts and at sentencing practice; it helps push people to question the prevalence of punishment within the Criminal Justice System that remains whatever attempt people have made to make up for their behaviour. Mediation also looks at community responsibility and reaction to crime and how victims and offenders can relate... if mediation helps develop important principles it is something that I believe to be of value in its own right, and from this point of view its development is most important."

In retrospect these comments appear naive and over-idealistic, but the ethos is hopefully that of Cohen's last chapter where he writes of the choice available at every stage of the system on the micro and macro levels, of whether we include or exclude. Ultimately:

"there is the most important exclusionary consideration of all: why and how the action in question is classified as a crime in the first place. Crime, as Christie reminds us, is not "a thing" to be controlled, it is a concept applicable to those situations where it is possible and in the interests of one or several parties to apply it. We can create crime by creating the systems which ask for this word."

(1985) p.271-272

Perhaps my early naive hopes for mediation were that it is an approach that makes people think and question. But, to return to the views of my interviewing sample; most officers saw mediation in whatever form, as valuable, but went on to question whether the probation service was the most suitable setting.

Mediation is of value - but where?

One of the outstanding points from tables 11.1 and 11.2 is an indication that the mediation process is believed by the majority to be something of value; but the question of how it could fit within the probation setting is constantly posed and regularly dismissed. The Probation Service is seen as an organisation with set commitments and considerable demands already on time and resources, so there seems to be no opportunity to develop or think through new ideas, particularly those that may question or cloud the way the service already works. As expressed by one officer:

"To me personally mediation makes a great deal more sense when we try to think what social work and criminal justice is all about; just providing a service to offenders is not enough. We are talking about the fact that despite those services people still have unresolved agendas..."

This suggests that many social work services - particularly the probation service - are organised with little consideration of the wishes of the client; they are an agency for criminal justice first and people second. Some social work literature focuses on how clients are treated as "objects" and there are few consumer studies or attempts to identify what form of service people want. A couple of important studies are those by Sainsbury (1975), and Holman (1987). Research and studies that have been completed are more often related to social work services other than probation. Perhaps this is a further indication of the controversy between punishment and welfare and care and control that are regularly debated within criminal justice agencies, together with the legacy of treatment and appropriate help, that by definition is decided by the professional rather than the client who has transgressed. Such debates are on-going, see for example the still live debate over 'sentenced to social work' where there is an attempt to separate the statutory reporting requirement from voluntary social work help, attempting to ensure the maintenance of dignity and self-determination of the client, although arguably an unfair choice in a contradictory service. The debate can be seen in the probation journal where the following articles present critiques and discussions about the original ideas from Bryant et al

(1978): James (1979), Coker (1984), Hartley (1987), Bryant (1987), and Hartley (1987).

The officer quoted earlier who suggested that a service for offenders is not enough, continues, highlighting some potential needs of victims and offenders:

"...in the case of victims perhaps there are questions about what happened that they need help to answer, and in the case of offenders some genuine feelings of remorse or guilt with which they cannot deal...if there are those bits of unfinished business then the only agency which has any rights to help to try and resolve them is a social work agency concerned with offending and the courts, namely us, and it is a very important part of the healing process which ought to follow any trauma."

After some thought, this officer continued trying to find a place for such help in the present Probation Service, and concluded with the need to change attitudes and expectations in order to incorporate it:

"...but how can this be incorporated within probation practice - its a very difficult matter. I don't think there is any one simple strategy for that. I think it is a very long-term ideal. The only way I can think of now is to change the expectations of people when they come into the Service so this has implications in terms of student training. It would then affect the way officers work. There would also have to be in-service training as well as procedural changes, re-designing our casework records or perhaps even having a special Unit to promote the ideas."

One point not expounded in this quote is when speaking of changing expectations, it is not just those of workers and how they expect to work - but also those of clients (both victims and offenders) and the service they come to expect. A previous quote highlighted this point in Chapter Ten:

"...I'm opening up thoughts which haven't been there before - and for which there aren't the same sort of programmed responses..."

Generally, mediation is seen to be of importance particularly in the community context, and for several officers it has stirred up or represented questions and wishes that they hold yet rarely express. One officer who has been working for over fifteen years felt mediation ideas encapsulated feelings he has always had. He said:

"Maybe mediation is sort of trying to help the community understand what is going on in relation to victims, offenders, and offences, and we do need to get hold of this."

Comments about the problems and advantages of mediation recur as already noted - particularly when discussing the future of mediation. One of the leading interview questions was to invite everyone to expand their thoughts on the future of mediation. This proved unnecessary as they all volunteered their thoughts and automatically attempted to justify their point of view. The actual question - do you think mediation practice has a future? - prompted responses about mediation development outside the probation service as well as within. These responses towards mediation indicated changes in understanding, as everyone had a point of view; in the initial interviews several officers had felt unable or unqualified to comment and many of those who had commented had been fairly reticent, posing some of their own thoughts and fears but attempting to excuse their concerns. After a year every member interviewed spoke definitely about their views and ideas.

The Future of Mediation

Everyone considered that mediation had some form of future and all agreed that there was a future for mediation outside of the Probation Service; seventeen out of twenty interviewed considered that mediation had a future within the Probation Service as well, although all of these comments were qualified. Such qualifications seemed always to start with - "yes, so long as..." or "yes, but...". To some, the qualification meant moving away from the ideal, as expressed below:

"If we could envisage a Utopia whereby the focus of victim and offender was seen as the primary focus of the Criminal Justice System and that the main aim was to redress the wrong which had been done to the victim rather than to punish the offender, then mediation becomes the key focus...But given that we don't have a lot of hope of re-working the history of our society overnight, one has got to look at what mediation has to offer within the set up that we are stuck with now."

This officer found it difficult to then go on to say what mediation has to offer the present 'set up'; he saw its main value as being displayed away from the court process.

The three workers who felt mediation had no role in probation qualified their statements mainly in terms of scarce resources and through seeing the Probation Service as an agency solely for offenders. They also saw their work as being full in terms of coping with offenders and felt suspicious that a mediation approach would detract from this, and so would not be helpful for victims either as they need their own service. One of these officers commented:

"Personally I don't think mediation has a future in probation because there are so many restrictions and cutbacks...that to set up projects which are fairly marginal are just not appropriate. I feel... that victims are used and that they don't necessarily get any real help."

This officer continued to criticise mediation, basing her views on the Home Office Research Projects, mainly through information gained through hearsay about the Coventry Project, but also from some of the developed practice, for example the Leeds Project, which aims to divert offenders from custody. The Cumbrian Project was also seen by some workers as being questionable as it became over-involved with compensation claims, yet research results remain positive in terms of the personal value of victim offender mediation. These projects are written up in Smith et al (1989), Ruddick in Wright & Galloway (1989), and Marshall & Merry (1990). Many of the problems of the Home Office schemes are highlighted and discussed by Davis et al (1986), notably pages 67-71 - 'Victims in the service of offenders'. They found that where schemes aimed to divert offenders either from prosecution or custody they have a need to engage victims in the process - regardless of their needs or choice. Hence victims are likely to feel pressure to:

- "a) accept the offer of mediation, and
- b) to agree to some form of reparation." p.67

Also, where sentencers have:

"cottoned on to schemes diversionary objectives..... (they) tend to regard 'reparation' as part of a process of mitigation on behalf of the offender." p.88

The second officer who felt that mediation had no place in probation commented:

"I'm not sure we're the right agency to develop it anyway, with or without concerns about levels of pressure. I think it ought to be done by someone outside. Mediation should not fall to probation officers as I feel that there must be somewhere a risk of a conflict of interest, if you are (a) on the one hand trying to represent the interests of the offender and yet at the same time you are (b) somehow trying to do something about the difficulties being experienced by the victim."

This view suggests there is no common ground between victim and offender, and implies that their interests are conflicting. In some cases this may well be so - but from my experience this is not the majority of personal crimes. The third sceptical officer said:

"Yes, I suppose mediation does have a future but I'm not sure about the Probation Service, I think I'd like to see it outside...as I'd like to see a separate agency doing it and for the Probation Service to be keying into that agency..."

Here mediation is not seen as something that challenges the system as it exists now, but as an additional facility or option for officers to refer people to. Other workers who spoke positively about mediation within the probation service qualified their views or expressed concerns.

Mediation is an important development, but...

Other workers in qualifying their views that mediation has a place in probation practice, still detail many problems, some more surmountable than others. I have attempted to group these into five statements, they all follow from the point: mediation has a future and is important, but...

1. The Service needs to commit itself, to clarify what it means by mediation and to decide how it will support

and develop it.

2. The Service needs to change - to be able to work with offences and not just offenders: mediation should be part of the general social work approach.
3. The role of mediator needs to be recognised and priorities need to be sorted out, such as providing learning time and space, getting information and shifting attitudes towards court work and deadlines etc.
4. There must be in-built safeguards against abuse and an emphasis on free will and choice for all participants: the developments need to be towards a more humane Criminal Justice System alongside helping communities understand and cope with offenders and offending behaviour. The big question is how to go about it!
5. Its a growing movement in many areas (schools, communities, industry etc.) - and development will continue either with or without the Probation Service. The Service seems at the present time to have too many institutional, bureaucratic, and traditional practice-based blocks to overcome.

Two of these points specifically point to the service needing to change.

Service Change

In the discussions the majority of officers identified the need for the Service to change or adapt in some way before

mediation would be accepted and developed as anything other than a marginal and piecemeal process. The following quote by an officer who attempted several successful pieces of mediation emphasises this point:

"Mediation practice has a future as long as it is clear what it is about, where it is appropriately used and what the framework is in which it operates, and that's a task for the Service...for management alongside practitioners... It needs to be incorporated into practice if it is to survive and not be seen as something fancy which goes on at the periphery or because there happens to be a specialist in a particular part of the organisation promoting it."

The next quote is from an officer who spent time thinking about possibilities of mediation practice although he never moved further than discussing the harm caused by the offence with the offender:

"I think it is certainly relevant and an area of work that the Service needs to develop but only if we can get some more resources and if there is a change in the philosophy of the Service. There's also the aspect of the court, that needs to be addressed, ...victims do not necessarily gain satisfaction about what happens in court...it is much more relevant...what happens between the offender and themselves..."

In a similar way, the next officer did not develop mediation in his own practice, but put a lot of thought into its relevance for the Service and the apparent organisational changes necessary in order to incorporate it:

"If we are going to work towards some sort of society where people understand each other and can live alongside each other, then bringing people face to face with the consequences of their actions can only help can't it? We are supposed to just work with offenders but you can't separate offenders from their actions, I think logistically its difficult but if it could be incorporated then I think the Probation Service should take mediation on board although it would require some form of organisational change... I'm talking about widening this thing out, changing the Service is what it amounts to...in its ultimate to changing parts of

the practice of the Criminal Justice System which is a big thing, a mind boggler!"

His concluding statement encapsulates the thoughts of many of the officers who could see that a mediation approach challenges the traditional basis of criminal justice, and to contemplate that (although perhaps desirable) is almost unthinkable. The Probation Service and the Criminal Justice System are seen as unmovable institutions about which probation officers have no control, this in turn affects their view of their working environment - feeling that they have no real control here either. It has been strongly suggested by Davis et al (1988) that the challenge of mediation is not being taken up - that people are backing off from confrontation of the real issue - that reparative considerations could be the central part of the criminal justice system. It is being avoided, perhaps as it provokes difficult questions, and creates tensions. As they say:

"...this is all rather disappointing ...because reparation is being seen as something outside justice, or instead of justice."

p.133

This avoids confronting questions within the present system such as fairness, blameworthiness and obligation. They suggest that the resultant underlying assumption must be held up to the light:

"...that courts are harsh, uncomprehending places and that, perhaps because of professional self-interest, perhaps because of financial constraints, perhaps because of lack of imagination, we cannot hope to change the nature of courts."

p.133

An unfinished situation?

Contemplation of mediation, the criminal justice system and the organisational questions it has induced about the probation service, has created an "unfinished situation" in Gestalt terms which adds to the tension already present in the Service. Organisational consultants have found it useful to extend the theory and practice of Gestalt therapy (initiated in the 1940's) to an understanding of organisational functioning and development leading to a model of intervention, (Nevis 1987). Organisations - as with individuals - depend for their stability on the law of equilibrium; learning results from a perception or other modality which creates a tension and energy to move towards a desired goal. Learning and change are achieved when this is reached. With people and organisations, problems occur when situations are not finished, or when an improper definition of a problem is made. Hence, experiences of...

"the unsolved problem that holds our continuous attention while it remains unsolved; the unexpressed feelings that are aroused but that cannot be expressed; an interesting event that, while its meaning eludes us, is recalled from time to time...the unfinished situation - has created an unfulfilled tension and leaves the person (organisation) unsatisfied due to lack of closure."

Nevis (1987) p.13

My hunch is that wishes for some form of 'change' in the probation service and specifically a consideration of mediation and surrounding issues, has created a tension which is destructive whilst it remains unresolved. Unfortunately, additional tensions are present due to threats of imposed 'solutions' by the Government in their

move to 'privatise' punishment; (Cohen 1990 , Hodges 1990 and Carvel 1990). These are important points for later consideration.

Suggestions made by officers with more confidence tend to consider practical and active internal developments. This officer attempted to detail how he felt mediation should be systematically developed and assessed by the Service, to enable a clear view of its potential to be seen:

"At the top the Service has got to commit itself to doing something, which means unblocking the log jam about getting information from the police...there needs to be a deliberate decision to pick out a limited number of cases...to allocate them on a mediation basis... The work needs to be scored on a maybe double SER level ...Then the work would need to be monitored and researched...evaluated...more intensively than what you're doing now. ...we need the space to develop and do just this rather than loosely looking at situations and think, perhaps mediation...as now the priorities of other work take over."

This officer also considers how mediation could be developed long-term, but identifies the need for attitude change about crime and punishment:

"Yes I think mediation has a future but I think there needs to be a lot more recognition from the Service to facilitate it being done; ...But I suppose in the long-term its about educating people and getting them to look at their attitudes about crime, punishment and all the rest of it, and moving away from the attitude that because somebody has done something wrong they should be locked up in prisons and punished."

Several officers noted the role of education in terms of a mediation approach - 'educating the wider community' - but also in terms of their own learning about mediation. They noted that my presence, my role, and time spent with me provided them with a learning opportunity. With some,

this went further than with others - and those who valued my contact saw it as short-lived. Due to the research analysis I was not available full-time, and a year even of fairly intense discussion is very short, although all workers saw my position as one that introduced ideas.

The Role of Change Agent

All workers recognised the influence of my role as a change agent, and most commented on how my presence and enthusiasm provided the incentive for them to look at the practice of mediation; without that, probably no mediation would have been attempted. When directly asked whether my presence had made them think of mediation, all workers interviewed said yes; many qualified these statements with variations of the following comments - the numbers in brackets refer to the number of workers who made the point.

- 1 Yes, you made me think not only about mediation, but about the principles and issues around it - (6)
- 2 Yes, but I'd have preferred you to have been available all the time to help me develop and carry out the work - (6)
- 3 Yes, your presence has kept the ideas alive as they tend to fade when you are away and return with a jolt when I see you, I almost feel guilty! - (4)
- 4 Yes, but only in a general sense - (4).

Those who tended to think of mediation only in a general sense did not feel inspired to attempt any work. One officer who saw no future for mediation in the Probation Service said:

"Oh yes, through you being around obviously makes me aware of mediation but it hasn't encouraged me to do it."

Others who wanted more support for practice development made comments such as:

"I think if you'd been around a bit more I would have attempted some mediation particularly as I might have asked you to check that I was actually doing something so you could have chased me up!"

Others who successfully attempted practice spoke in a positive way about my presence:

"I certainly have been made to think about mediation by your presence, but it has also been very useful because I've been able to use you to consult with and to guide me through cases..."

And another commented:

"Yes your presence in the Division has made me think mediation and I know that without you being around I wouldn't have thought of it at all."

It appears that having a specialist around and available, who reminds others of a different way of practice, can fire thoughts and can also inspire confidence and help practice development. The officer who achieved the larger number of mediation attempts commented:

"You have certainly made me think of mediation but I don't think its as simple as people think mediation as you walk past, there has been more awareness than that. People...wouldn't have done it if you had not been around as a consultant, as an adviser and there are other things...for example the Mediation Discussion Group, which you obviously helped to get off the ground..."

And the Senior Officer from the previous Project

commented:

"Oh yes, there's no doubt that you've made me think of mediation. I actually get pre-occupied with a lot of other things these days and so I find it very helpful once every three weeks or so to have a meeting with you where I can re-engage myself with what is going on so it has been quite important seeing you around and coming in on meetings..."

As well as my influence, I asked in the interviews about the degree of organisational interest that anyone had noted.

Organisational Interest

When discussing organisational interest in mediation as displayed by management, a recurring comment was..."it must be there, as otherwise you wouldn't be allowed to be in the position of researcher and consultant" - yet all workers except those in management expressed their confusion that there was no back-up or any other evidence of management support. Many qualified their confusion by saying that lack of back-up was - "inevitable...in a Service like ours...". Immediate Seniors were seen as being supportive by fieldworkers but others even doubted their commitment. Many workers spoke of receiving mixed messages saying that management pays lip service to supporting new ideas but rarely does anything to really promote it or to follow anything up. As one person put it:

"I think by the mere fact that you have been pointed to a Division and left without support, ...not being allowed proper space, ...like an office, brings about this idea that management have got some half-cocked notion about what they want you to do rather than wanting to give you the fullest opportunity to develop something."

Another worker when asked how they thought management had seen my role said:

"I really find that very hard to answer. I don't think I know at all."

This officer later made a guess about management's views which was a similar speculation to that made by a number of other workers. He commented:

"I suppose...you might have been given space on the understanding that something happens, that's never been explicitly stated...its an impression I've got... probably there is more of an emphasis on results, but obviously that's tied in with national trends and the need for the Probation Service to be accountable... about financial restraints and that we've got to be seen to be doing something."

This officer concluded his remarks by the suggestion that my role seems to fit with developments suggested by the Local Statement of Objectives and Priorities which include the importance of working with the wider community, and having concerns for crime prevention and the plight of victims of crimes. Yet in another discussion this same officer notes that the rumours the maingrade hear at the present time about the Chief Officers view of the Service, is that the pressure is on for financial restraint and for a Service which is geared more towards punishment and control and away from the so-called community and more personal initiatives. Recent developments since my interviews would back this up, as seen in the Government Green Paper 'Punishment, Custody and the Community' (1988) and the White Paper 'Crime, Justice and Protecting the Public' (1990).

The Senior Officer from the previous Project, talks easily about management interest and the need for changes to

display organisational commitment; but he acknowledges the lack of time and space for him to personally do anything about this as yet, even though developments need immediate instigation. He says:

"...some of the organisational changes I've talked about from time to time I haven't done anything about yet like trying to change the pro-forma from court to give more information about victims, changing the front sheet on our probation records so that there is a space to reflect on victim involvement, and that's just something I must make time for...They will be indicators to people and higher management that we are really taking this idea very seriously."

From this suggestion, organisational interest needs to be overt to be believed and managers need to actively support and pursue developments, otherwise they are forgotten and quickly fade. They are also overtaken by a quickly changing environment and the organisation then loses its chance to be dynamic and pro-active.

Another officer expands this, saying that from their point of view mediation is part of their work, but that support and Service change is necessary for the practice to continue as part of mainstream:

"There has been a stimulus - you have been one - and I feel it is part of my repertoire now to pursue, although I certainly need somebody to consult...I think the next change is some sort of Service change or agreement about things, like better information, space to do mediation work if people want, practicalities ... but in my experience there have always been lots of ideas...so many of them are not followed up so burn themselves out. ...ultimately its a job of work and people are only prepared to give so much energy to something that remains apart as the everyday demands are sufficient to use up most of that energy."

So if mediation practice remains apart, it will become part of the pessimistic history alongside other projects

and new ideas that enthuse for a while and then disappear. Is mediation another one of the contradictions that suggest changes in criminal justice yet cannot offer a complete solution able to address the whole range of offences - as Gretton (1988) points out. He suggests that this goes...

"a long way to explaining both the short term enthusiasm and the long term pessimism of those attracted by the idealism of victim/offender mediation."

p.86

Maingrade workers can regularly feel powerless to develop ideas without acknowledgment and resources. The pressure seems to be to conform to everyday work demands. Pessimism also stretches to the future, as to some mediation appeals as the right direction for the Service to move in, but they suggest that the chances of this happening are slight, when the pressure is for Services to provide value for money and immediate visible or quantifiable results. The results of mediation are slow and incremental and rarely tangible or quantifiable - as expressed below:

"Mediation should have a future... it is about dealing with things in a more humane way which takes away some of the negatives about offending...but it's the old problem of the specialist working in isolation particularly with something that's still fairly marginal as the organisation hasn't done...much really to get the ideas disseminated and to create some sort of momentum. I have this vague fear that as things get more desperate it may become more marginal as I'm also afraid that the Probation Service is going to be forced to lose some of its fairly basic values in the search for results and accountability, and I suspect this may well hold considerable implications for things like mediation - as it isn't like doing something and seeing a result immediately."

Similar fears are increasingly being expressed in the Service now, particularly as the Government emphasis

appears to be on the controlling aspect of probation and less on the welfare side. The proposal to remove the Divorce Court Welfare role from the Service is seen by many as an erosion of the caring side of the Service, as expressed in newspaper reports: Carvell (1989) and Mills (1989). Many of the quotes in this section have emphasised the need for commitment - but they have not qualified this.

Commitment towards development - from whom?

So even if workers believe mediation has a future as my research suggests, and they are committed to its development, there has to be a concerted effort to take this on; from the interviews it appears that management have to work with new issues and follow up developments, otherwise the maingrade are quickly disillusioned and interpret the lack of higher movement as there being no support or acknowledgment. Once discouraged, the traditional role is easily reverted to. But as with the on-going debate about care and control, there are contradictions and confusions in the interview data about the continued development of mediation ideas. Maingrade workers believe that further progress will not occur unless there is some commitment, development and resources apparent from management. Yet of those interviewed from the management group, three out of four believe that new practice needs to be developed by fieldworkers in such a way that they prove its suitability and their commitment, hence pushing out more traditional practice roles by

default. One of the Chief Officers interviewed stated that:

"The ideas for the future development of the practice of the Service have got to come from the field and not from the Senior Managers."

Another manager said:

"At the end of the day things will only happen if individuals feel committed to the experience of mediation, its got to feel worth doing..."

This fails to acknowledge the need for a stable and supportive environment to enable new practice to be attempted; although at a later point in the discussion this Senior Officer does note the inadequacy of individual commitment if it remains unsupported and unresourced. His later comments were:

"...there does need to be someone around to encourage people to pick up on mediation practice and to develop from that experience, which is my role as a supervisor as much as anything, and this I need to think about more carefully...I guess management have put the onus on you to keep the thing alive...but we must learn from this experience, about introducing new ideas and making sure that the better bits of new practice do get developed."

This comment was one of only a few that mentioned learning from my research and role as a change agent. It also suggests that management expectations were for me to develop the relevant aspects of mediation without any consideration of the role they had to play in helping developments. Another Senior Manager sees the need for on-going development and stimulus, suggesting that the way forward is to develop another Project and also...

"...it would be useful to have some form of an annual event about mediation, so that there would be some form of training that continued..."

One of the higher Managers does acknowledge the need for management to aid the development of a new idea, but only when the interest has been generated and displayed as genuine. The problem as he sees it, appears to be measuring the degree of interest and judging the right moment to help the development. The tendency seems to be to deal with matters that shout loudest and to leave other matters to drift as expressed here:

"If you weren't around, the ideas of mediation would have drifted away by now I'm quite sure...you can be very enthusiastic about something but the day to day work pressures push it further and further back and in the end you lose it...its quite common. ...I think the interest is there amongst the Senior Management Group but its at the back of people's minds because of all the other things that that Group is dealing with...the whole resource question..."

The ethos of waiting to see, seems to justify management not playing any part, as to assess real interest and the effect of my consultancy one Manager says it is necessary to sit back and wait to see what happens...

"I think I was always very clear about what I hoped you would be doing ...and this was to see how far mediation practice...could be incorporated in day to day practice with clients. but...there's no point in maintaining the high profile you have had because in the long run that would play into the hands of those who will say, it was okay to do it whilst Jackie was here. From now on I would really like to see you decreasing your availability and accessibility and to see how much at the end of the day mediation has been taken on by people."

Along very similar lines the other higher Manager comments:

"...it is an exciting development for the Service, to have someone coming along and keeping it going - we've never done anything like this before...we need to see whether this has done what we wanted it to do...I suppose this is the bit about long-term planning as it

is very difficult to get this kind of Project into long-term planning until it gets near the finish. ...Now that's maybe the wrong way round ...I suppose the key will be how you present the results of this work to the Service and how it sees for itself the value of it: that will be the key, how you actually do it will determine how it goes forward... ...I haven't really thought about this to be honest."

The onus for development is thus put back on the main grade or change agent; in this case it sounds as if further development will depend on how I present results and how convincing my role and research has been. Yet it is not as simple as that, as if ideas depend on a charismatic individual there are obvious restrictions to gradual growth and development which should be the key to any healthy organisation. Management should think as well, particularly now when they are supposed to be assessing the issues of scarce resources and the necessity to cut back on growth and development in the present political climate. Senior management appear to wait for lower grades to feed them information or material that can be developed, although it seems it has to be a consistent barrage for communication to get through. Managers often say that they do not hear about things and so do not pick up on issues for development. This is expressed below:

"I just don't hear about the individual day to day cases about what is going on... It hasn't gone away but I have great difficulty in knowing what kind of impact mediation is actually making. Maybe a way of getting not only the notion of mediation into the practice, or more discussed about in relation to the practice of the Service, is to link the idea of practice guidelines or a policy position about mediation with some real live examples just to tell people what its all about and I'm ever so keen to promote that. But I can't operate until those who are doing some of the work in the field, feed me with the information and there is, except for your regular contact with me, a loud silence about what is

happening about mediation in the field. I just don't hear it from the managers and I don't hear it either from the practitioners."

This higher Manager also confesses he does not have time to circulate and to visit the other buildings to chat or informally pick up on practice. Yet if this was possible it would be more natural for the maingrade to tell him informally about their day to day work. Although he claims he is interested - the contradiction is that due to his position and office location he is seen as distant and not wanting to be bothered by daily practice issues. Officers do not go out of their way to inform management of their practice, but just get on with the job. They would say that it is up to management to come and see what they are doing. The reality should perhaps be a mixture of efforts from bottom up and top down and a climate that promotes this; as one worker expresses it who has been working for the past ten years attempting to develop and instill anti-racist attitudes and practice:

"I know that you just can't legislate within the Probation Service. Change has got to be the piecemeal, slow, let's get on with it kind of routine from the bottom, but on top of that you've got to have the support of people in the hierarchy above you to also do the piecemeal bits of chipping away at the top level, so its going on at both levels. ...so its not just something that comes from underneath and then gradually works its way through to senior management, it has got to start there as well."

As mentioned in a previous chapter, management requested a paper detailing a potential mediation policy, but it has not been completed by the person who offered to do this despite reminders, promises and intentions for the past year. The guidelines were laid down by one of the Chief

Officers and pinpoint the issues for development. They can be seen in Appendix II. Nothing further has come of this, and several maingrade workers have expressed great disappointment. Others see it as inevitable, and one pessimistically commented in a discussion recorded outside the semi-structured interviews:

"I often wonder if anything extra is worth it as there is no recognition, and our management may pay lip service to wanting to hear what we do but they don't really. They are all tied up with their power games and trying to stay in with the Home Office. Anything we might tell them about or send them will never be read so its a waste of effort. As a maingrade worker its safest just to get on with my own bit of work so that at least I can stay happy with that."

Overall there is unquestioned interest in mediation, but it is hard to judge the strength of interest in relation to the probation service, as flawed intentions and an inadequate support system have resulted in a failure for developments to continue except in the sector where the researcher is continuing to operate. The questions raised by this are:

- 1 Is it that mediation is a marginal concept - so the apparent interest has not been well-founded?
- 2 Is it due to individuals who have failed in their role in developmental work?
- 3 Is it the organisational culture that creates blocks and makes demands that impede the development of new ideas?

These issues will form the theme of the next chapter.

CHAPTER TWELVE

CLOSING THE GAP BETWEEN THE REALITY AND THE IDEAL

"We will have to move continually between the realm of words and the realm of deeds..'motive' and 'ideology'. What is perennially at issue, is how surface reasons can differ from 'real' reasons, or how people can say one thing, yet be doing something which appears radically different. Perhaps such gaps between appearance and reality or between words and action, exist because people cannot ever comprehend the real reasons for their actions. Alternatively, they understand these reasons only too well, but use words to disguise or mystify their real intentions. Or perhaps the stated verbal reasons are indeed the real ones, but because of the obdurate nature of the world, things somehow turn out differently."

S. Cohen (1985) p.11

"Where does this leave us in terms of the future for victim/offender mediation...Is victim/offender mediation a passing fad? Will it take its place alongside more formal systems of justice and lead to...judicial pluralism....? Will mediation come to replace much of the work of the juvenile and criminal justice system, or can the juvenile and criminal justice systems be transformed, with victim/offender mediation becoming an integral part of the systems?..."

B. Galaway in Wright and Galaway (1989) p.274

I concluded the last section by posing three questions that emerged from the discussions. A consideration of these will address the resultant position of mediation practice and its relationship with the views and realities of probation officer's practice. The questions pinpoint reasons why the ideas have not been embraced by the Probation Service except in a limited and individual way. The questions are:

- 1 Is it that mediation is a marginal concept - so the apparent interest has not been well-founded?

- 2 Is it due to individuals who have failed in their role in developmental work?
- 3 Is it the organisational culture that creates blocks and makes demands that impede the development of new ideas?

Before considering these in detail, the position and status of mediation as a project development will be explored, together with officers experiences of other projects. The history of previous projects and the way they are understood, suggest implications for the development and sustenance of new projects. Such implications have already been touched on through a discussion of the Hyde Park project in Chapter Eight. This discussion will lead to an attempt to identify the differences between ideals and reality for the South division, through considering why many workers state a commitment to and a wish to develop mediation practice, yet under daily pressure state that - "there is no support, and there is never the time". Is this due to features about mediation?; Or about the Service? - Are they being honest? - Is it fear over the reality of development work? - Or does it relate to the changing political scene? These are all issues which will be addressed.

Projects

Examples of projects and smaller scale developments in South Yorkshire, seem to suggest that daily pressures stifle many new ideas. All projects have been short-

lived, for example IMPACT, the Detached Unit and the Heeley Project, as have individually induced small scale developments such as, Volunteer Discussion Groups, Prisoners Wives Groups, and the (voluntarily produced) in-Service magazine "Branch Roots". Reasons can easily be found for the collapse of all of these, from projects being strictly time-limited (with no built-in follow-up), to those operated under the enthusiasm of one or a few dedicated workers who leave or lose interest. Projects have remained as projects or extras and have not become part of the Service. Perhaps this is due to the initial planning and set-up and because there has been no adjustment of Service ideals or procedures to incorporate the projects. A revealing comment by one fieldworker who has worked in Sheffield for fourteen years shows this well. When I asked for his thoughts on Special Projects he said:

"You've put me on the spot there. If my memory serves me correctly...I have the general fuzzy impression and its no more than that because I haven't kept any record ...but it seems we have had a number of Special Projects and ...I've just got the feeling that nothing fundamental came from any of it - that the results or whatever didn't find a way into general day to day practice. It seems to have stopped somewhere out there."

Those projects that were researched show indications of confused or conflicting intentions, a failure to achieve the hypothesised outcome, or a lack of parity with the on-going aims of the Service. Some projects adjust their aims in the light of practice - for example, the Victim-Offender project I worked on, which initially aimed to affect the courts into sentencing more reparatively; in practice this aim was found to only operate as a hopeful

spin-off as its intention compromised contact with the victim. Many project workers end up feeling disillusioned and several have described feelings that indicate a continuum from enthusiasm - scepticism - criticism - to cynicism which they struggle to understand and explain. The assessment of each project or venture can be criticised, but this is not the place to do it: the important fact is the view held by the majority of workers in the South division - that:

"projects fail or are forgotten and absorbed in the general carry-on, there never seems the commitment to identify and utilise the positive aspects and take them on in everyday practice".

This may be a failure of management as suggested by one worker:

"Ideally management ought to be planning and organising...that is what they are there for... I quite often feel I am being asked to do management's job as well, especially if I want to achieve or develop anything..."

In a conference address by Jenny Roberts (Chief Probation Officer of Hereford and Worcester), she suggests that innovation is often seen as a more comfortable way of dealing with a practice problem than attempts at improvement. For managers, it means they can avoid an assessment of their own practice, and for officers she suggests it provides an excuse for continuing bad practice as they can blame:

"...managers for failing to obtain enough resources to enable innovation or failing to bring influence to bear on significant external groups."

NAPO (1984) pp.13-14

She seems to be suggesting that innovatory projects divert the energies of change away from improvements to existing practice. This is arguable, partly as projects have such limited resources there is not much in the way of energies to be diverted - but she is also right, as if they are marginal they will never confront existing practice. Alternatively, she suggests that:

"...innovation may enable managers to avoid the fact that the desired change in practice avoids a shift in or challenge to the value base of the service; such fundamental shifts are difficult to negotiate and implement and it may be easier to approach change via the innovatory project which stands outside the mainstream of practice."

NAPO (1984) p.14

Hence a challenging innovation kept as a marginal project may confront desired changes (for a while), but without the problems of a fundamental shift in values and practice. If she is right, projects will be kept safely marginal, unless a change in values allows them to be seen as integral to the work of the service.

The general view of projects and research by my sample, points to a pessimism about developments in general and to the role of Special Projects in particular in South Yorkshire as expressed here:

"Special Projects have always been marginalised...part of it is a legacy of IMPACT - that people's understanding of the IMPACT Project is that it failed, they saw that yet another piece of research proved that whatever you did didn't make any difference and I think from there on the Special Project resources have always been marginalised, they've always been seen as not really being relevant to the real work of the Service."

There seems to be an assumption that project work is not real. The maintenance of this view in itself is self-

defeating, as projects that are seen as central and crucial to develop ideas due to a culture that promotes this, will be fostered, and jobs there will be sought after. Perhaps there is also an element in the assumption that projects are deemed to die - that resources will not continue and that the original promotion was partly to try to continue to promote South Yorkshire's innovative reputation. The IMPACT Project mentioned in this quote is one that had a fundamental effect on the morale of the Service particularly in South Yorkshire, which links with the demise of the treatment ethic and the questioning of casework as discussed in an earlier chapter. That IMPACT had a profound effect in the South division is seen by the number of times it is referred to in my interviewing data. This next quote about projects from an officer who has been working for fourteen years, also refers specifically to IMPACT:

"IMPACT really was quite an interesting project but it seemed to have a damning effect on the Service in that probation officers had for a long time been screaming and saying we just don't have the resources, give us the time ...and we will show you how we really can work. And lo and behold, as I understand it, from the IMPACT research, there was not a great deal of difference between working intensively with a small group of people and working casually with a large group. Although I think the key measurement was the conviction rates, ...perhaps it is questionable to measure a project on that basis anyway."

It adds to the unease that although the research and its methodology is questioned it is not taken any further, so workers are left with a sense of disillusion and failure. Reference back to the research, particularly by those involved with the project still question the appropriate-

ness and form of results. It is another example of contradictions that people see, but feel unable to question so continue to put up with them. The following interview extract is typical of such contradictions. Probation officers often say that projects should be developed, yet they see them as marginal: when good ideas are around, many see the requirement of a change in practice as a constraint; change involves effort and disruption and people do not generally like that. Although when resistance to change is analysed it is a lot more complex and there may be legitimate differences in the way members of the organisation see the same situation, as described by Nevis (1987) p.142.

The following dialogue with an officer who has worked for over fifteen years explores the position and value of special projects, and why ideas fail to be integrated:

A. "Well, I mean they ought to run Special Projects basically because people should be made aware of various different ways of working...practice should be constantly developing."

Q. "But do you think that it is valuable looking at something under a Special Project which may be separate to a normal team?"

A. "I don't know, it gets marginalised then and can be isolated but I don't know whether its feasible to get ideas developed within teams, it all depends on the nature of the project...the people involved in the

project would need support and supervision from each other rather than from teams, ...it's sad because it does mean that people tend to forget about them."

Q. "How can projects be integrated then?"

A. "I don't know."

Q. "So what you're suggesting is that Special Projects are valuable but they are only valuable if they have meaning for everyday fieldwork, but if they are conducted separate to everyday fieldwork the ideas cannot be easily integrated because they have been separate."

A. "That's true! but that applies to any sort of change, I mean trying to get anyone to change practice is going to be difficult!"

Q. "Why?"

A. "Because change requires effort and people don't like effort or change. They would have to be persuaded that it was worthwhile and also that certainly applies if you've got a state of fairly low morale within the Service, then people's motivation to put any extra effort in is going to be limited. I suppose its management's problem really."

It seems a chicken and egg problem as if a Special Project is integrated there isn't the space to develop new ideas - yet if it is separate it remains marginal and forgotten. Also workers often express interest only to the point where they have to do something. So is it real or apparent interest? Paying lip service to ideas seems to go along with the "talking shop" mentioned by one probation

officer already quoted. He accuses himself and colleagues of "a lot of talk and no action". According to Kotter and Schlesinger (1979) the four most common reasons why people resist change are:

- 1 A desire not to give up something of value.
- 2 A misunderstanding of the change and its implications.
- 3 A belief that the change does not make sense for the organisation.
- 4 A low tolerance for change.

(quoted in Nevis (1987) p.142)

All but the last point indicate that resistance can be seen as creative, or a healthy self-regulation. So reasons for not taking on mediation may well be appropriate for the individuals understanding of the situation. Such issues will be explored later particularly as above all, lack of change is linked with low morale; but the crucial factor at this stage is an awareness that although workers support the concept of mediation - they may feel it is not right for the probation service - whatever the organisational set up and resources. Returning to special projects in general - in another of the interviews, an officer who had moved to South Yorkshire some two years previously, comments:

"I see (Special Projects) as one way of moving forward - it is a way for the rest of us to take a look at something through the eyes of others."

When I asked - do you think that people really do look at the ideas from the Special Project Team his answer was:

"I don't know - I can only speak for myself and I'm interested; but I must admit I do have difficulty taking on new ideas...and somehow this Division doesn't help.."

His point about the division, leads him on to talk about the organisation and how there is no encouraging or developmental climate which would make it easier to contemplate new ideas.

Probation officers also talk about Special Projects needing good assessment as their relevance in the end may prove false - "as they don't work" - this may depend on what the original agenda was and whether that is all that is looked for, so tangential features are not noted. For example, in the Mediation Project the constant question asked was, does mediation stop people offending? There is no succinct answer, as there are various levels of offending, and statistical data will not be available for many years in order to assess offending over time. One of the crucial questions I identified - which did not assume such a priority for other officers - was my observation of a large number of situations that were criminalised and prosecuted which need not have gone through the court process; if they had been kept out of the system, no crime would have been statistically committed. As said by one worker who is working to change attitudes about racism:

"Its the painstaking chipping away at attitudes and traditions..."

This worker says she feels marginal, although her position has improved over the year as her work with anti-racist

practice has slowly become more integrated with daily work. Yet she would rate this integration at only 5% success. She has strong views about projects and initiatives to introduce change, and expressed this as follows:

"...saying something is a Special Project is...putting it in a corner and saying, now you go away and look at that for three years and come back with the results...then you get the business of - well its only a Special Project - people are only interested on the surface - its very easy for the agency through the way it works...to pass the buck to people... Its passing the buck to a Special Project Team, ... My idea is that it shouldn't have been taken out into a Special Project in the first place. It should be something that is worked on within teams, divisions, the hierarchy, it is something that has got to be constantly worked on and constantly looked at. One of the main things that people are up against when they are trying to institute change is each other and each other's professionalism and prejudices. In a Probation Service you might find 10% who are willing to change. Over the years that I have been working I have only found a handful of people who are prepared to look at themselves and look at new ideas, and that has taken years of building up a relationship with each of those people. ...of the others about 95% would just say what the hell I'm a trained professional, I know what I'm doing and they just get on with what they see as their job. So some of the constraints to change are each other..."

The change she is trying to introduce is one of attitude change. This is often a component of the mediation process - where it could encompass individual as well as community learning. In the above officer's role, she is attempting to confront organisational attitudes as well as those of individual probation officers. One of the hardest aspects is for officers to be able to acknowledge the gap between their ideals or what they believe is good practice and what they actually do.

Ideals and Practice

Differences between wishing to develop something and the realism of everyday practice, suggests a great deal about the culture of the Service. The learning systems in the Probation Service are exposed as maintaining single-loop systems - inhibiting double-loop learning. According to Argyris and Schon (1978) learning occurs when an organisation detects and corrects error. In the case of the Probation Service, the confusion, uncertainty, and inefficiency of its aims and objectives may be defined as a large scale problem or error, which in the small scale results in the failure of project ideas to become integrated within the Service. Double loop learning would occur when the Service recognises its need to clarify its own position in order to incorporate project ideas; learning would occur when it does this through modifying its underlying norms, policies and objectives. The Sheffield Service is characterised by single loop learning whereby it attempts to deal with projects or its own organisational confusion by means which will ensure the continuation of its present policies and objectives i.e. so nothing changes. Workers tend to do the same, and shy away from confronting the underlying basis for their work. In the individual sense it expresses in another form the ideals that workers spoke of during my first set of interviews when espoused values and values in use became apparent. This is the difference between what workers say they do or would like to do and how they end up working - (Argyris & Schon 1974) - all workers have expressed a wish

to work in a more ideal way, yet conform to the general pattern of what they believe is expected of them. Yet there are indications that if the space is there to develop something new, the relaxation of pressure can be a relief that creates inertia and the desire to recuperate, rather than a stimulus to explore new possibilities. One officer expressed this:

"I think one of the biggest constraints to any form of change is the inertia of the individual...partly because the everyday work is so hectic."

So long as senior management are seen to reinforce the view that the everyday demands are the essential components of Service practice, and that projects are extras or 'hobbies' - a new perspective is not possible. The maintenance of this is a source of conflict, not only within people who are attempting to change things - but also within the organisation where conflicting demands for support and resources result in frustrations and confusion over organisational goals. When conflicts develop within organisations that seem impossible to resolve, an extreme result can be when:

"...deep frustrations are felt by organisation members because of lack of organisational goal attainment and frustration of individual needs. The situation seems frozen and unchangeable. ...A few individuals may escape the situation by leaving...for the majority dysfunctional fantasy-based forms of behaviour are the ways people develop to function in a situation in which they can neither live nor which they can change."

Merry and Brown (1987) p.95

So having emphasised the marginal position of projects, and identified unresolved conflicts within the service and

within individuals who hold ideologies that often contradict their practice - I return to reflect on the three questions in turn.

1 Is it that mediation is a marginal concept - so the apparent interest has not been well-founded?

All but three of those interviewed believed mediation practice to be important for the Probation Service and to need development, so interest seems genuine: yet the process of mediation is something that is still treated as marginal to everyday practice, partly because of the problems involved in its development and the difficulties of implementing change. It involves stepping over boundaries that are traditional and taken for granted. There are aspects of probation practice that are seen as part of the Conditions of Service and these take priority, for example the preparation of court reports. One officer expresses this quite clearly:

"We are a Service where to a large extent our role is dictated from way above (the Home Office) and we have a whole set of things that we must do according to our Conditions of Service as we are here basically to service the courts, and as things are structured at the moment any change which would involve significantly more work, would have to be resisted beyond a certain level unless the resources came with it."

To develop mediation it is necessary to have resources, as well as acknowledgment and support at a higher level; but harder than these to achieve, is the need for changes in the underlying norms, concepts, policies and objectives. This worker speaks for most of my interviewing sample:

"I'm quite sold on the idea that its a process that is achievable and of benefit to both sides. I'm simply left with great doubts now about just how easy that is going to be to achieve in this Service."

From the discussion so far there are indications that the Service marginalises projects and that it is not a learning organisation. Mediation would require a different perspective of crime and of the service that is offered, as expressed by this officer:

"...it looks at things in an integrated way, at victim and offender as part of one event - at something that has happened in both lives...and to see where these things connect rather than driving a wedge between them as if they are warring factions. Its ...seeing crime as a problem for everybody..."

I would suggest that the difficulty is - not that mediation is marginal - but that it's all encompassing. It confronts different things for different people - and even though issues are related - they are difficult to grasp. They range from addressing individual thoughts:

"...I'm opening up thoughts which haven't been there before..."

"...yes...it's a new language I'm talking..."

to addressing changes in society:

"If we could envisage a Utopia whereby the focus of victim and offender was seen as the primary focus of the Criminal Justice System...then mediation becomes the key focus."

"...it amounts, in its ultimate, to changing parts of... the Criminal Justice System..."

"...in the long-term it's about educating people and getting them to look at their attitudes about crime, punishment..."

The range of quotes could go on. But the things they share, are their idealism and their strength of feeling.

Mediation is not marginal - it has just not found a secure place or been integrated with peoples view of the world as defined by their bands of reality.

So the discussion continues, looking at question two.

2 Is it due to individuals who have failed in their role in developmental work?

There are two sides to this question, firstly the appropriateness and effectiveness of myself acting as a change agent, and secondly the part that other key figures in the Service have played in developing or impeding mediation. There are also the related issues of the suitability of the time and place for introducing the idea - but this will be considered in more detail in chapter fourteen.

From a personal perspective, I am certain there has been real interest and a genuine intention by those I have worked with to attempt to develop mediation practice. I have also become increasingly aware of the degree to which the everyday pressures inhibit developments that require careful thought, and attitude and practice change. The setting therefore had inhibiting factors from the start, and even the design of my consultant/research role was insufficient, as many workers expressed the wish that I had been around full time. As voiced by one worker who completed a few cases of mediation:

"There have been a number of times when I have wanted to discuss a situation and I look on the board and you are at the Poly and I think, oh I'll leave it, and then the incentive is lost; I'm certain that has happened

with a lot of people and it must have undermined what you've been trying to do."

This officer suggests I should have been a mediation worker in the team full time so that it was part of the Unit's work. Yet this is the way I operated in the previous Project with the result that I mediated in many cases, but worked jointly in only a handful. I was seen as the expert and the person to whom suitable work could be passed. The two fieldworkers who volunteered to partner me were told they would have caseload reductions, which never materialised. This meant I achieved a considerable amount of expertise but no other person in the team managed to develop confidence in their own skills. A worker who was very interested in developing his mediation skills, put the two mediation projects in perspective; he is very pessimistic about the long-term impact that either have had:

"The other Mediation Project ran for three years and ended in 1986, and I think that the full value of that is going to be lost unless you and possibly the others involved in the Project are fully utilised in supporting the introduction of the ideas to the Service even further. ...at the moment we are a long way from achieving even a point from which the Service will not slide back into the position of six years ago before it even thought of mediation. I think it needs a lot of hard work and consistent pushing to move it forward and to move everybody forward. This thing needs a higher profile push with regular support meetings and a lot more back-up from Seniors and other management."

Another officer rightly points out, that for maximum impact the second Project should have been developed in the same area as the first i.e. Barnsley or Rotherham, and not moved to Sheffield where the only prior input about mediation had been a three day training event. This officer commented:

"What you are doing is research isn't it...but actually taking an idea that has been developed in a different context and bringing it into Sheffield mainstream probation. Can you do that? And can you do that as just one person - I'd question whether that is a good process for bringing in practice change."

The points made here ring true, as to work alone causes many problems, ranging from one's own sense of isolation and feeling of sole responsibility for results - to the tendency for fieldworker friends to respond out of a sense of helping out someone who is struggling against mainstream work. Other workers did not question why the project should be in Sheffield but valued the chance of it being available to them. Many said they valued "my quiet presence" to allow them to think over the ideas in their own time, one expressed this as:

"I think you have developed quite a good sort of non-threatening way of being persistent about things which ought to be continued in the next phase. There should be a continuation of developing the ideas..."

There is an assumption here that the Project will not come to an end with the write up of the research - yet this is what will happen. Other officers who recognised this, see the time scale as being insufficient to allow a process of gradual change to even start - as expressed by the following quote from one of the Seniors:

"I think probably your experience has shown that an awful lot has to go into actually getting ideas disseminated, and the only way of maintaining some form of momentum may be to continue your role or have some small specialist units. I'm not really sure about this because I feel that as much as possible should be mainstream and issues need to be tackled here. But they shouldn't be just left."

An important issue here for the organisation to take up, is that nearly all of my sample of probation officers are

concerned about ideas and have various theories about how to introduce change - but there is no acceptable channel to spread practical knowledge, as innovatory thinking is not an accepted and encouraged feature of the service, as described in other organisations by Garratt (1987). This indicates haphazard planning, drift, and acceptance of new legislation and impositions by default; this has certainly occurred over the period that all of my sample have worked - the longest being for 29 years.

People learn in different ways, but to introduce new ideas, it would seem an important task to provide varied inputs depending on the wishes and needs of individual workers. Particularly when many needs are only identified in retrospect. In relation to mediation, some officers were satisfied with the degree of input and consultancy, but others wanted more intensive contact and availability of myself. Some wanted me to check up on their attempts at practice, others wanted a quiet presence and general support to make practice easier to undertake. But all felt the period of consultancy was too short and that the research element detracted from the pursuance of practice. It may suggest the need for more than one project worker, where different approaches are utilised in a flexible way allowing workers to naturally gravitate towards the personalities or input they best relate to. Also if there had been two project workers, one could always be available whilst the other completed research data. It would also suggest the need for practical fea-

tures that 'jog' the thinking, such as the inclusion of victim information on the court sheet. Forms for information about the victim's side of offences that I attached to court report requests over a two month period served this purpose, as commented on by several probation officers in my discussions with them. This is an item raised by many in interviews as something management were considering introducing, i.e. including victim information on court sheets - yet so far nothing has happened as there are several layers of committees to pass through. The management structure does appear to block developments through the bureaucratic system that practical ideas have to hurdle before the appropriate level accepts responsibility and can start to initiate changes. Questions of management are taken further in Chapter Thirteen.

To conclude, it does appear that my developmental role should have been better thought out so that sufficient resources and practicalities were guaranteed before the start of my divisional contact. There have been various failings or difficulties that have not aided the development of mediation, but I do not believe these are fundamental issues here; it is more an accumulation of problems which have impeded mediation development - all of which will inform any future developments.

The questions discussed so far have all mentioned 'the organisation' - meaning from my data, the Sheffield Service - so question three attempts to draw out these points.

3 Is it the organisational culture (i.e. of the Sheffield Service) that creates blocks and makes demands that impede the development of new ideas?

Already, aspects of this have been hinted at through answers to questions 1 and 2. The pressure to maintain a traditional role, to comply to statutory work demands, and to maintain this as priority is part of everyone's experience. Workers may have their espoused values but they often bear little relation to real practice. Individuals developing ideas or taking on different approaches to work feel vulnerable and nervous, (or perhaps defiant), particularly if there appears to be little recognition or support. To grapple with a new idea with many other demands on one's time requires not only commitment, but confidence and determination. To summon this up in a Service which appears to have a generally depressed attitude in relation to new developments, both imposed and requested, would require amazing resilience.

These points lead to a closer analysis of the culture of the Sheffield Probation Service, which can be defined by the values and interpretations that organisational members share. Most studies achieve a cultural picture by interviews and discussions which result in a qualitative description of espoused values and their divergence from values in use. See Jones et al (1988) and Schein (1985). Many authors would define culture in terms of a socially constructed reality, and qualitative methods are usually considered epistemologically congruent with this approach,

as noted by Berger & Luckmann (1967). Recently some authors have demonstrated the importance of including some form of quantitative measurement. Siehl & Martin (1988) suggest a hybrid approach combining qualitative and quantitative methods. They do this by means of structured questionnaires, administered after time has been spent in the organisation under study and qualitative data has been collected which suggests the appropriate questions to use. Their questions were grouped under five headings: espoused values; company jargon; organisational stories; tacit knowledge; and beliefs about practices. Although I have not administered a questionnaire to measure espoused values and values in use, material is available from the discussion interviews and from personal knowledge and observation, which provides a fairly clear picture of aspects of the Probation Service which can be discussed using the headings from Siehl & Martin's research, thus providing a picture of Service culture. I will now consider each heading in turn.

1 Espoused Values

From the discussion interviews, there is similarity between the espoused values of workers at all levels, yet the values in use differ as the focus and priority of aims and tasks change depending on the worker's position in the hierarchy. I would suggest though that maingrade workers would not accept their ideals as being in any concord with higher management, partly as they believe they maintain some ideals in practice whereas management are not seen as

doing this. Most maingrade workers would see a major portion of their job as being "subversive" - working through loopholes in the perceived system, which they would see as being in opposition to a lot of what management promote. In a way, this is a romanticised view of the role of a probation officer, expressing professional ambivalence, a view that is predominantly held by those who have worked for eight or more years. This means that management also come from this era although this is not recognised by the maingrade, but its traces are evident in my interviews. I had to work hard to look at these issues in a detached manner myself, as I also come from this era, 'The heady days of the sixties and seventies', as coined by one officer and noted in chapter nine. As expressed by another officer:

"...it's kind of classic blue-collar action - subversive. ...our managers go in a different direction."

Yet officers also acknowledge that their values in use do not necessarily correspond to their espoused values, due to the problems and difficulties of working in a punitive Criminal Justice System and being directed by a 'faceless, centralised Home Office'. The tendency is to see management as pandering to Home Office policies and as attempting to instigate policies which are not necessarily in line with workers espoused values. Therefore conflict exists between values in action and espoused values, as well as conflict between perceived management values and maingrade values (both espoused and in use). From the data, the values that regularly appear are:

1 For maingrade workers to have a basic commitment to helping each other - although this tends to be in friendship groups rather than occurring within work units; the same appears to happen at the top levels, but not in the middle management sections. A maingrade worker expresses the support he needs and receives:

"...if I felt alone it would be difficult...but I get a lot of support from people - colleagues..."

2 The importance of quality of care for each other is seen as an important value throughout the whole Service - yet it is acknowledged that this is not always so and there are differences depending on personalities; stories that back this up are about workers suffering from stress and being told to pull themselves together. It is only recently that a personal counselling service for workers has been considered (South Yorkshire Probation Service 1989).

3 The belief in the need for integrity, confidentiality, and high quality of work with individuals - yet in action, workers complain about their inability to live up to their own expectations due to pressure of work and court deadlines etc.

"There's always something I'm disappointed with - as I've had to take a short-cut to get the report done. Like mediation - it's not possible where there are deadlines to keep..."

A disbelief that managers value quality of work is talked about due to their perceived inability to attempt to regulate the work demands.

"I don't believe managers really care what we do - all they're interested in is quantity and the value for money stuff."

The culture as shown through points 1 - 3 closely approach the Support culture which is one of four models proposed by Harrison (1987) where:

'the quality of working relationships and intergroup cooperation and service are prime considerations.'

p. 5

In the Support culture the emphasis is on values of caring, responsiveness, cooperation, belonging and receptivity, with the service -

'oriented to listening to customers or clients, empathising with their needs, and responding to their concerns. Rather than actively shaping the environment, the Support culture endeavours to flow with external forces, and work with them.'

p.14

All these aspects fit with the way officers talk about their role in the probation service - yet there appears to be an element of deception at work, as they also criticise the service in general (particularly senior management) of being uncaring and unsupportive, thus creating the element of mistrust and insecurity within the organisational culture that seems evident from my interview data. The concern for self can be interpreted as self-indulgent as it focuses on help for each other and away from 'clients'. Although without a comfortable setting officers will operate less successfully and caringly with their clients.

4 The belief that the Service needs to change in some way in order to promote what it does, make clear its objectives and priorities and so be able to direct itself

rather than be directed - and for all levels to have a say in this:

"...we so lack confidence in the value of what we do ...we do have skills and should be proud of them..."

Yet this is more an ideal that is accepted (almost fatalistically) to be "idealistic" - and there is little apparent action except by the Union (N.A.P.O) in relation to this.

"...management don't stand up for things...in terms of publicly representing what we are trying to do..."

- 5 The belief in the value of educating the public about offenders and offending so attempting to affect attitudes and also that of the court system; to campaign for a less punishing system:

"...wanting to break down some of the myths about offenders...trying to mitigate some of the effects of offences...drawing the attention of sentencers to things like...unemployment...how it affects people... attempt to change the parameters of the debate."

Organisational stories link this area to number 4 and point to the job as being one of hard work and few rewards - and refer to disillusioned workers who have left and projects that are resourced for too short a time or not given sufficient management back-up:

"...I know a lot of officers who've got disillusioned - as there's a lot of talking but nothing changes... all their ideas...they either give up or leave..."

All the interviewing sample would have a personal ideological commitment to the values listed above, even though maingrade workers would not necessarily trust and believe the management viewpoint. But with workers, there is a difference in degree - as some workers see the ideals

as ones they constantly need to strive for, whereas others would accept them as unachievable. For example, two different workers said to me, when talking about projects:

"I think they are very important to explore new ideas ...and we must continue to push to try to develop them.."

and the other:

"It may be important to explore new ideas, and I believe it is...but it doesn't seem to get anywhere so in a way it is a waste of resources.."

This leads to the next theme, which is an interrelated feature of espoused values.

Jargon, common themes and rituals

Despite individual ways of working, communication on ground level is helped through daily physical contact, although it may be possible to miss seeing one member of the Unit for days on end. Communication may only be about specific work problems in passing, in a jesting or jargonistic way; for example, "I'm giving up, Mrs. B. has lost her purse again and is about to have her electricity cut off, she only tells me when I'm about to leave!"; or "I've only just persuaded that hostel to take John and he's gone and re-offended. I should have put my feet up instead!"; or "Why can't she learn, after a week of true love and promises, he's beaten her up again". Quick off-hand comments such as these, which do not necessarily require a reply are understood and accepted. Jokes tend to be made about the pressures of work, about clients, about familiar processes such as court and about management; they are necessary in order to let off steam, to

cope, and to receive confirmation from others that they have experienced the same sort of problems. Such jokes and relevant responses keep the job going; they keep up the routine and rarely question it in a constructive way. Jokes about colleagues and management and even about oneself, avoid confrontation and provide indirect confirmation that everything is as it should be. There are also jokes about many of the things that people generally wish for, such as developing new ideas, about consultation or about things that people fear such as the imposition of Government plans for tagging or tracking offenders. From a recent team meeting:

"Well, I don't know what we're all sitting here for waiting to discuss how to help people. Just bring out the box of dog tags and we can all put our feet up and watch the tele!"

Conversations share common recurring problems and help keep workers "sane" when dealing with the daily routine. The jargon used in conversations although not specific to South Yorkshire is very much part of the culture and can be technical, for example, SIR, NFA, ESN, RIC, On bail, Curfew, or they can be more value-laden for example, inadequate, alcoholic, no-hoper, head-banger, sex offender, burnt out. Such words and phrases may be used in other welfare agencies and similar conversations are held, - but it is more the way they are used by probation officers that mark them out, and make them identifiable as a group.

Unlike other groups who work in offices the rituals of

parties, cake buying on birthdays and celebrations for significant events are not strictly adhered to, there seems little pattern to events that take place; those that do, tend to be on a fairly ad hoc basis and maintained more by secretaries and administrative staff than by probation officers. But contact out of work hours is probably higher than with other office workers, perhaps because people feel linked by a common goal or ideal, and feel more affinity with those who work under similar stressful conditions.

Terms, words and themes lead in a more elaborate sense to the next section.

3 Organisational Stories

It is during out of work contact that a lot of organisational stories are shared; these vary from gossip, to speculations about jobs and management stances, as well as many tales about past situations, behaviour and individuals. Stories reinforce culture and attitudes towards the work, each other, the agency and outside policies. Stories include tales about how someone was treated in court (probation officer or client), about confrontations with a difficult client, about trying to enlist the help of another agency, about attempting to gain management support in a complex situation; they tend to be individual and specific and to display the everyday attitudes, concerns, stresses and needs of the individual telling the tale as well as those responding. Case examples say more than generalisations as is seen by the mediation examples

of cases referred to previously and given in Appendix 10. Workers are most interested in case examples, and meetings or discussions will always be enlivened by a "story". It is part of the process of coping with a demanding and stressful job, when there is no structured role or support for that role in terms of limits - hence work issues are all pervasive and continue into social debate.

Recently there have been attempts to define the probation officer's role as more of a job of work - by the Union and by the hierarchy. A minimum number of hours per week has been set (but is not checked and there is no overtime payment), and standards of practice have been set in terms of stating disciplinary measures and set procedures to follow in defined situations; for example, hostel referrals or where there is suspicion of a child being At Risk. Stories about everyday concerns, about Service changes and about how people manage are a regular part of daily contact between workers, for example client applications to the D.S.S. for money. Stories become part of the culture, like tales about a former Chief Probation Officer who was seen as very paternalistic but also as friendly and approachable, and he would spend time chatting to individuals. When I was an ancillary worker some fifteen years ago, I remember him sitting on the corner of my desk and asking about my work and about the pressures in my team at that time. Other long serving officers talk about the Service being smaller and friendlier, and how everyone knew everyone else, so decisions were made by

face to face contact and discussion. There are stories about workers leaving who do not like the directions the Service is taking, or tasks that are being imposed by Government. The following four quotes by officers who have worked in the Service for fifteen or more years express these points. The first refers to closer relationships:

"In past days the relationship between the individual courts and the probation officers was much closer.. Magistrates thought we did a wonderful job and gave us more power over decisions..."

The next officer refers to the smaller Service in the past which enabled contacts to be made and suitable ideas to be developed:

"There was a lot more chance to develop things as you knew everyone and had the contacts, but that could also make it hard and you knew just what the limits were."

Looking back at the past, the Service was seen as almost ideal as expressed in this quote:

"The Service used to be a lot more ideal, but now its more cynical...I don't know if this is more realistic."

The next officer summarises many of the feelings expressed by my interviewing sample, that the Service has changed in terms of its ethos, aims and ideals - in response to a harsher political system:

"The concept of us helping people has gone a long way out of the picture as far as the aims and objectives of the Service goes, it is now all tied up with crime reduction and reducing the prison population and those are quite different objectives from those welfare ideals that I came into the Service with and that I'm capable of doing something about...I think the system is clearly not benign anymore, it is actually antagonistic and punishing and I am more and more conscious of being on the defensive."

Stories or myths from the past and the recent past, even about people still in post, back up the feelings of cynicism and depression that workers often talk about now. Stories about "failed" projects such as the IMPACT experiment much quoted already, are significant as so many probation officers refer to it. The ones most affected are workers who joined the Service in the 1970's when it was believed that with more time and less statutory requirements they could work intensively to help people. Yet only a few questioned the way success was measured - based on reconviction rates - which it could be argued, dilute the real picture. Speaking to workers from that project, they were working with a group of offenders already classified as persistent and extremely inadequate, so merely some improvement in the quality of life was a success; this they felt they achieved. But the myth of failure and feeling that "nothing really works" has stuck, and it is still talked about. As previously mentioned this links with the demise of the treatment ethic and the on-going debate about justice and welfare that has plagued the Service, politics and society in general for the past twenty years, (discussed by Garland 1985 and Hudson 1987). Accusations that the Service does not change or take on new ideas, are belied by accusations of changes in ethos brought about by the growing harsh political system against offenders, and alleged public demands for more controlling and restrictive punishments.

There are also many stories of individual workers who have put so much into the job that they have burnt themselves

out, and apparently to no avail. Stories of others "cracking up" and leaving in disillusionment add to the pessimism and the belief that the job has to be seen as a job, and not as a vocation anymore. One worker who has been employed for the past eighteen years said:

"I've learnt by harsh experience that it is not worth all the effort I used to put in...I don't want to crack up like..."

and one who has only been working for three years:

"I suppose I didn't come in with any great ideals ...I just wanted a job that was going to give me some job satisfaction, mainly through working with people, no more."

To some extent it appears that values and attitudes have changed, then again it does not, as it also appears that there is still a high degree of vocation in the Service. As expressed by the following two quotes, the first from an officer who has worked for five years and the second for eight years:

"I wanted to work with people who were sort of marginal to society...and to help them..."

"I felt the challenge of working against impossible odds and working with people where you have a structure and a reason for intervening in their lives."

The moral of the various Service stories appears to be that the Service is no longer a small, caring and secure place to work, unless you accept it as - 'just as a job' - and do not question ideologies. Projects and new ideas are seen as failing and there is general despondency about the future of the Service. To some extent the references to the past, particularly in terms of it being much better, paint it as a sort of dream-time, where the negative aspects are forgotten and it becomes a constant theme that

is used to beat the present. This way of using the past as a contrastive device for the present has been called the 'Rebecca myth' by Gouldner (1954); this refers well to the probation service where my interviewing sample talk of the more humane, caring, personal and small-scale past which is belied by records and descriptions of reality if people are pushed to consider past reality in depth. Hence referrals to good past times are more indications of depression in the present than the reality of the past. Moving from stories, the next section considers service knowledge that is apparently understood without being stated - but it must arise to some extent from stories.

4 Tacit Knowledge

It is not easy to be clear about the extent of real knowledge and understanding of Service objectives and priorities. Generally I suspect there are shared objectives as far as working with and caring for people, yet tension exists about the real nature and worth of the job, and about the way it is seemingly being directed through legislative changes and increasing bureaucracy. There is obvious confusion about Service philosophies and objectives and a lack of communication between higher management and maingrade. Individual workers are concerned about the part they should or could be playing in shaping the Service, but they are pessimistic in thinking that even if they knew how to confront and approach this - it would never work. The uncertainty is reflected in workers views about management, and the

pessimism and concern about what they are or are not doing is reflected in a lack of trust in the hierarchy. Much of this is probably due to poor communication and a lack of interaction between the levels - which is regularly talked about, as by this Assistant Chief:

"It is difficult to manage...there are problems in communication...I have not grappled with communication very well...we have got to do something about it..."

Communication is indirect with the consultation process being conducted in tiers, with Probation Officers talking to Senior Probation Officers who then talk to Assistant Chiefs who then talk to Deputy Chiefs who then reach the Chief. Rather like Chinese Whispers! Information is shared through memos and circulars, and discussions fed back often in the same way. Various consultative groups and discussion forums are designed to aid debates and facilitate contact between upper and lower levels, with the intention of sharing developments and decisions. Yet in reality the same people attend meetings, information sheets are briefly scanned or not even read, and the expectations and needs of one hierarchical group are double-guessed by the others. Management accuse the maingrade of being apathetic or unrealistic when it comes to decisions, and the maingrade would say that management do not consult fairly or listen constructively to anything that is said. The contradiction here is that management have "forgotten" the pressures and demands of a caseload and work in the field, and the lack of time and energy that this leaves for much else (they constantly ask why don't the maingrade tell us?). One Manager when asked how

much interest there is in the organisation about mediation said after a long pause:

"I honestly don't know. I mean the organisation maybe has trouble in communicating to the people with the power in the organisation about what it is doing. Some excellent work goes on around the Service which we never hear about. We are only too pleased to hear about it, and it will always get a response if somebody bothers to tell us, and usually a positive response... I can mention that I would be very happy to promote a wider discussion throughout the whole Service about mediation, but for that I need the raw material..."

His request for material followed the normal channels, i.e. a memo to the Senior Probation Officer via the Assistant Chief. The Senior mentioned the request in Unit meetings and because of my role I followed the request up with individuals. I obtained case examples and opinions written by six probation officers, these were given to the Senior to return to management with his own written comments. To my knowledge, the papers remain to this day somewhere between his desk and that of the Assistant Chief. This is a fairly common experience whereby written material and communications are easily lost and buried by the immediacy of other tasks. If reminders (another memo) are not sent or followed up, the issue is forgotten and a lack of interest is assumed. Consultation about Service issues often follow the same pattern whereby the answer needs to be fed back by a deadline which rapidly approaches, so matters are missed or inadequately discussed in Unit meetings. Decisions are often made by default and later there may be a complaint about lack of consultation, although generally work continues regardless. So the

communication process within the organisation is limited and does not work adequately on a hierarchical basis; this is not helped by the Chief Officers being housed on a higher floor and in a separate building. The maingrade want management to manage so that they can get on with the real work, I quote from one worker:

"Managers are there to manage, so they should..."

and another:

"I sometimes feel I'm expected to do management's job as well..."

- yet the contradiction is that they don't trust management and do not want them to make decisions without consultation. A natural empathy of what the job is about is relied on by all grades of workers, yet once power is involved a lack of trust appears to be generated. It would be interesting and useful to measure the extent to which higher management values and interpretations of the work, differ from those of lower level employees. Much of the maingrade's apparent disfunctional work - for example, not always breaching probation clients when they fail to report - is part of the work and probably strengthens the organisational aims and culture. Such features and behaviour have been identified in other organisations, as explored by Wells in a Girls Scout Camp, in Jones et al (1988). A measurement of the difference between maingrade and management values was not built into my questionnaire design, so I have relied on extracting suitable and relevant material from conversational interview data; this is an area where further useful research could take place.

The final section moves on from unspoken knowledge to practices, and the process of culturisation.

Beliefs about practices

Culturisation starts early in the Probation Service, from the time of practice placements. This is not so noticeable when talking to students who sound very critical of the Service and are often full of ideas or changes they would like to implement, yet with their first job they are anxious to conform during their confirmation year so their intentions quickly fade. Two students went through this whilst I was observing the Division, and I have also seen it in students I have supervised. One new officer told me that she can fulfil her ideals in her individual work with clients and that that is the most important part of what she does; the organisation and its policies and problems carries on around her and she avoids involvement or thinking about the wider issues.

The need for culture to be absorbed is very noticeable when people join the Service from another agency, but this is so rare it is hard to measure in anything but an intuitive way. One of the probation officers from the Division, mentioned in an earlier chapter, who joined halfway through my consultancy period had moved from Social Services. Probation had been her choice of job due to much the same reasons as others, yet she had never completed a practice placement and moved direct from working in a social work setting. Her enthusiasm at becoming a proba-

tion officer was infectious, and her immediate colleagues were also inspired for a while - but it did not last. After three months her enthusiasm disappeared and she felt very let down and misinformed about the Service, its aims, resources and potential. She attempted to explain this to me during one of our interviews and said:

"I suppose I had preconceived ideas about the Probation Service which have changed within the three months I have been here...I had thought that here was a group of professionals, but it was a devastating realisation to see that a lot would behave in a way that was beneath my standards, i.e. that they would not admit to being racist...It made me question what service the people who make up the organisation are offering to clients and why the organisation seems to block learning and changes...I had thought that working individually was a strength, but with some people it must be a weakness as they don't ever question, share or change anything..."

Having moved from a residential social work setting, where she worked openly and jointly with other staff, she had craved being able to integrate that with working individually with clients. A way of working she had seen as progressive, she now sees as a weakness as it appears to keep individuals working in their own way and not sharing or learning from others; her impression had been of a developing and changing organisation - but the reality of the Probation Service is far from this image. Eventually she did settle, by learning to talk a similar language to her colleagues; yet the disillusionment still persists particularly in terms of the prevalence of racism. She recognises the need for the Service to change, in relation to anti-racist practice as well as to incorporate other ideas such as mediation. Her confusion

about the lack of change and the lack of any support or developmental system is expressed throughout my interview with her. Her vision of a dynamic, professional and learning organisation was quickly shattered; these views perhaps provide a fitting conclusion to this section, expressing well the yawning gap between reality and the ideal.

Conclusion

Through a consideration of projects, and three major questions, this chapter has sought to address the gap that is evident between officers work ideals and their practice - apparently an unchanging feature of the work environment. The questions posed were:

- 1 Is it that mediation is a marginal concept - so the apparent interest has not been well-founded?;
- 2 Is it due to individuals who have failed in their role in developmental work?; and
- 3 Is it the organisational culture that create blocks and makes demands that impede the development of new ideas?

Projects are short-lived, seen as extras and as a 'luxury'. My interviewing sample consider that by definition, projects will end and are therefore marginal, and not part of the essential work of the service. Workers may talk of their wish to see projects, new ideas and changes, yet in practice there is resistance. The ideal from interviewing comments is to have an innovatory

service that sees the development and integration of new ideas as part of practice, yet the reality is a lack of time, energy and perceived support, so any new developments are marginal.

To summarise the discussions around the three questions - mediation as a project is seen as marginal. It confronts the present work of the service and requires the development of a new outlook and perspective. Yet there is interest in the ideas; it is the resources and inclination to be able to take on a new direction that is lacking. When considering the role of developmental work, there has been a lack of time, space and ongoing support. Partly due to the original set-up of the project, but also due to the ongoing everyday demands and service priorities that do not allow developmental work any real status.

A consideration of question three, identified a culture which maintains a traditional role and statutory work demands and places projects and new ideas in a marginal position, where even promised support is not maintained. An in-depth analysis of the culture identified five key themes that together provide a working picture of the South Division. These themes are: 1 espoused values; 2 jargon, common themes and rituals; 3 organisational stories; 4 tacit knowledge; and 5 beliefs about practices. The espoused values were identified as being:- a commitment to care for each other (but mainly found on a main-grade level) yet a lack of this in a professional or

personal capacity; a belief in integrity, confidentiality and high quality of work; a need for the service to change in order to promote itself better; and a believe in educating the public about offenders.

Poor communication in the hierarchy appears to emphasise the perceived differing values between management and maingrade - so despite espoused values described by all of a commitment to caring and helping clients and each other - lower levels question the values of upper management. Ideals of change and the promotion of a co-ordinated Service with clear objectives is regularly discussed, but with little result, despite a noted increasing loss of identity through imposed changes and regulations. There is a definite "probation talk" or jargon that unites workers, provides reassurance and eases communication; although this is not between higher and lower levels. Organisational stories draw the Service together and provide a history of changes and lack of changes that are passed on to new workers - but they are backward looking and not forward thinking. There appears a block to reformulating problems and exercising double-loop learning partly because of persistent myths about the past. The underlying knowledge is that work is a battle of "working against the odds" - fighting what seems to be a "rearguard action" against an increasingly hostile political system. Maingrade workers see this battle as being theirs with little or no help from management, management see it as of joint concern. In the South division the climate is one of depression and pessimism, and feeling that to try to

effect change in the face of such issues is physically and emotionally draining and is a waste of effort.

My sample of probation officers appear to exist in an environment where contradictions and compromises in their role between care and control - intellectualising problems (theory) and working with them individually (practice) - the differing perspectives of private troubles and public issues, remain with them constantly. Contradictions in the Justice system, in the Probation Service and within themselves and their clients are lived with daily, as are the unintended consequences of their interventions - both positive and negative. Most, if not all officers, want to quietly pursue their helping role with offenders - and despite ideas of desirable changes - they tend to be more able to resist 'bad' changes rather than to promote 'good' ones.

Yet the service is increasingly being dragged into the public debate of crime and punishment, due to threat and/or promises of more prisons, more parole, harsher probation orders, privatisation and so on. It seems, that no longer can individual workers pursue their own agendas of work as much is being forced on them. Whilst many of my sample may comment on the unchanging service - the contradiction is that it has changed. The service that is offered is very different from the individualised generic approach of twenty years ago. Only 50% of officers work generically now (Davies and Wright 1989), the other half

are employed in specialisms. It is a service of specialisms - even though in the South Division only 25% are pure specialists, the figure rises to 40% when officers doing additional specialist tasks are added. Probation officers may say they do not like specialisms (and this may include projects) - but in reality they make use of them all the time, by referring clients to the accommodation unit, the leisure scheme officer, the drug specialist, probation hostels and so on. So the picture depicting the culture of the Service indicates discrepancies between espoused values and values in use, due to compliance with outside work pressure and demands, and increasing organisational constraints in terms of resources, structure and policies.

The next chapter will now move on to consider the probation service as an organisation - how it has developed and changed. As a professional organisation it is compiled of many different interest groups all of which develop their work and negotiate with each other within the organisational arena (ideas developed by Strauss 1964). The resultant cultural setting has already been discussed, but the mechanism and developmental forces that have formed the structure of the organisation need further analysis. So the next chapter will focus on the arena itself and the relationship between the resultant developing organisational form and the operation of its members.

CHAPTER THIRTEEN

THE PROBATION SERVICE AS AN ORGANISATION:

A PROFESSIONAL BUREAUCRACY

"If the organisation is genuinely concerned about building long-range effectiveness, must it not develop a system for hiring and socialising employees which makes them feel wanted, secure, meaningfully engaged in their jobs, and positively committed to organisational goals? Furthermore, must it not also build into its career development system a concern for genuine psychological growth in order to ensure the flexibility and creativity that may be required at some future time? It would appear that one of the best ways to guarantee an ability to cope with an unpredictable environment would be to encourage all members of the organisation to be open to change (that is, to develop) even at the expense of some short-run efficiency."

Schein (1980) p.249

Much has already been said about the organisation and many issues have been drawn out for expansion. This chapter intends to do two things. Firstly, to consider the structure of the service, using some of the organisational literature as a basis to describe and understand its formation, tasks and functioning. Secondly, to look at the service's ability to instigate and develop new ideas, particularly in view of the inadequacies of its structure. This will lead to a consideration of future needs and potential developments.

Reconsidering the Service's historical development from the angle of organisational development - the movement that began helping offenders had no pretensions to becoming an organised Service, but then, few enterprises of this nature do. More often, it is individual interest

and concern which identifies a need and creates a demand for development and expansion. With continued growth, the seeds of organisational development are sown. These are ideas expanded by Lievegoed (1973) and Hughes (1958). Initial directions are rarely specified and there is no conscious planning of form and direction. A good example is that given by Mintzberg (1979) of Ms. Raku's pottery business which developed from her enjoyment of designing and making pots; she reached a point where to match demand and her ambition, she had to plan and co-ordinate a strategy of expansion. An example of a developing organisation in Sheffield is that of Victim Support. The scheme was originally founded by several volunteers, but in 10 years has grown to have 30 volunteers, two paid co-ordinators, a secretary and administrator.

The development of the Probation Service

It was in a similar way that the Probation Service developed from volunteers appointed by the Church of England Temperance Society, (see Chapter 5). They worked as Police Court Missionaries and were eventually employed by the courts but as individuals, responsible mainly to themselves. As described by McWilliams (1981) and (1983). Much later, severance of their attachment to the Society and then the gradual development of co-ordinating and supervisory roles marked the start of a simple bureaucracy: principal officers were first appointed in 1926 and an ad hoc expansion in structure followed. Most of this took place after 1962 when the bureaucracy developed apace

particularly with the Service taking on responsibility for after-care supervision and the subsequent growth in caseloads. For more detail, see Western (1973), The Morrison Report (1962) and McWilliams (1985). From these early developments, the Probation Service retained its sense of mission and idealism of 'saving souls' through care and concern for offenders. Together with the growth of professionalism and the establishment of "casework" as a discipline, these features formed the identity of the Service, (McWilliams 1981).

To this day, the Probation Service has a similar sense of identity, although allegiance is more to the profession than to the organisation. But from the opinions of my interviewing sample, aims and purpose are ambivalent or unco-ordinated, and there is no overall campaigning strategy or sense of direction. The reasons for this may be that:

- 1 The job is autonomous and highly individualistic which makes co-ordination difficult;
- 2 Second order control is diffuse - by Chief Probation officers, the Probation Committee and the Local Authority - ultimate control is by an outside centralised co-ordinator who is part of the political system (the Home Office); this results in differing philosophical perspectives and intentions; and

3 Contradictions are inherent in any system or practice that is aimed to affect or change people as it is subject to individual interpretation and differential practice.

The Structure of the Service

In order to understand the Probation Service and to have insight into its organisational functioning, the elements of its structure provide important keys. After Mintzberg (1979):

"the structure of an organisation can be defined simply as the sum total of the ways in which it divides its labour into distinct tasks and then achieves co-ordination among them."

p.2

He defines five co-ordinating mechanisms and five configurations of structure and situation. The configurations, as well as suggesting basic or pure types of organisation, also represent forces that pull organisations in different directions, and transition stages that organisations pass through or revert to during the course of their existence, (Mintzberg 1983 Ch.13). The configurations provide a theory for understanding any organisation; by identifying the elements that fit the Probation Service most closely, linked with research data and personal experience, an analysis of the Service can be attempted. This will hopefully lead towards a better understanding of the practice and structure of the Probation Service and would therefore indicate potential ways of making it more effective as an organisation. Some of the first steps will be to identify

and agree upon the purpose, philosophy and aims of practice, as suggested by Canton (1987). This is no easy task, and debates of this sort have gone on for years. See for example, McWilliams (1989) and Senior (1988).

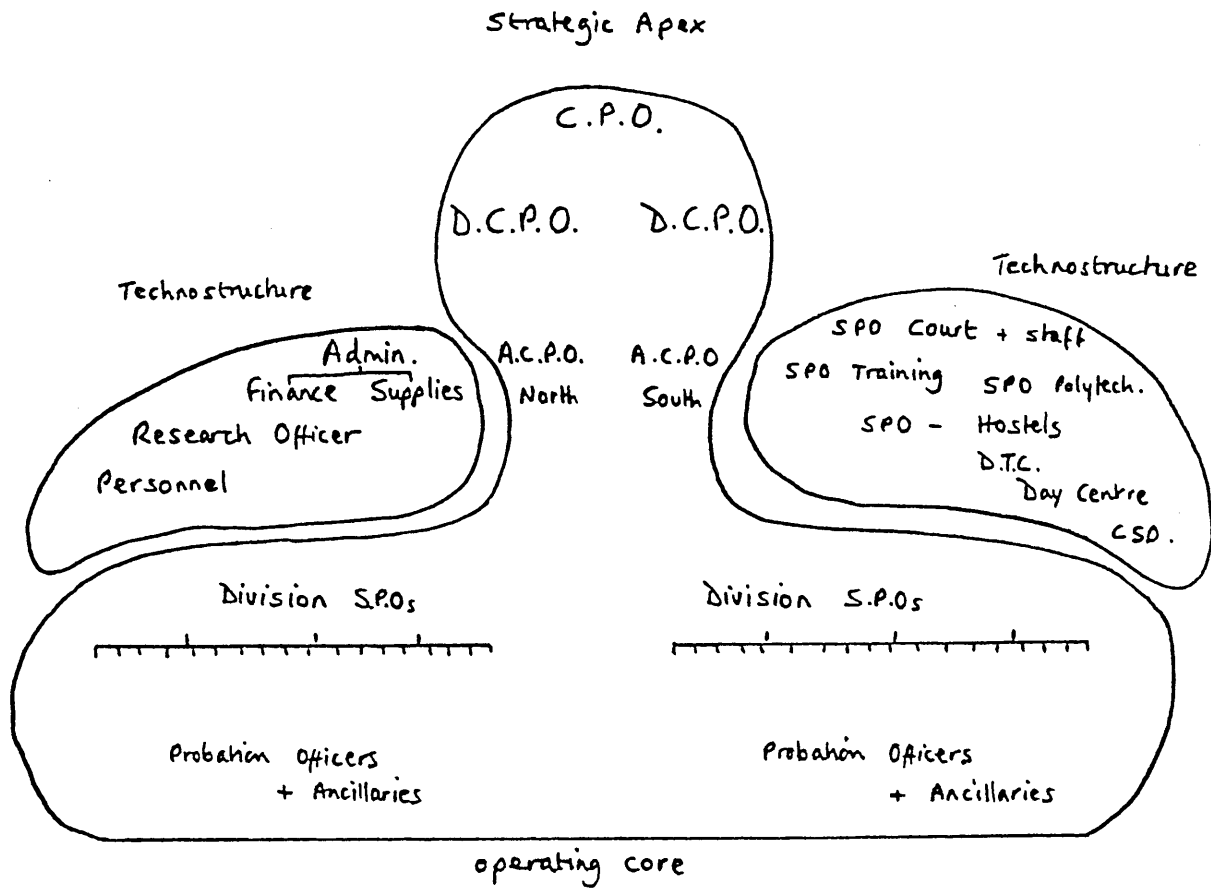
A Professional Bureaucracy?

The traditional structure that has developed in the Probation Service is one that closely resembles Mintzberg's professional bureaucracy (see the diagram overleaf) (Mintzberg 1979).

But it is not a pure type, and is more a hybrid of the professional bureaucracy as it has administration and support sections that are run on machine bureaucratic lines. This is also a suggestion made by Wilson (1986). The key part of the organisation is the operating core of probation officers, who work autonomously at fairly stable but complex work, for example preparing court reports, and supervising offenders on Probation Orders. Workers are trained and "indoctrinated" into the Service and its culture through outside professional courses (at colleges and universities), through practice placements and in-service induction and training courses. This is discussed by Lloyd (1989).

Hence co-ordination is achieved through the "standardisation" of skills. Individual workers have considerable discretion over their own work managing their own caseload, so they generally work independently of colleagues but closely with their clients. Standards, to a large

The Probation service as a Professional Bureaucracy



extent, are debated between the central Home Office and the professional organisation N.A.P.O., and it is this association and other associations (e.g. ACPO - The Association of Chief Officers), rather than the organisation, that makes necessary public statements and responds to issues, including those within the political arena and those proposed by the Home Office. As noted by Drakeford (1987).

The organisation is characterised by horizontal and vertical de-centralisation; in South Yorkshire the Service is split up into four areas (Sheffield, Barnsley, Doncaster and Rotherham) each with their own Assistant Chief Officers, and each area has its own split into area offices.

Communication and regulation is maintained to an extent by liaison and mutual adjustment, which ranges from regular meetings at all levels of the hierarchy, circulars and information sheets, as well as impromptu conversations (generally between the same level of personnel) in corridors. Increasingly the informal contact is horizontal and there is more formality in vertical communication particularly as the Service grows. The tension between professional and administrative judgment and the debate as to whether senior probation officers are professional managers or administrators, so losing their professional identity, has been a growing one since the mid sixties; it is linked to the belief that the core workers operate with a style of work that is completely at odds with the growing bureaucracy. This idea is discussed by Wilson

(1986). Views have changed dramatically over the last fifteen years following proportional increases in management positions. In 1966 a Home Office Circular openly acknowledged higher management grades as having a major administrative function, (McWilliams 1981), and it was acknowledged that such tasks would require different skills from those of supervision and casework. From 1966 onwards there was a rapid growth in staff, with 100% increase between 1966-76 and a rapid increase in the proportion of higher to lower grade workers. In 1961 14% of staff were management and in 1975 this had increased to 22%. Now, the ratio of basic grade officer to management grade is that of 3:1, Noted in McWilliams (1981) pp.103-105 and The Audit Commission Report (1989). Taking Senior Probation Officers alone, the ratio of main grade to senior probation officer in 1961 was 1:9.6 but by 1968 it was 1:5.8 (Brown and Foren 1970) - much the same as it is in South Yorkshire today.

Promotion in the Service

Many of my interviewing sample commented that in the past it was acknowledged that people who had joined the Service to work with clients may have no wish to move into a managerial role; so a career as a main grade probation officer was encouraged. The aim, as in most organisations, was to attract only 'suitable' candidates into managerial roles, yet stories exist in South Yorkshire about incompetent probation officers who have been promoted to 'save' clients, or who chose promotion due to feel-

ing uncomfortable with 'face-to-face' work. There are also stories of good probation officers who once promoted find they dislike their role, so end up as incompetent or unhappy managers. One Deputy Chief in the South Yorkshire Service returned to maingrade work for 5 years prior to retirement as he had never been comfortable within the management hierarchy.

There are few managers who are spoken about by the main grade as being 'good'; those who are, tend to be those who have a reputation of being in touch with everyday practice, of providing good supervision, and of being approachable. Despite the establishment of a five tier hierarchy (Chief, Deputy, Assistant, Senior, main grade and ancillary worker), many probation officers never apply for, or say they will never apply for senior positions, particularly women: (see Wells 1983 and Hayes 1989, and for a more general analysis see Marshall 1984). The reasons are similar and recurrent (as identified by myself from discussions with other officers):

- 1 I want to remain in touch with reality and work with people;
- 2 I could not cope with all that paperwork;
- 3 I would not want to be associated with the existing group of senior management;
- 4 I would feel unsupported and vulnerable, as seniors are a buffer between the upper management and those who do the work;

5 The senior role is not a developmental one as it serves the higher management and supervises the lower;

6 I would not want to be part of that male dominated, chauvinistic upper structure.

These reasons are also apparent from my interviewing, particularly when talking to the senior officer who had prior knowledge of mediation. His experience helps expose the conflicting roles of the senior officer.

The Senior Probation Officer role

Of the above points, numbers 4 and 5 are perhaps the most pertinent in expressing the resultant position of the senior officer who was expected by many to aid the development of the mediation concept, as discussed in Chapter 10. As senior probation officers are pushed away from primary tasks by upper management, their involvement in project developments or new ideas is cursory - more on the lines of support and encouragement of others. The senior who was wary about pushing the development of mediation was perhaps trying to listen to what others wanted, at the same time as conforming to the role expected of him. It must be borne in mind, that alongside all of this the three divisional seniors were coping with the change created by moving from teams to a divisional unit, as discussed previously. Additional strain had been caused by the seniors appearing to push a new way of working in small units. The seniors had visited another area and returned enthusiastically to be met by great resistance - but if the visit had been made together with some main

grade workers, the reaction may not have been so negative. The ideas were not considered, and the seniors were pushed back into their traditional roles. This role is one that is characterised by a degree of isolation and distance from the main grade - higher still the management levels can appear totally apart.

The distance between management and main grade

Senior probation officers at least work in the same office area, share regular meetings and may even help in a duty rota. Higher grades are located elsewhere (a higher floor or another building) and have limited direct contact with the main grade. McWilliams has described this style of management as conforming to the centre-periphery model, after Rodgers (1962) and Schon (1973), (McWilliams 1981 p.112) - where the management group formulate policy and communicate it through the hierarchy, yet they are communicating policy objectives to professionals who often have their own objectives. These may not be in accord with central policy, so central policy may be resisted or ignored. Such distance between management and main grade is certainly present in South Yorkshire, and according to several authors, is present in many Probation Services particularly the larger ones, despite the same hierarchical structure working well in small areas, (Adam et al 1980 and Marsh 1980). In the South division, the evidence from my interview discussions is that there appears to be a lack of clarity, or a lack of agreement over

policy. The main grade pursue their tasks, and the management seem unaware or do not understand what their officers actually do as mentioned in the previous chapter; there is a distinct lack of communication, and the main grade consider management to be out of touch with the real world. The difference is that the main grade work in the real world of individuals, and management work in the equally real but broader political, social and economic environment. As described by a Chief Probation Officer, (not from South Yorkshire), speaking of her 'client' group in comparison to that of a main grade worker -

"In some senses the interests of our respective primary client groups are diametrically opposed - for it is my committee which sentences your clients."

Roberts in NAPO (1984) p.13

The world of individuals and that of the environment affect each other, yet there is a lack of integration and no built-in learning/planning process between the levels. As Garrett (1987) says, what is needed is a learning organisation and a learning culture, which:

"consciously and methodically looks upwards and outwards to its environment and its political and social relationships so it can integrate these into its offerings to its consumers, yet also looks downwards to its internal productivity and efficiencies, and is capable of integrating the whole through a learning/planning process within an elegant organisational design..."

p.70

The organisation should be structured so that, (Garrett continues):

"... planning and decision-taking levels of policy, strategy and operations are defined clearly and integrated within a system so that people at each level of the hierarchy can understand and value the activities

of the others. To develop this it is essential to consciously design 'organisations that learn'."

p.70 (The emphasis is my own)

These points emphasise the deficiencies of the Probation Service; the distance between management and main grade, the lack of effective communication, and the lack of any coherent strategy that combines the work of all levels in a way that integrates and values each contribution.

Such issues are crucial to successful management and for a successful organisation. Of equal importance, they will be determining factors in the success or failure of any new project which demands some form of policy statement, revision or change, which can only be worked at in a learning organisation. Hence some of the organisational features which inhibit change are evident; the distance between management and main grade, poor communication and a lack of a coherent strategy. This did not appear so evident in the past.

Changing Organisational views

These features were not so evident ten to fifteen years ago when the Service had not grown too large to enable workers and managers to know each other. Views then did not express such differences between the grades and attitudes and values were accepted as being more in alignment. Articles in the Probation Journal show the changing views over time: Weston wrote in 1973 about "managing the Probation Service and its officers" as being similar to how a Probation Officer "manages" his/her clients:

"A shared professional identity between members of all grades of the Probation Service, and their shared commitment to common goals, express themselves in shared basic method. ...the objectives of the main grade officer and those of the Chief Officer are essentially the same."

Weston (1973) p.70

But in 1986, views and understanding between the grades are very different, as is expressed by Hankinson and Stephens - who see a stark contrast in functioning and outlook between managers and main grade:

"the managers of the Service are in an ambivalent position... for they are professionals who have ceased to practice, and the basis of their position is not clear. The lack of a career structure for the professionals at main grade, together with their increasing expertise and specialisation, intensifies the conflict, while outside political pressure on the managers of the Service leads to compromises for the sake of wider political ends, and an increasing disparity in values and attitudes between professionals and administrators."

(1986) p.17

Such a stark contrast in views about the Service is a manifestation of the growing bureaucracy and displays an increasing distance between maingrade workers and management with an attendant lack of trust. This in itself creates more bureaucracy, as control is not possible through informal communication and a "natural understanding", but has to be maintained by procedures, regulations and standardisation of practice.

Organisational Administration

Support structures serve the operating core, for example secretarial staff, registry, court ancillaries; they are run on administrative lines but with more of a machine bureaucratic structure, for example fixed working hours, defined aspects of work, and standardised procedures.

This can cause conflict within the organisation, when for example, there is an expectation that a secretary will complete a task out of hours; a probation officer determines her own working schedule. Such conflicts are noted by Wilson (1986). Because the Service is ultimately controlled from outside (the Home Office), the strategic apex of the organisation (Chief Officer and Deputy Chief Officers) plays a key role on the boundary in terms of liaison, co-ordination and resource distribution. Decisions are made democratically - or as many would say in the Sheffield Service, there is an apparent democracy, as issues are circulated for discussion and comments asked for; in the long term many workers cynically believe that Chief Officers make their own decisions only in relation to small scale issues, as in the wider setting they are "puppets" - held in control by the central Home Office. Such feelings show how goals are not easily agreed upon, so outputs cannot easily be measured:

"...so the notion of a strategy, a single, integrated pattern of decisions common to the entire organisation - loses a good deal of its meaning..."

Mintzberg (1979) p. 364

The result appears to be a combination of strategies - those of the individual professional workers on a small scale, those of the managerial hierarchy, and those of the professional association on a larger scale. Even within each of these groups there can be a combination of strategies resulting in no concerted effort to master one strategy and no consistency. As noted earlier, clearly defined and integrated strategies that are dynamic and

flexible are crucial for an effective organisation. As expressed by a senior probation officer writing in the Probation Journal:

"It often seems that the Probation Service has a multitude of strategies (to service the Courts, to service the prisons, to help our statutory clients, to become a community resource) and sometimes we choose between them, and sometimes we attempt the lot."

Bridges (1986) p.58

From the outside it must appear that the Service is prepared to work on the fringes of many issues and services, but is never prepared to give any long-term commitment unless it is an individual worker giving their own time. So has the service ever had any aims? In the past it was thought that aims were clear.

Attempts to develop Service aims

After the demise of 'treatment' and the loss of aims and objectives that had formed round and focussed simply on an understanding of the nature of the work (i.e. to help offenders), the Service attempted to resurrect its aims. This was done locally by Statements of Objectives which were adopted before the National Statement of Objectives and Priorities was issued in 1984, (Home Office 1984). Described by Whitehead (1987). Management by objectives is still seen by Service Chiefs and the Home Office as the way forward - entailing statements of objectives, the strategy to reach them, and methods to monitor progress, (The Audit Commission 1989). Talk of objectives stretches back to the Seventies, but problems have remained similar,

as Weston pointed out in 1973 and McWilliams questions in a similar way in 1989 - whose objectives are they? There can be differences locally between professional main grade workers and management, and differences in objectives between the local and national scene. Ideally, referring back to Weston's sentiment quoted earlier - the objectives of the maingrade officer and those of the Chief Officer should essentially be the same; but in practice this is rarely the case and few officers in the South Division would credit this with any possibility! The other on-going topical debate is the greater emphasis placed on objectives of quantity and cost-effectiveness rather than quality; McWilliams (1989) and Thomas (1989) suggest there should be a way of combining the two equally. McWilliams suggests "expressive objectives", and Thomas "performance indicators", both of which still smack of the current atmosphere of measurement and assessment, and seem far from Weston's objectives (1973) which included:

"the provision of a "climate" in which professional colleagues can be at their best; the development of a sense of shared identity, across boundaries of geography, rank and experience, and the realisation of the strengths which this can bring; the development within the organisation of the most mature, realistic and sympathetic level of relationships and functioning which can be achieved,the maximisation of resources of all kinds available to all members of this Service; sound decision-making; support ...".

p. 70-71

The confusion over aims and objectives is on-going and adds fuel to criticisms about the lack of direction in the Service. As pointed out by McWilliams (1989):

"The time that you need instrumental objectives is when you are faltering in your purpose, or for some reason you have forgotten what it is that you are trying to do."

p.61

This captures the feeling in the South division that the service, its way of working and its ideals are under threat.

Professional Security?

Until it is under threat, the professional bureaucracy is a comfortable place to work for those who enjoy "professionalism" and "autonomy" - so there is little incentive for movement or change. As expressed by Mintzberg (1983):

"The professional bureaucracy is unique among the five configurations in answering two of the paramount needs of contemporary men and women. It is democratic, disseminating its power directly to its workers (at least those who are professional) and it provides them with extensive autonomy, freeing them even of the need to co-ordinate closely with their peers, and all the pressures and politics that entails."

Mintzberg (1983) p.205

Mintzberg continues, pointing out that it seems that professionals have the best of both worlds - having the security of being attached to an organisation, yet free to work with their clients in their own way, constrained only by professional standards. But as professionals, their individualism emphasises the lack of co-ordination of the Service, and the lack of a collective voice and sense of control over Service direction. Now, probation officers fear that the Service is under threat, and the professionals are uncomfortable and fearful of the future. Many fear the imposition of punitive measures for offenders

that they would ethically oppose, (McWilliams 1989 Carvel 1990), and they fear the loss of their discretion and autonomy. Yet their autonomy has other drawbacks; probation officers are generally highly motivated, responsible and dedicated, but if they are not, there are few mechanisms to control or correct deficiencies of staff or inequalities of service, as discussed by Thomas (1984) and Atkinson & Chidgey (1987). Better control would be achieved through direct supervision or standardisation of tasks, but where either of these mechanisms have been instituted within the Service, (e.g. the format and content of court reports has to focus on alternatives to custody, (Bale 1987 , Macleod 1988), or the institution of statutory induction groups for new offenders on orders, or a workload weighting measurement system) - then it has often created mistrust and disillusionment, dampened conscientious or even resulted in workers leaving; expressed by Wilson (1984), Hankinson & Stephens (1986), The Guardian (23.8.89). Standardised tasks may create dissent within teams or if developments are accepted that initially seem to fit with the team's aims, they later may become vehicles that bring in unseen controls, for example a voluntary day centre may end up being converted into a Schedule 11 facility. The voluntary versus statutory order debate is a live and emotive issue, constantly under local as well as national debate. This is described by Scarborough et al (1987) and McLoon et al (1987) among others. So in this climate of unease, where traditions are being clung to - is there a place for new developments?

Service Developments

New initiatives have been discussed already as being progressive and advantageous, but they are not always so, and may represent attempts to cover a practice that does not work or to avoid confronting issues of improvement. Several officers in my sample commented on the problem of service developments. They specified two levels; firstly where changes are imposed from outside e.g. tracking and tagging ideas; and secondly where fellow officers try to institute standardised work methods, for example reporting schedules, or pre-release groups. In this quote the officer is particularly concerned about the emphasis on alternatives to custody as an approach that creates blinkers in the way people work and the way their work is assessed:

"I am actually very worried about...Local and National Objectives that put all eggs almost exclusively into the alternatives to custody basket, and that seems to be a cul-de-sac as we cannot keep all people out of custody. Then you are assessing an objective which is unattainable and this destroys staff morale... we are onto a loser."

This is also recognised by many officers and academics writing for the Probation Journal; Raynor (1984), Lodge (1986), Canton (1987) and Spencer (1988). Another officer in my sample is concerned over increasing bureaucracy and supervision that seems geared to stifle initiatives:

"One of the problems with the Service is that it is becoming increasingly bureaucratic and that gets in the way of the sort of service I want to provide. ...and there are increasingly things we shouldn't do, like helping people who aren't on Orders so you can't be straight in supervision about all the work you've done. Or if you are you're just warned that it won't be

counted in your stats so it will look as if our team isn't pulling its weight. It depresses me."

Some workers are beginning to see supervision as a checking up process, to do with numbers, work content and procedures. The need for supervision to be a helping process that is concerned with quality rather than quantity is explored by Boswell (1986). The arguments against objective setting are similar, as they are not decrying the pursuance of objectives itself, but their focus on quantity rather than quality, and their lack of consensus between the levels due to different values and aims between service grades, and more generally between services. This level of disagreement, or at best a level of uncertainty, does not make for an innovative environment - a characteristic identified in the literature about professional bureaucracies.

Problems with Co-ordination and Innovation

The professional bureaucracy has other problems identified by Mintzberg (1979), which similarly affect the Probation Service; for example difficulties in co-ordination as well as the associated problems noted about innovation. Co-ordination difficulties arise through individuals working alone who wish to maintain this autonomy. In the South Division this applied to an attempt to monitor and instigate discussions about court reports on black clients; the intention was to help officers write better and less prejudicial reports with the aim of reducing the disproportionate number of black offenders sent to custody. The majority of officers welcomed the idea, but there were

several who felt it was an infringement on their work and a criticism of their professional judgement. The following comment expresses this well:

"Some of us feel it's (the anti-racism issue), been flogged to death, and that the whole point of the exercise has been missed - so now we have personal issues involved. Many of us feel we do our best to give a good service to all clients and don't want to be told that we've got to do this, that or the other especially for black clients."

Likewise, the system is not set up to welcome innovations; it is basically conservative and not easily adaptable, and new developments require people to work together. To innovate, divergent thinking is necessary in order to break away from old routines and standards instead of maintaining and perfecting existing ones. One officer when discussing introducing new ideas was adamant that resources should be spent first on perfecting the systems we already have:

"The most important thing for the Service to do is to get better at the things it already does. Not to continually test out new ideas with a view to incorporating them into practice".

This point is backed up by Roberts (NAPO 1984):

"I firmly believe that more dramatic improvements in the operation of the probation service could be achieved by eliminating poor practice at every level, than any amount of innovatory projects and new resources can achieve."

p.14

These comments also indicate that the officer and Roberts see new ideas as being predominantly additions to, and not alternatives to or adaptations of present practice. A number of authors point out that new ideas and innovations have taken place in the Probation Service - but they take

the form of additions grafted onto existing teams or frameworks so have not facilitated any change, (Waters 1985 and Parsloe 1983). Maintaining an existing structure may be fine in a stable environment, yet the social, economic and political scene is constantly changing.

An Unstable Environment

If the environment had remained stable, a lack of change may have been acceptable, but there has been no stability in the political, social, economic or professional environment. Many would argue that the Service has maintained a blinkered approach for the past fifteen years following the loss of the rehabilitative ideal. The realisation that the Service does not provide a politically viable answer in the law and order debate, and that its expertise in providing a welfare-based caring service for offenders is under attack, has resulted in a confusion of aims and justifications, and many contradictory views about the Service (from inside and out). This is expressed by many writers in the Probation Journal, such as: Hankinson & Stephens (1986), Boswell & Worthington (1988), Harris (1989) and Vanstone (1988). As Mintzberg (1979) says:

"...dynamic conditions call for change - new skills, new ways... and creative, co-operative efforts on the part of multi-disciplinary teams of professionals."

p.376

But change comes slowly and painfully, and the Probation Service does not take ideas from the inside easily and is even less receptive to moves and developments from out-

side. So does this suggest that a new structure is needed? Projects within the Service may initiate change, but experience shows it is not maintained, and does not make headway into systems already present. A structure appears necessary that will allow the integration of projects with practice - or for projects to be seen as acceptable practice.

Integrating Projects with Practice

Experience of projects indicates that they have to be initiated by individuals willing to expend the effort to negotiate acceptance through the administrative and internal political structure, as well as convince colleagues of its viability. Colleagues may be in favour of ideas, but not the practical reality if a project is seen to affect their work or take up scarce resources. This is a further indication that projects are seen as separate and belonging to the initiators; not as ways of exploring changes in practice for the everyday work of the Service. Despite comments that indicate a desire for change, in practice there appears little commitment to action. In the following comments, two officers express the feeling that projects are the "quirk" of the innovator; they are welcome to develop what they want so long as it does not detract from everyday demands:

"I was quite happy for them (project workers) to do whatever they wanted, so long as it didn't mean that my work was affected."

"Talking about say you, as a person developing something, I don't mind what you do... but talking about the job - I would not want to see a post used in that way, I'd rather have some more help on the ground -

someone to help with the everyday work of the Probation Service instead of money spent on some sort of scheme."

These comments also express another feature of the service mentioned before - that of tolerance of differing views, and respect for the autonomy of colleagues' work, noted particularly by Henderson (1988) in a study of probation officers perceptions of community work. Most other workers felt it was important for new ideas to be explored, yet still saw such posts as detached from everyday practice and as being 'specialisms'.

So in the long run it seems that Mintzberg expresses the situation well:

"...change seeps in, by the slow process of changing the professionals - changing who can enter the profession, what they learn in its professional schools (ideals as well as skills and knowledge), and thereafter how willing they are to upgrade their skills."

(1979) p.379

Such necessary changes that would move training from the periphery to the centre of practice, hence integrating it with daily pressures and demands, has been recognised and expressed in recent contributions to Probation and other Journals; Smale (1983), Vanstone & Seymour (1986), Senior (1987) and Vanstone (1987). Here, it is recognised that it is not just the responsibility of the professionals to upgrade their skills but it is:

"a prime duty of management to create and resource the opportunity for teams to have a clear training strategy."

Vanstone (1987) p.132

Two of my interviewing sample recognised the need to change the outlook of professionals; one expressed the

following ideas:

"...one way is to have other people in from other disciplines, to do projects - to influence and stimulate us - actually taking architect or computer students. There would be great benefits...they'd bring in new ideas and perspectives."

The other was concerned about inducing change:

"I don't think there is any one simple strategy. I think it is a very long-term ideal. One thing is to change the expectations of people when they come into the Service which has implications for student training ..."

He continues, and lists the various strands that need development in order to institute long-term change:

- 1 the selection of the "right" types of students for courses;
- 2 revised courses;
- 3 specific placements for "on the job" training;
- 4 on-going in-Service training once qualified;
- 5 procedural changes to encourage a different perspective, e.g. court report forms to include a section about harm to victims;
- 6 the creation of a permanent Unit to help develop expertise and provide a reference point for select new practices.

Yet however important these suggested changes are, the way they are expressed, (for example different procedures), implies that the long-term result would be the introduction of a new routine and set of practice skills; perhaps in reality, more of the same - he does not mention structural and organisational changes in order to promote a

different service climate. More depressingly, those who speak of changes run out of energy or enthusiasm when it comes to doing anything about it. As one officer said:

"Probation officers are so often saying they are going to do this or do that, and tearing their hair out about something - then it just fizzles out... it's more like a debating society. ...they do a lot of muttering and mumbling ...but when it comes to the crunch they are by and large quite a conservative bunch."

Structural Change

Perhaps the need is for the Probation Service to implement structural change based on some of the principles of Mintzberg's Adhocracy or the Divisionalised Adhocracy hybrid, (1979 and 1983). As the Probation Service is working within a constantly changing environment, features that Mintzberg attaches to the structure he calls the Adhocracy would seem appropriate:

"Few organisations can assume that their 'normal state' is static and only reactive to environmental change. The external environment is dynamic, uncertain and constantly changing..."

Garrett (1987) p.70

The Adhocracy is a structure which has to be flexible, organic and self-renewing, featuring informal co-ordination and control of highly-trained specialists working closely together, in selectively de-centralised community project teams. In an Adhocracy, skills would not be standardised, and the emphasis would be on high mobility and a concentration on liaison and mutual adjustment. As explored by a contributor to the Probation Journal who also contemplates this structure for the Probation Service:

"Whilst there are plenty of managers in this structure they need to be part of the teams (or at least amongst them) not above them, and their main tasks are to liaise, negotiate and share information with other project teams. The main tasks of the top managers are to handle internal conflict constructively - and there is plenty of it, to monitor and evaluate the projects, and to represent the organisation in its external relations."

Vanstone (1988) p.133

Supervision would not be controlling but more a role of staff co-ordination, development and support. Such an organisation would correspond in many ways with Handy's Matrix Culture, (Handy 1976). Where skills are highly developed, there cannot be a reliance on standardisation to achieve co-ordination as this prevents innovation; existing skills and knowledge have to be treated as bases on which to build new ones. Multi-disciplinary teams or work units would form round a specific project of innovation, (Mintzberg 1983). Staff would therefore be using their initiative and discretion, making judgments alongside people from other "professions", working in patch systems or networks - as explored by another contributor to the Probation Journal:

"..network roles are modes of connection across a network and are occupied by people in positions that are often perceived as marginal; a high credibility is necessary for such people to facilitate the organisation to learn from the periphery of its margins rather than adhere to the directions of the (usually isolated) centre. This is highly relevant for the Probation Services which are, in themselves, relatively very small marginal organisations."

Wilson (1984) p.18

For the service to begin to confront any of these ideas, there is a need for change - particularly in the way its workers perceive the service; there is a need for cultural change.

Cultural change

To allow any structural change and the instigation of innovation, it would be necessary to manage or change the culture of the organisation. This would require the understanding and then unlearning of the complex beliefs and assumptions that have moulded the Probation Service into what it is today. Culture can be defined as:

"a pattern of basic assumptions - invented, discovered, or developed by a given group as it learns to cope with its problems of external adaptation and internal integration - that has worked well enough to be considered valid and, therefore, taught to new members as the correct way to perceive, think, and feel in relation to problems ...because such assumptions have worked repeatedly, they are likely to be taken for granted and to have dropped out of awareness."

Schein (1985) p.9

An attempt to provide a picture of Service culture was made in the last chapter, where values, jargon, stories, knowledge and practice were considered. They produced a picture of a confused and divided Service, where morale and trust are low, innovations are marginalised and change avoided. Culture change was identified as necessary, in order to incorporate changes and potentially alter the structure of the Service. As mentioned already, there are many problems associated with culture change, not the least of which is that of individual resistance. As Schein explains:

"One reason why we resist culture change is that it is inherently anxiety producing to give up the assumptions that stabilise our world, even though different assumptions might be more functional. In other words, culture not only solves external survival and internal integration problems but, once acquired, also reduces the anxiety inherent in any new or unstable situation."

Schein (1985) p.83

But if an organisation is confused, and suffering from low morale, poor communication and a lack of coherent aims, it will struggle to survive. This applies to the Probation Service at the present time, as there are threats of privatisation, (Hodges 1990 , Carvel 1990 , and Cohen 1990) and a transformation of the structure and ethos of the service by the Government and Home Office. It is a time when a coherent strategy and co-ordinated outlook is essential. Schein continues:

"If internal issues are not settled, if people are pre-occupied with their position and identity, if they are insecure, they do not know the rules of the game and therefore cannot predict or understand what is going on, they cannot concentrate on the important survival issues that may face the organisation."

p.83

This suggests that the service and its management may be unable to confront the elements of its culture and organisation that need to be changed - certainly not in time to provide alternative suggestions and a co-ordinated opposition to the potential forthcoming legislation. In keeping with the characteristics of a declining organisation there is a -

"...tendency to maintain its dysfunctional lifestyle despite its self-defeating character."

Nevis (1987) p.6

Nevis has developed a list of six broad categories of criteria that are generally present in declining organisations - these fit with problems discussed about the Sheffield probation service already. They are:

- 1 A failure self-image
- 2 A low-energy climate

- 3 Breakdown of communication
- 4 Disagreement on goals and values; norm disruptment
- 5 Organisational dysfunctioning
- 6 Deteriorating condition. p.6-13

An additional feature that is crucial to the present debate, is that of the difficulty of changing these patterns. The suggestion in much of the organisational literature is for an attempt to develop a climate of change by the use of consultants, perhaps using gestalt therapy techniques (Burke 1980 , Nevis 1987), and/or a transforming change led by 'a new group of young managers', (Nevis 1987 p.244). For the probation service which is subject to external controls and is not totally dependent on progressive internal management - the former would appear to be the better option. But how does it need to change?

Change for Survival

The survival issues here are not maintaining the Service's primary task but in re-defining that primary task and the way it is approached - alongside facing up to issues of internal discontent, confusion and frustration. Wilson (1984) argues that, having made a decision that the Service needs to change;

"...it would be possible to substantially re-negotiate the shape, type, culture and style of supervision of the organisation to reflect and respond to the changed circumstances, task and resources that face the Services. Decisions need to be made pro-actively and negotiated in detail ...the price of not taking this route could be to condemn a Service to an outmoded structure from which skilled, experienced and knowledgeable staff resign."

p.20

Wilson suggests that a change in the organisational form of the Service would be possible although he does not confront how this could be brought about. He also does not consider the need to bring about internal culture change in order to begin to alter the structure.

Probation officers writing about the need to change the Service seem pessimistic about the likelihood of any results; this corresponds to views expressed by my interviewing sample.

In the Probation Journal, Hankinson & Stephens (1986) write:

"It is often said that a system can be changed by becoming a part of it and changing it from within. We see little prospect of this approach succeeding within the Probation Service. The hierarchy is already blocked by the S.P.Os ...and anyone attaining the rank of S.P.O. is unlikely to achieve significant change working alone. Furthermore, bureaucracy can be beguiling and it is relatively easy to accept its principles once a part of it."

p.19

The answer they suggest is to fight a "rearguard" action and attempt to undermine the bureaucracy from within and through the Union (N.A.P.O) but they hold out little hope - seeing the only way to develop new initiatives is to work outside the Service; they continue:

"...professional initiatives will increasingly come from outside the Service. We fear that the end result is likely to be a devaluing of the skills and worth of the maingrade probation officer and consequently a moribund and bureaucratic Probation Service."

p.19

Up to a point, this depressing outlook is backed up by personal experience through developing the Community Mediation Project, described in chapter fourteen (part

III). Despite spoken interest in the venture, and a belief in its long-term worth to the Service, the time and practical help to develop the initiative has come from other professionals outside the Probation Service. Probation Officers do not feel they have the space or time, particularly when there is one probation officer already involved (myself) - and negotiations with management fall foul of the constant problem of lack of resources. Until Probation Officers and management can step out of their present accepted role they will not succeed in developing, understanding and adopting new perspectives towards the constituent features of probation tasks. Such issues are discussed by Senior (1988), and Henderson (1988). When I asked my interviewing sample about the potential for change in the Service a typical response identified the constraints of personal practice and statutory tasks creating a depressed climate which stultifies new developments; as expressed by this officer who has worked on a project in the past which was 'shut down':

"I think that the Probation Service is a bit of a monolithic creature, and if you look at Probation Officers day to day work I think it is fairly unchanging, so it is actually very difficult to get people to look at new ideas particularly because they challenge what you are doing already - and they demand extra energy and extra time that people are not always prepared to give..."

This officer continues - expressing the need for a climate of high morale and great hopes; this would correspond to that generated by Mintzberg's Adhocracy structure, where there is constant excitement and interest in projects, which is self-generating. When asked how the climate

might be changed the worker quoted above spoke depressingly - "I have no idea".

Another member of my sample did suggest a way, but this returns to points made previously about training and the gradual infiltration of new ideas by ensuring the perspectives of those leaving courses will challenge existing practice. He speaks here in relation to working in the community:

"You need to build the whole idea of relating to local communities into training courses, so that new people coming off courses actually work to get into local communities, which calls to account historically how existing probation officers have looked at their work. It is a gradual process which at the end of the day you have to work at and build on people's experience. Senior managers have to then demonstrate that what people are doing in local communities is very much part of the job."

Most of my sample of officers speak of necessary changes and their wish for new developments - yet they lack the energy or necessary drive.

Where is the momentum?

There seem to be numerous probation workers as well as outsiders who have ideas about the way the Service should change, yet there is still little momentum or direction; is it perhaps due to the contradictions inherent in the work which question everything, and are part and parcel of the attitudes of Service members - so there is no strong consensus on which to build? One of the requirements may be "less management, more leadership" as suggested by Vanstone (1988). He suggests that Seniors could be coordinators and managers of resources, but also involved

with clients; and the role of other management members would change too, such as:

"Assistant Chiefs...instead of being dominated by administration and peripheral meetings, they are freed to meet with teams very regularly and act as consultants, offer leadership, vision and protection (maybe even occasionally work with clients!)."

p.113

Hence traditional management would not exist, as is also suggested by Peters & Austin (1985):

"The concept of leadership is crucial to the revolution ...so crucial that we believe the words "managing" and "management" should be discarded. "Management" with its attendant images...connotes controlling and arranging and demeaning and reducing. "Leadership" connotes unleashing energy, building, freeing and growing."

Learning and constantly being aware of new possibilities is a feature of such new innovative structures.

The need to develop a learning organisation

As well as defining its aims and re-constituting its structure, the Service needs to learn from past experience; to attempt to identify and understand the way it has developed and to uncover the cultural assumptions - the espoused theories and theories in use that affect and sustain the present structure. This may help the development of a "critical culture" as discussed by Vanstone (1988). Alternatively, a culture of action learning, mentioned earlier, as promoted by Garratt (1987), which would be the route towards a climate of 'innovation, high hopes and morale'.

Returning to Service structure, there are those who

believe the culture already exists for innovation. Bridges (1986) writes of the Service having a multitude of strategies one of which he calls "unplanned change" or "creativity" which cannot be planned for:

"In our ordinary frontline social work, our spontaneous creative actions are often our most important or successful pieces of work."

p.59

He relates this not just to individual workers but within the organisation:

"A group, or pair of officers can suddenly recognise a local need, and at the same time their own capacity to deal with it, in a way which cannot be easily planned from the top. Some of our best work, perhaps the vital spark in our work, is best carried out by the individual creativity of our "skilled, sophisticated staff". It is in those areas of our work, where being creative should be made our main strategy, then the adhococracy becomes the appropriate structural system."

p.59

Yet the climate has to exist that encourages and fosters such developments as the norm, and support systems are necessary to maintain them; with the present structural systems and political trends in the Service, creativity is being stifled, (Vanstone 1988). Ideas may still arise, but constraints imposed from above in terms of insufficient resources, the need to fulfil statutory tasks above all else, and questions about whether the Probation Service is the right agency for the idea prohibit innovation and development and therefore, change. As Mintzberg points out - his "structures" can also be understood as stages of development. It is time for the Probation Service to move on - hopefully in the direction of a divisionalised

adhocracy and not towards a machine bureaucratic structure; if it continues in the present direction it would seem to be converging on the latter and this would indicate an eventual acceptance of standardised practices and measurable aims, particularly in terms of quantity rather than quality as the norm. This would be a further stage in the decline of the organisation and a move towards the moribund state mentioned earlier of a neurotic organisation, (Nevis 1987). Thus the crucial question is how can the service change? This will be the theme of the next chapter through a consideration of the role of change agent, and a further look at the organisation.

PART 1. THE CHANGE AGENT AND THE ORGANISATION

"In its widest sense, change agent refers to anyone who plays an important part in designing, redesigning, running, renewing, or improving any system, sub-system, or programme."

Egan (1985) p.12

"...anyone trying to change an organisation should begin with clear ideas about what an organisation is before taking any action."

Porras (1987) preface XI

The last chapter concluded with the suggestion that the probation service needs to change and to develop as a learning organisation. One way of promoting change is to use the role of a change agent. An analysis of my position and research provides insight into such a role, and its potential uses and effectiveness for the future. Such insights though, are only pointers and suggestions, and any theory or design for organisational change will not be a blue print for future action.

I would go along with Strauss's conception of organisational change and development theories that:

"Even at best we have a theory of change agent intervention, not a theory of planned change."

Strauss (1976) quoted in McLean et al (1982) p.5

Change can be planned more effectively utilising theoretical material once it is grounded in the reality of the organisation under study. Even then, it is not 'change' that is being 'planned' but a process of growth in awareness through interaction and understanding that leads to movement towards improved functioning and direction chosen

by the client. This is in line with the Gestalt Model of Organisational Intervention, (Nevis 1987).

My attempt to develop and introduce mediation practice to the South division was through the role of 'change agent' - even if the term initially had no relevance or meaning due to my practitioner background. Some essential questions are therefore:

How effective can a change agent be in the probation service?

Is the change agent role one that should be used again?

These questions will be considered in this section by using a specific analysis of my role as a medium to suggest more general answers for the future of the Probation Service. Section II will take the debate about change a bit further by looking at my change agent role in relation to the organisation. Section III introduces my change agent role in another environment as a comparative device.

The effectiveness of my role

To provide a structured way of thinking about my role as a change agent, I have used the role effectiveness profile devised by Plant (1987) pp.51-55. It is hoped that such an analysis will indicate future positive steps towards developing a more effective role, and suggest alternative strategies for implementing change. Plant's profile is an inventory of twenty questions, each with a set of three scoring statements; the scores are totalled to provide an

effectiveness percentage. This percentage provides an indication of role effectiveness, and the questions pair to provide ten dimensions; relative scores in each of these areas provide insight into constraints and possible areas for action.

My overall role effectiveness index was 60%. But this level was reached due to high scores in relation to my own learning and my self-assessed capacity for personal innovation. This does not indicate effectiveness in the organisation, but simply implies that a change agent with such a background could potentially be innovative and developmental. Bearing in mind the self-analysis aspect of scoring, the interesting features are my low score in organisational effectiveness and influence. My perception is obviously one of an unchangeable organisation - unlike the perception of a colleague from a Council Department, working with me on the Community Mediation Project, (described and discussed later). To an extent her job is geared towards formulating and assessing Council policy - particularly in the area of crime, fear of crime, and community safety. Her score on the role effectiveness index was 86% - hence indicating a positive sense of her own importance and effectiveness in being able to influence and implement change (which she would agree with).

The list below shows the ten dimensions devised by Plant (p.54) together with my scoring:

<u>Dimensions</u>	<u>My Score</u>
Centrality	-2
Integration	4
Pro-activity	4
Creativity	4
Connections	0
Giving and receiving help	3
Wider organisational value	1
Influence	0
Personal growth	4
Confronting problems	4

The scoring emphasises the uniqueness of my personal position; I am able and have the freedom to develop skills, am willing and able to confront problems, to use my creativity to work with others, and to integrate my thinking with my own personal development. (This was not so when I was a main grade probation officer). Yet when the organisational dimension is included, the gaps become apparent. I felt my work and position to be marginal, I worked on my own and apart from others who were tied up with their own but similar individual agendas. One of the features of becoming an internal consultant described by Nevis (1987 , Chapter 10), is to work 'at the boundary', which means being part of the organisation whilst remaining separate. He emphasises that the resultant marginality is a difficult and stressful situation, and one that cannot be tolerated for too long without some form of personal adjustment. Personal needs are only satisfied

outside the organisation. This may start to explain my need to develop a project and reference group outside probation - the community mediation project described and discussed in more detail later. Similarly, I felt I had little power and influence, and that although I was listened to by management during the research period - my advice was not seen to be appropriate. The surprising factor is that given these "intuitions", why did the organisation allow my role and work to develop? Is it due to the individualist service where workers are allowed initiative so long as they develop their 'hobbies' on their own, and do not take up scarce resources? Or was the overall concept insufficiently conceived, so the additional commitments and back-up were not identified, so were not available? This is not intended as any form of excuse, but I did not have any prior knowledge of research or acting as a change agent, so in a state of ignorance did not demand the necessary aids to the development of my role. In fact I developed my role in the way I knew how, through my job experience as a probation officer! It was development by trial and error; only now at the conclusion of my research do I feel equipped to begin the role of an effective change agent within the Probation Service; partly because I have now achieved some distance from my probation officer role so am not so absorbed by the culture. French and Bell (1984), particularly in ch.17, discuss the problems of change agents becoming absorbed by the culture and thus becoming part of the organisational problems - hence submerging their helping role. This is a

feature I can identify as relevant to myself through my 'collusion' with the stresses of maingrade work, which inhibited a potential confrontational role.

From the list of dimensions - the major issues lacking for the development of my role are:

- 1 Centrality
- 2 Connections
- 3 Wider organisational value
- 4 Influence

Although from the interest shown in the interviews, the concept of mediation could potentially achieve centrality - it has not become a central issue and is not a development seen to have wide organisational value in terms of everyday Service demands. Mainly because mediation is seen as an additional practice development; those who see it as an issue which confronts the traditional role and practice of the Service have acknowledged this, but feel powerless to utilise their awareness in any way. Such confrontational features, are buried underneath the immediacy of daily demands. It is not enough for an issue just to be seen as central - there has to be the energy present in others in order to carry it forward - as Nevis (1987) asks:

"Does my intervention build upon the energy of the client system and what is a currently...workable theme ...or is it my "imposition" of a value or desired solution that guides the work?"

p.67

From discussions already, many probation officers see the service as depressed, lacking in energy and drive. Indi-

viduals have energy for small scale projects, but they are limited by the length of time they can manage unsupported - such as my own position. To an extent, it appears that I have been attempting to impose a 'value' - but I see it more as a situation where I have the energy, and others, feeling under pressure from everyday work, are happy to let me continue.

The other dimensions refer to my role: through working alone and having limited time, I lack influence, and as a main-grade officer I lack connections with higher management; even connections with my main-grade colleagues have distanced over time due to the increasing remoteness of my work task - namely the research element. Thus some of the necessary skills for an intervener as described by Nevis (1987) are lacking - namely: that the organisation (notably the South division as a whole, including management) were not ready for my intervention as other issues, for example, confused organisational values, were not out of the way. With unfinished issues about, it is not possible to summon the energy to cope with or learn about new situations satisfactorily, features described by Merry and Brown (1987). Lastly, I was probably too aware of what was going on in the South division and within myself; the awareness was almost paralysing due to the enormity of organisational problems which affect myself as much as the division I was working with.

For the future...

If I was starting to develop mediation issues now, I would approach the post and the development of the ideas in a very different way. This would include being more assertive about the necessary emotional and practical support, and clarifying certain organisational issues before starting the change agent role; issues such as clarification of expectations about my role, task, and possible results, from management and maingrade. Although I would not be able to confidently prescribe the necessary courses of action, my plans now, would be more positive whilst retaining flexibility. My position was new, unusual and exploratory, and I approached it tentatively. I needed in practical terms:

- 1 Better practical facilities, i.e. my own office, within the South Division - not just for me to feel a part of the Division but in order for others to see me as part of the Division;
- 2 Before the Project work started I needed to be involved in a more direct introduction and assessment of opinions about my ideas and those of mediation in general;
- 3 The time of intervention should have been chosen so it did not coincide with Divisional change and the associated problems that took up probation officers time, energy and emotions;
- 4 Support from Seniors and above should have been negotiated more effectively and should have been more in

evidence. In practice the hierarchy stood back in order "to see what would happen" and also to "let things develop naturally". If they thought the ideas worthy of pursuance - and this is what management said, they should have promoted them and been seen to be doing this;

- 5 Procedural factors to help the development of the work should have been cleared at the outset instead of being left as matters to block practice, for example access to police information files about victims, and discussions with the Police about the work and how it may affect them and their tasks.

Assessment of the Service as an organisation helps to explain why such (now obvious) factors were not dealt with or even completely acknowledged at the time. The needs that were mentioned went as far as a request for my own office, for more active participation of the Senior members of the Division, and a request for someone to work alongside me; such requests were "blocked" by practical issues such as there being no free office to house me near other Divisional members, and the belief that as I was researching the take-up of new ideas, any other person helping develop such themes would "skew" the research. Overall, as I felt privileged to have the opportunity to work in this way and to have "time out" to look, assess, think and introduce ideas that I had developed over the past three years, I did not question the decisions. But it

did leave me feeling insecure, out on a limb and relatively unsupported - and concerned as to whether my role had been one of change agent at all!

Was my role one of change agent?

By attempting to evaluate my role as a change agent there is an implication of planned goals and a coherent strategy that had been worked out in advance. My awareness of not having such a strategy makes me reconsider my role as perhaps not being one of a change agent in the organisation, - particularly when considering much of the literature about organisational development which often defines it as, for example:

"...it is an educational strategy to bring about a planned organisational change."

Bennis (1966) p.64

or:

"...it...involves a transition from a culture which resists change to one that promotes the planning and employment of procedures which assist the organisation in adapting to needed changes on a day-to-day basis."

Burke (1972) p.71

Although I began my role before reading about how to develop it according to the literature - I was confused about implications of 'blueprints' for change and sequential models for development that suggested stages, such as diagnosis, data collection, strategy, planning, education and evaluation.

There is a plethora of information about diagnosis and data collection, - but when it came to planning the change there was little useful information apart from general

guidance about objectives, and no mention of methods of action. With my sample, I became stuck with the problem of stepping from education and a development of interest, to sustained action. This gap in the literature has been recognised by McLean et al (1982) and they suggest an alternative way of looking at organisational development consisting of:

"activities aimed at making change plannable ...these activities contribute to creating awareness among organisation members of the possibilities for them to engage in change, and to making change a manageable phenomenon."

p.84

My role and activities would concur with this, as although the effects of my introduction of mediation practice have not resulted in the adoption of practice, except on a very small scale - it has created awareness and a chance to think, (even briefly!), about present practice and alternative practice. In terms of possibilities - it created more of an awareness of the lack of them and of an environment of closing options, so exposing a need to find some common ground and a coherent internal strategy to counteract this. In the probation service I had a contingent approach to my introduction of ideas, more as a facilitator, working with the characteristics of and opportunities in the situation. This applies to initial project thoughts, as I had completed one project and wanted to introduce my ideas and the practice features to others - there was an opportunity for research so I took it!

McLean et al (1982), have called this 'ad hoc' consulting which expresses well the role which creates or takes opportunities, develops awareness and potential through learning. They suggest it is important to realise that action may not be necessary for 'successful' consultancy - as the momentum may be created for others to take on the action - or change may be facilitated through the involvement of key people. Perhaps the role I developed was unknowingly in some respects what McLean et al (p.118) called centredness, as I created my own theories for operating and intervening - although the supreme self-confidence they also speak of is lacking! But my consultancy, whilst being concerned about introducing and assessing the value of mediation practice, uncovered constraints and difficulties. Whilst acknowledging they may be intrinsic to the concept of mediation within the setting of probation, they are so entwined, and thus difficult to unravel from the problems of the probation service as an organisation. This has exposed the need for further work by consultants or change agents with the probation service in view of the existence of many problematic features and dysfunctional phenomenon which suggest a declining organisation, using the terminology of Merry and Brown (1987).

Thus any consideration or analysis of the effectiveness of my role, has to be done with an awareness of the organisational problems, and the time constraints put on my role, forcing a closed loop situation (one that does not allow the pursuance of contingencies - Argyris and Schon

1987). The development of awareness of possibilities is in itself a positive outcome, but not a feature that can be evaluated in any concrete sense; perhaps changes in awareness are better than 'action' outcomes as showing a successful intervention. That I ended up in this situation, opportunistically, with confusion and uncertainty about how to proceed - exposes my position as a novice in the area of research and consultancy. Nevis (1987) suggests that one of the qualities that distinguishes a skilled professional from a novice is:

"...the depth and breadth of their awareness in the area of their speciality...one aspect of this awareness ...is (knowing) what questions to ask himself or herself in the pursuit of professional work...what is needed at each step of the process."

p.88

In terms of mediation I would deign to call myself skilled, but not in terms of consultancy and research. Thus whilst my experience with the South division has taught me a great deal - my effect on them has been limited in terms of apparent potential.

Whilst acknowledging (and constantly being aware of) the 'arrogance and presumption' on my part through 'intervening' in the South division, (a feature of consultancy noted by Nevis (1987) ch.3), I was also aware of the advantages of being known, of being a probation officer and having a favourable reputation and amount of experience.

Yet my role does not fit with much of the literature about change agents, as most appear to refer to experienced

consultants, but with no mention of how they reached that point. They also speak of consultants being invited into an organisation - for example Schein (1969) identifies three models of intervention - and they all relate to external consultants - or internal but detached consultants. His models are:

- 1 the purchase of expertise - i.e. a consultant is invited in for a specific purpose,
- 2 doctor-patient - where the consultant plays a much larger part in diagnosis of the problem, and
- 3 process consultation, where there is joint diagnosis of the problem and the client identifies and mobilises the work through his/her own awareness and growth in understanding.

Aspects of my role are here - as there was an education aspect to my introduction of mediation (doctor-patient) - and an awareness aspect to my overall contact (process consultation); but neither model really fits. Other models show a similar discrepancy - such as the Theory of Intervention developed by Argyris and Schon (1978). They suggest major tasks, one of these is free informed choice by the client so there is high internal commitment to the choices made. I was able to work in a way which enabled a free informed choice from one perspective but this was counteracted by organisational problems, the restraining forces (Lewin 1951), discussed later. Thus my role changed and became more confusing as it did not remain an attempt to introduce and develop mediation practice but to help the South division:

"heighten its awareness of the forces acting for and against its moving to a new place on...an issue... to help the client to see what its resistance or ambivalence is ...to help the system resolve the dilemmas that underlie that ambivalence."

Nevis (1987) p.60

Hence it is necessary to be aware of and experience all aspects of the organisation, before considering what it could be like.

Overall, my role has been unusual, and little literature describing both experience and practice is available to help explain and analyse my position. One that does is the Gestalt Model of Organisation Intervention proposed by Nevis (1987). He recognises that internal consultants can include:

"an individual with a special...role attached to the system or a subsystem of the client organisation...also...an individual who is temporarily assigned to a special task force in order to bring about some change."

p.50

He also includes instances where:

"...a member of a work group undertakes a plan...to bring about change."

and notes that:

"...the intervenor is clearly inside the normal boundary of the system but temporarily elevates himself or herself to a special role."

p.51

All of these positions result in marginality, as any form of consultant is working from a different perspective to colleagues. To some extent my marginality increased the further I became absorbed in my research role. This was not an easy personal situation, as to a great extent I cared and was part of the probation situation - yet had to

work hard to maintain a distance. Help from my academic supervisor was crucial here. I was unclear how much of a distance I should maintain, so lived in a constant situation of ambiguity and stress. I also had to learn to live with regret. As Nevis points out:

"...it is a difficult, sometimes risky, business for anyone operating within a marginal role framework to act as a challenger or tester of the status quo." p.187

I was risking rejection and the potential difficulty of remaining attached to a system which is not able or willing to look at alternatives - whilst I became increasingly marginalised. I felt mediation challenged the traditional basis of probation, thus I was challenging the status quo.

A further consideration of organisational features would be useful at this stage to consider some of the characteristics which marginalised my role and which have also contributed to problems in the service.

An Organisational Profile

Plant has also devised an assessment questionnaire as a tool to provide an organisational profile. He has based this on Sadler and Barry's framework for analysis of organisation development which uses an open systems view and has three key dimensions: the degree of control exercised by management; the degree of interaction of activities and functions; and the 'fit' between these interacting dimensions. So the assessment locates the

organisation in one of four quadrants determined by two axes marking the 'fit' between the degree of control and the degree of interaction. The quadrants have different characteristics, and depending where the organisation is placed this will indicate how well it operates within the external environment. This provides a basis for thinking about directions for change, and interpreting some of the constraints, (Plant 1987 pp.102-111). Bearing in mind that my perception alone is of questionable predictive value - it still provides some significant information, although only confirmed by one other divisional member who completed the questionnaire and scored similarly to myself. We completed the questionnaire firstly thinking about the organisation as a whole, and secondly thinking only about the South Division. Completing this using my own expertise provides some insight into why I felt marginal to the division and more so to the service, and why this did not seem an out of the ordinary situation to my colleague or to anyone else. The Profile is shown in diagram 14.1.

The Probation Service scored as an autocratic organisation, mainly due to the individuality of workers and their individual approach to work. Characteristic features are in evidence of individual work satisfaction but low organisational satisfaction, and the belief that higher management do not listen, are not very approachable, and are not concerned about main-grade views; they rule through power sustained through the lack of channels for main-grade participation.

the boundary into the organic sector. Yet whilst writing this there have been staff changes, with two members moving to specialisms and two members going on maternity leave resulting in the necessary build-up of trust and knowledge of new workers to restart.

This exercise demonstrates the apparent fragmentation in the service due to a different profile assessment of the South division, from the organisation as a whole. I suspect other divisions and units would similarly be very different - which in a healthy organisation is productive and even essential - so long as overall coordination is possible, and difference is seen as an asset and not a management problem. I would speculate that it is seen as a problem, and that overall coordination - as in a bureaucracy - is desired by higher management. Problems that are highlighted through this exercise link with those previously noted in chapter thirteen. Management are seen as distant and unconcerned about the daily problems of practice, main grade officers operate autonomously and individually, gaining great satisfaction from their casework but little from being part of the organisation. There is some sharing and good horizontal support - but a lack of clarity of tasks, and a limited generation of ideas and interest in considering alternative practice possibilities, due to the overwhelming nature of the tasks in hand.

Most literature, and indeed earlier discussions have referred to the increasing bureaucracy of the Probation

Service. A rational consideration of the management structure (a five-tier hierarchy), the division of work, and various rules and procedures about aspects of work, (especially court work), imply that the Service should have been in the bureaucratic sector of the organisational profile (discussed in Chapter 13 as a professional bureaucracy, allowing for fragmentation); as based on my experience and discussing the questions I posed with colleagues, the Service is not really in the autocratic stage as it has many elements of a bureaucracy. Such a classification is not reality, but more a reflection of how main-grade workers perceive the Service, its management and function. The implication is that communication and understanding between the different levels in the organisation is low and that the preoccupation of the main-grade is with their own individual work, which they get on with despite management. This certainly fits with my interview data about the Service and the relationship between management and workers as discussed in the previous chapter. It is also picked up in much of the literature especially articles in the Probation Journal, see for example Burnham (1981):

"Information flows fairly naturally up the system from team level to the management group, but does not flow down again because the structure cannot handle that. ...thus we arrive at the familiar situation of information percolating around at basic grade level by rumour and gossip rather than through formal channels..."

p.130

The literature about the Probation Service, shows its confusion and lack of clear purpose with which it has been

struggling since the late 1960's, as described already (Chapter five); this has been explained through its loss of justification and belief in the treatment ethic, after the decline of its former religious zeal. Burnham continues:

"The demise of the treatment ideal underpins such disillusionment and has led to the fundamental questioning of role... All social work is thrashing around for the new answer, ..."

p.133

What is needed, is the development of clear aims and objectives which are decided from within the Service (at all levels), and not imposed, together with the development of a varied range of work and work methods on the basis of:

"team work, clear corporate goals, individual spontaneity, open communication, commitment, flexibility, adaptable structures, involvement..."

Plant (1987) p.121

Plant summarises the characteristics for a successful and developing organisation as follows:

1 Organisation structure

- a) Clover leaf organisation - with the executive at the centre of a communication system,
- b) Interlocking groups,
- c) Temporary task teams and project groups;

2 Management emphasis

- a) Innovation and development,
- b) Goal orientation,
- c) Problem solving,

- d) High performance goals,
- e) Team achievement;

3 Management style

- a) Team work with individual responsibilities and confrontation of difficulties,
- b) Participative,
- c) Supportive,
- d) Low control

4 Controls

- a) Task achievements - individual and team,
- b) Mutual goal setting,
- c) High standards,
- d) Learning from mistakes.

Plant (1987) p.122

Such characteristics are obviously important, but for the Probation Service their introduction and development would require a revised outlook at the criminal justice system, and a reorganisation of the Service from a system waiting to serve, and geared more towards obeying instructions and following policies, than taking control over its own operations and participating in central policy making. As remarked by many of my sample, the Probation Service does not sell itself and does not push what it is good at. It will shout about what it does not like, but not about the direction and ways the criminal justice system should develop. This is expressed by several probation officers

writing in the Probation Journal, notably by Creedon (1984):

"There is a vacuum in both philosophy and policy that has become evident in recent years. As a service and as an association we have made very clear what we are against - but there have been few clear statements about what we stand for as a Service. We are reluctant to acknowledge the skills and expertise that we undoubtedly possess. ...the cost effective argument is a dangerous and rather annihilistic one..."

p.31

The same ethos is expressed in the article quoted earlier by Burnham. He continues:

"all social work is thrashing around for the new answer, and officers are as gullible to evangelism as their colleagues in other services - "systems" "social skills" "task centred work" "the Paradigm" "ecology theory", all have been tried and found wanting and of course this will continue until (if?) probation officers find certainty in their role again."

Burnham (1981) p.133

More detailed analysis and explanation of the ethos in probation can be found in Parry-Khan (1988) especially Chapter 3. She identifies probation officers as suffering from 'role dissonance' a term coined by Handy (1976).

Role Dissonance

It is role dissonance that can create problems for probation officers. As Drakeford says, how can a worker who has been heavily socialised into:

"...a commitment to the value of avoiding interference in other people's lives except where essential, and then in a spirit of mutual respect and concern for each other as equal and morally autonomous members of a community..."

Drakeford (1983) p.10

- begin to adopt an increasingly controlling role without experiencing a degree of ideological discord? Their resistance to change may be explained by Handy's notion of "role dissonance", which is for most people a form of "psychological discomfort and stress" (Handy 1976 p.48). This arises from a discrepancy between the expectations of work performance in the light of training and the experience of the job in practice, as suggested by Parry-Khan (1988) p.21-22.

Maybe it is not possible for the Probation Service to take the initiative in deciding its own directions and taking control over its own development, as the major funding and resource-provider is the centrally-based Home Office. With the increasing emphasis on accountability and value for money, the Home Office increasingly dictates the direction and practices of the Probation Service; the Chief Officer is in a controlled position, pulled by both the Home Office and by the demands of his particular Service. This situation may become more controlled if aspects of the White Paper, (Home Office 1990), suggesting national standards, central control and central funding are instituted; (Hodges 1989). Threats of privatisation would lead to drastic organisational change, uncontrollable by probation officers; (Carvel 1990). Mintzberg suggests that:

"the evidence indicates that outside control tends to concentrate decision-making power at the top of the organisational hierarchy and to encourage greater than usual reliance on rules and regulations for internal control".

Mintzberg (1979) p. 289

- this is an approach guaranteed to create conflict as suggested by Parry-Khan (1988) p.29 , due to the professionalism of the organisation. Mintzberg implies that:

"in the professional hierarchy, power resides in expertise: one has influence by virtue of one's knowledge and skills. In other words, a good deal of power remains at the bottom of the hierarchy with the professional operators themselves."

Mintzberg (1979) p.360

And yet:

"the Government looks top down to the senior managers to implement its standards, while the professionals look bottom up to them to resist the standards. The strategic apex (i.e. County Probation headquarters) gets caught between a Government techno-structure (the Treasury) hungry for control, and an operating core (probation officers) hanging onto its autonomy for dear life. No-one gains in the process."

Mintzberg p.378 (inserts in brackets are my own)

As pointed out by Drucker

"the only way to get real benefit out of high-grade professional people is to hire good men and then let them do their own work."

Drucker (1968) p.398

So there is a contradiction between the Service being seen as a profession and the wish for its development as a professional organisation - whilst the bureaucracy increasingly develops with the power base outside and beyond direct worker contact:

"Research indicates that a professional orientation towards service and a bureaucratic orientation towards disciplined compliance with procedures are opposite approaches towards work and often create conflict in organisations."

Blau (1968) p.456

Perhaps this is why the government now say that being a probation officer is not a profession - a statement recently made by David Faulkner (1989) and quoted earlier.

The existence of conflict between main-grade fieldworkers and management, has been intimated throughout my research, perhaps not conflict, but more a sense of distance, a mistrust and feeling of dissatisfaction about work and the Service which it is felt is not shared by, or helped by those in management positions. Writing in 1984, Wilson a former consultant working with the Probation Service, identifies a growing problem with staffing and management trends in probation which he sees as creating -

"a plethora of specialists and/or maverick units, teams and pressure groups along the lines of the power culture model... working within... an outmoded structure from which skilled, experienced and knowledgeable staff resign."

Wilson (1984) p.20

Wilson takes the idea of the power culture model from Handy (1976), and sees the Service as having successfully recruited a "well-trained and highly sophisticated work force". Yet this presents problems as it "requires a different sort of management style and structure to the standard bureaucratic structures (allegedly) in force at the moment." Workers who wish to use their initiative and to develop new approaches to their work are disruptive in a standard bureaucracy, and for professional staff to work in prescribed ways is routine, and offers limited scope for the expression of their skills (Wilson p.17).

The division between fieldworkers and management is further emphasised by the growing distance between them in terms of casework, where even Senior Probation Officers have no responsibility for casework supervision, and it is a rare Assistant Chief who takes on any casework at all.

So the distance from the offender and the community increases further up the hierarchical ladder, (McWilliams 1987). Recently a Senior Probation Officer in South Yorkshire was told that his very small caseload of clients should be dropped and that "as a Senior you should be managing your Division and not taking on some of the basic work". To some, this is seen as an erosion of professionalism through the loss of casework, but also points the way for a new role for senior officers as managers. At present many seniors fear they are closer to administrators, so they attempt to sustain direct links with casework. If the senior level took on a managerial role their ability within the organisation to make decisions would have to be adjusted. Within the south division, the seniors are seen as supervisors (in terms of advisors), coordinators (bringing the main grade together), and conveyors of information and paper work between the upper and lower levels. Confusion is displayed when it is said, as by some of my sample, 'managers should manage'; what officers mean to criticise, is the lack of service direction and what they desire is leadership. It is perhaps the classic organisational crisis as identified by Handy (1978), of growth in size resulting in greater efficiency, but at the expense of democracy, personal concern, and involvement of the individual. Work, attitudes and development become standardised - but it is the assumptions upon which this is based which prevents a change of direction, to diversification and alternative leadership strategies. The

underlying assumptions of all members of the service of whatever grade, sustain its course of growth into a bureaucratic system. Instead of being told to manage, perhaps the senior officer mentioned earlier should have been told to become a 'leader' - a very different concept, which as discussed in chapter 13 connotes movement, energy, and learning. These are not characteristics that any of my sample would attach to any of the managerial posts in the south division or the rest of the service. Something that had perhaps not been thought of when telling the senior to 'manage' was how a change of role at that level would affect his job, and that of the working unit. One of the most complex issues within an organisation is how they deal with the boundaries between the different levels of the hierarchy, (Plant 1987). The senior was being criticised, but not in a constructive way - it should not be a competitive or task oriented position as a manager - but the various levels should be part of a 'Team' which works together to integrate the internal and external environments and creates and directs culture, Plant (1987).

Thus I return to the need for change and the associated problems of approaching this as more than just an idea. It is easy to say that the Service needs its own identity, sense of purpose, and a culture which incorporates growth, learning, development and change, as a natural and continuing aspect of its existence. It is another matter to develop this or attempt to change Service perceptions so a culture of action-learning is nurtured and grows. It

seems that one of the prime factors that conspire against this is the present culture, the management structure, and the administration of the Service which does not just prevent development but actually conspires to stifle it. As has been said before, these have been identified as features of a declining organisation (Merry and Brown 1987).

Concluding Thoughts

This section has not directly answered the questions - How can the Service change? - How effective is the role of change agent? - and should this be used again? There is no one answer; it has suggested areas for work, although these are many and related. For example, there is no point in having a forward-looking, highly competent, participative management team without a sound infrastructure of policies and procedures to encourage co-ordination and progress. In a similar way, the utilisation of a change agent may be an effective way of introducing ideas, but without the necessary infrastructure and support systems the developments will not be maintained. A complicating feature, is the degree of influence the outside environment and outside (Home Office) controller has on the organisation - making it necessary for a change agent to either work externally as well, or to work in such a way that the organisation as a co-ordinated whole will approach the Home Office and campaign for the adoption of its ideas. The crucial process is moving the Probation Service and individuals

within it, from intention to action.

I questioned whether my role had been that of a change agent, particularly due to my inexperience and role as a probation officer, who was, (certainly at first), affected by, and part of, the organisational culture. The answer I reached was that despite results, I had been in that role - certainly as a challenger to the status quo, (Nevis 1987). From my interventions and research, questions have been raised - and a theory of change agent intervention introduced, which could provide a framework for the future. My role, and attempt to intervene in the organisation of the south division, has made explicit the underlying assumptions that have created and which maintain the service culture. An awareness and understanding of these is crucial for any form of change - together with the necessary developments of improved communication, spontaneous stimulating and supportive interaction, the growth of goals and ideas, and changes in functioning and direction, to be flexible and adaptive. To provoke a consideration of these areas (whether related to mediation or not), my role was not seen as central, it lacked connections and influence, and in the light of daily demands the specific topic of mediation from the start, was not afforded a position of organisational value. I have speculated that my attachment to the service aided the marginality of my role - despite enhancing the general acceptance of my presence.

A profile of the service, placed the lack of support and lack of centrality of a change agent in context, as the

service appeared as fragmented, lacking coherent aims and objectives, and set in a growing bureaucratic framework. Different personnel, depending on their position would see a different organisational profile, which in a coordinated setting could be progressive and developmental; in the probation service it is divisive, creating confusion and mistrust. Changes outside the service create pressures inside, forcing some issues, particularly in terms of perceptions of the future. This has resulted in role dissonance and added to the mistrust - and created a further divide between management and main grade.

So the over-riding needs are two-fold: firstly to move the organisation to a point where it can communicate internally so it can promote its own identity, and secondly for it then to recognise the need to change and explore alternatives. The data I have collected from my research about mediation practice and the organisation should be of use to develop a theory of change for the Service. So more work needs to be done. This is not saying that I need more time - but for a future change programme it will be necessary to confront:

- 1 the organisational culture and identity,
- 2 the reasons for implementing change,
- 3 the co-ordination and motivation of personnel of all grades, and
- 4 the fact that time limits and deadlines for change need more flexibility; it is a gradual process.

PART II: INSIGHTS: THE WAY FORWARD ?

"To survive everyone knows that organisations must change, but the fundamental question facing managers ...is "How?" What must be done to survive in the ever-changing environment? What are the specific things...How are they identified?...how are they changed?..."

Porras (1987) preface X

Throughout this research study, there have been references to the organisation and its need to change and adapt; specifically its need to change in order to survive. Through my attempts to introduce the concept and practice of mediation, the problems of the service as an organisation have become more clearly defined. I would contend that issues relating to mediation have, for my interviewing sample, opened up the debate about the service as an organisation, and about its future developments and position within the criminal justice system. A major theme of the research has been about how the service can incorporate mediation practice, which at this stage has become a reversed consideration, - how the service needs to change in order to incorporate mediation. In the last section, and chapter thirteen, one of the general methods of organisational change was suggested to be the use of consultants or change agents. Through my role as a change agent introducing mediation practice - valuable insight has been gained into that role and its potential for future use. Hence, a consideration of how the service needs to change to incorporate mediation will include further consideration of my role.

Insights from my change agent role

When developing my role as a 'change agent' I had considerable knowledge of the organisation through being part of it for the previous twelve years; but my knowledge and understanding was primarily as a participant. To an extent, the three year mediation project allowed me a different perspective and provided a taste of the stress and complications of introducing and developing a new form of practice. I say only a taste - as for much of the time I was absorbed in the individual cases I worked with, linked to my attempts to develop my own expertise; the wider issues remained as background. When involved with 'doing', it seems I was able to resolve the contradictions between ideals and practice - in a way that other workers talk about but can also never fully explain. In a similar way, probation officers in the South Division talk of enjoying their work with individual 'cases' and how this involvement with the personal provides their satisfaction, but it restricts their ability and time to consider wider issues. This restricts their view of the organisation unless they have an opportunity to step back and take an overview of the Service; I have had that facility during the time I have been conducting this research. It is interesting that in a first draft of these ideas I originally wrote:

"When developing my role as a 'change agent' I had no real knowledge about the Probation Service as an organisation, or how it would respond to my intervention..."

As my academic supervisor pointed out, this sounds a very naive statement - but in essence I would claim it still holds true. Looking back, my knowledge of the Probation Service did not extend to any organisational or structural awareness - or the possibility of alternative forms of management or methods of innovation - apart from imposition or acceptance. Thus my initial thoughts about my role were not as someone affecting or challenging the organisation and its culture - but as working with colleagues introducing a new and exciting approach to their work. So the end result would be that of either success or failure.

Now, I can see this initial response as reflecting the culture that I was part of; a Service where people enter the job primarily due to the autonomy and 'professionalism' that it offers. This makes for a culture of inward-looking individuals with no formal co-ordinating or liaising mechanisms, thus making collective work or consultancy almost impossible. Work with individuals does not lead to innovations unless there are prospects of widening horizons, co-ordinating and implementing policy that will aid the development of a dynamic outward-looking developmental culture.

Insight from the research

Ironically, through my action research programme, subsequent data analysis, follow-up and write-up, I am now in a better position to undertake effective research and the development of a change agent role. This realisation is

in line with assumptions first espoused by Kurt Lewin (1952) - reproduced and discussed by Schein (1980) pp.240:

- "1 There is nothing so practical as a good theory
- 2 If you want to study an organisation (system, group) try to change it."

These points imply that as organisations are dynamic systems, they are not easy to understand - so it is necessary to intervene in the system, on the basis of a theory of how that system works and how it will respond to that intervention in order to gain in understanding through the results obtained. An understanding of the organisation, its system and processes, thus develops through working to effect change in that system. Although it has to be noted that the very act of researching the intervention may affect its results; (Schein 1980):

"In human systems the act of being surveyed, interviewed, or observed influences the system".

p.242

In the process of interviewing my sample and discussing their understanding of mediation - I helped them begin to order their ideas as well as introducing basic notions for further thought. This 'influence' was noted by several of the interviewees - for example one field worker when first interviewed about mediation said:

"I don't really know or understand much about mediation ... but having talked to you I see the principle as relevant... I'd like to give it more thought and to see how it works out in practice....".

The initial concept was introduced to this worker by my discussion with her and through subsequent conversations (she had joined the Sheffield Service after the training

event in September 1986) and without this contact she seems unlikely to have pursued the work she then undertook. During the follow-up interview-discussion she said:

"I've found the approach useful - looking at the offence and the surrounding issues, and what happens afterwards. I've become more relaxed at focussing on the offence and offending behaviour and (mediation practice) has...done a bit of consciousness raising... I'm sure there are other people in a similar position to me who wouldn't have done it had you not been around....".

Driving and Restraining Forces

My position as change agent had the effect of encouraging colleagues to think about mediation, and in several instances to attempt mediation practice itself. But as there was no maintenance or further development of practice, the implication is that even though the majority of my sample expressed a belief in the suitability and desirability of mediation ideas, there was a high degree of resistance to any fundamental change. This, linked to the fact that my role provided the force behind the enthusiasm and learning, led to the situation that once I was away there was no other driving force to take my place - so former behaviour and habits re-emerged. A clear previous example of this is following the 3 year mediation project (1983-86), where I maintained my interest in mediation through the driving force of research and a new consultancy role. My maingrade colleague who returned to ordinary field practice found there was no driving force to encourage him to maintain and further develop his

mediation skills and he thus reverted to former work methods and habits (almost with a sense of relief). Similarly his perceived opposing forces - for example a lack of higher management support - proved to be a powerful restraining force impeding any development or move towards change. This results in Lewin's concept of a "quasi-stationary equilibrium", (Lewin 1952), which he discusses as the resultant position of many organisations who find that driving and restraining forces cancel each other out when they are attempting to implement planned change.

The constraints and opposing forces are better understood when the underlying assumptions of Lewin's model of planned change are considered, as noted by Schein (1980) pp.243-4.

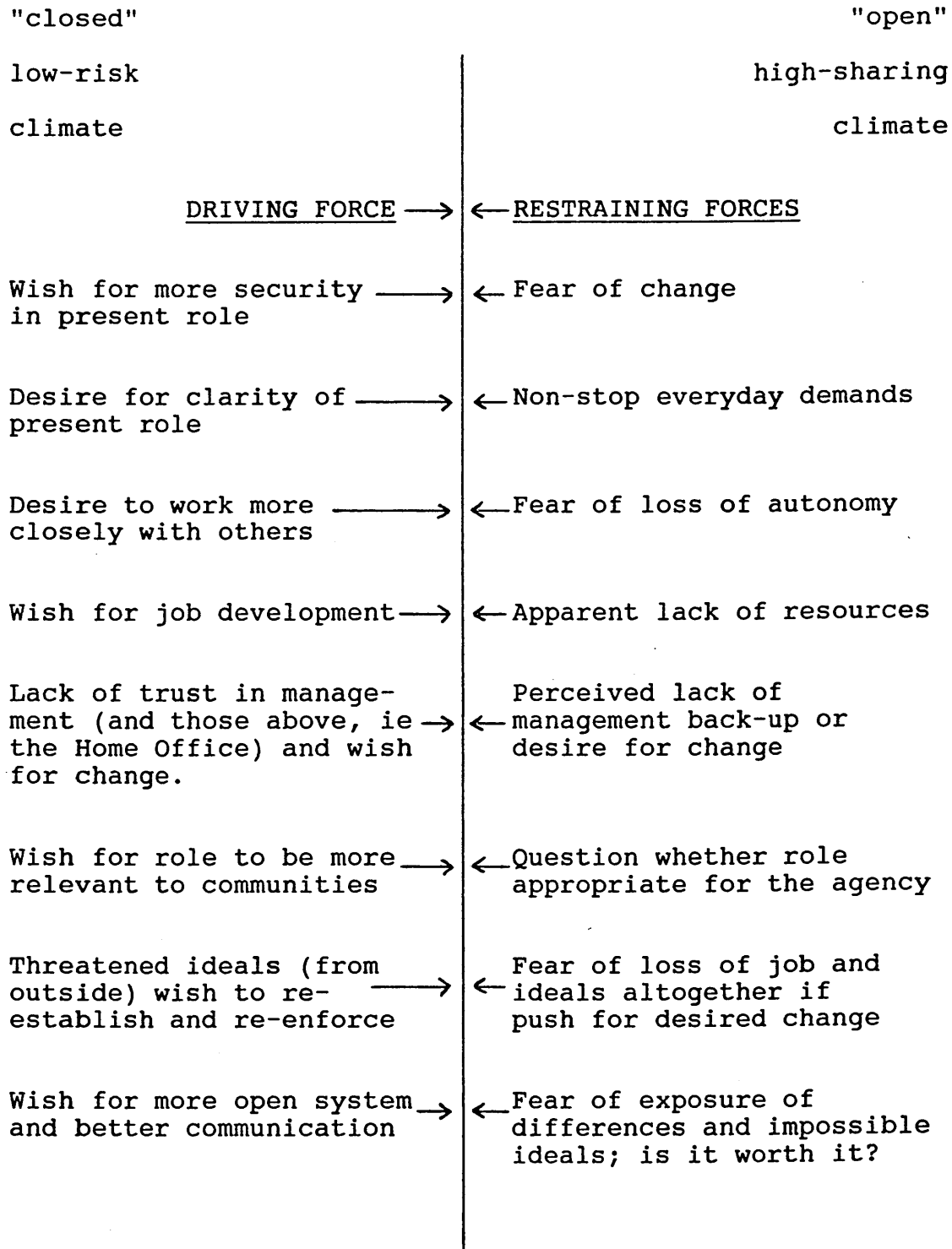
- 1 Any change requires learning something new and unlearning something that may be ingrained in the personality and social relationships of the individual.
- 2 No change will occur unless there is motivation to change; the induction of motivation is often the hardest part of the change process.
- 3 Organisational change is only through individual change in key members of the organisation; hence organisational change is mediated through individual changes.
- 4 Change requires unlearning of responses in areas such as attitudes, values and self-images which is inherently painful and threatening.

5 Change is a multistage cycle and organisations need to negotiate their way through all stages before a stable change can be said to have taken place.

These assumptions have become explicit throughout my time as a consultant.

The aspect of my role which could be interpreted as a mechanism to motivate and inspire change in the direction of my project work, has been a constant ethical dilemma. This concern, together with my awareness of limited time to achieve results, has been a source of persistent pressure. My ethical dilemma has (probably) made me stand too far back, waiting for colleagues to link their discomfort within their job with the possibility of improvement through choosing to develop a mediation approach - so asking me for help. Yet the dilemma stretches further than this, as I have become aware of the organisational constraints to change. It then does not become a simple choice of whether or not to work in a new way, as resource provisions, organisational features, management and support systems, need to change to enable it to happen. When I began my role, I had not thought of such features as proving so crucial, and my 'learning' in this area has been retrospective.

A simple force field analysis as shown overleaf (table 14.2) can display the dilemmas and contradictions faced by all workers contemplating the development of mediation - or indeed any new idea that challenges existing practice.

FORCE FIELD ANALYSIS

For effective change, tension needs to be reduced by strengthening the driving forces and reducing or removing some of the restraining forces, for example, the implementation of more joint working and systems for better communication which may remove some of the fears and myths about others, and enable work to be planned and developed without loss of autonomy. Awareness and identification of these opposing forces are the first steps towards instigating change.

Evaluating Change

So far, a consideration of how the Service can change has dwelt on the constraints and has not elaborated on ways to overcome them. Numerous authors have identified key areas for consideration in order to achieve change - all of which are similar, although the examples tend to be from production and industrial companies: Dennis et al (1969), Argyris & Schon (1974), Schein (1980) and (1985). I have used the essential considerations identified by Fineman and Eden, primarily because they identified them in the process of evaluating a programme for change within a Probation Service. They found that:

"...considerable difficulties arose in the implementation of the change and these have provided some specific insights into the functioning of the organisation, and the values, attitudes and beliefs of some of its key decision-makers...we believe that these conclusions...have particular implications for the management of change in professional settings...which are characteristically client centred.... Furthermore we consider that the essence of our findings has important implications for any organisation where internal or external change agents are attempting to bring about change."

Fineman and Eden (1979) p.30

From their work seven key areas can be used to evaluate my project and pinpoint issues pertinent to the South division which would enable other developments to be designed and implemented more effectively:

- 1 The organisation's climate
- 2 Who needs the change?
- 3 Assumptions about the probation officer's role
- 4 The difference between officers values and those inherent in the change programme
- 5 Project design - how the project was introduced
- 6 The pace of change
- 7 Espoused theories and theories-in-use by the interventionist.

Fineman and Eden (1979) pp.30-35 and pp.20-21

These key areas will be considered in turn:

1 THE ORGANISATION'S CLIMATE

From material discussed so far, the South Division has a climate of overwork, lack of space, lack of resources, suspicion and lack of trust of management. There are increasing feelings and evidence that development and directions are imposed from outside and that the demand is for a more punitive and controlling service - i.e. against traditional ideals of care, concern and voluntarism, as expressed by Hodges (1989). This is resulting in a de-professionalisation of the role of Probation Officer due to the erosion of individual responsibility as identified by Finneman and Eden ten years ago, (p.31).

Additionally, throughout my research there were feelings of depression, loss, and confusion, due to the divisionalisation and dismantling of the area teams system. Probation officers thus felt under pressure, and when under pressure the general ethos is to retreat, as there are enough problems to cope with in getting through everyday demands, without starting to re-think how the Service should/could be working. As expressed by Roberts (in NAPO 1984):

"...the natural instinct, when one feels one is being buffeted about, is to dig your heels in on whatever firm ground you can find and try to stay put."

p.13

She is specifically referring to being buffeted by external forces, but it relates equally well to internal conflicts.

A positive and learning climate needs to be developed by adjusting some of the negatives such as the confusion over internal aims and suspicion of management, by opening up communication and recognising the advantages of different perspectives.

2 WHO NEEDS THE CHANGE?

Despite general discussion about the need for Service change by most Probation Officers, this tends to be almost 'routine chat' and few make any efforts or commitment to do anything; partly because of the climate, and partly because of the individual nature of the work. As the ideas fitted with my own development of practice and my own view about the potential future direction of the

Service, the main person who wished for change in terms of mediation development was myself. One of the areas I had to be particularly aware of throughout, were my own biases. As noted by Schein (1985):

"...if one is against certain practices, one must be careful not to attribute to the organisation assumptions that fit one's biases but may be completely wrong."

p.147

Other personnel attached to the original project also wished for change yet seemed to be constrained from promoting mediation. Management verbally encouraged the venture - but from a standpoint of observing results; they did not provide any help or overt commitment to aid the development of mediation practice. Various procedures could have been cleared or eased by them - for example, access to information about victims.

A secure environment needs to exist before any change will take place and this would be developed by an active and participating management team. There needs to be commitment at all levels and appropriate built-in support systems.

3 ASSUMPTIONS ABOUT THE PROBATION OFFICER'S ROLE

There are two elements entwined in this; the first being probation officer's assumptions about their role as officers of the court and of providing a social work service to offenders; secondly the challenge to this role, which is an attempt to move the probation officer into the community and towards a concern for both sides of

a crime. To some - mediation practice appeared as an unattainable ideal, to others it became a useful practice development, while to a few it seemed something which would not fit within the Probation Service. As expressed by one officer:

"Mediation is all very well...but is it a probation role? ...it has no link with the traditional basis of our work."

Hence any programme of change has to enable workers to adjust their values, attitudes and self-image - and the change agent needs to be aware that this is painful and threatening in relation to their job. Adjustments in attitudes and values applies equally to all levels of the hierarchy.

4 THE DIFFERENCE BETWEEN OFFICERS VALUES AND THOSE INHERENT IN THE CHANGE PROCESS

From the interviewing data, for many officers the values of mediation coincided with their own ideals of practice. The difference occurred with a few, who felt there was no place for mediation in probation, and for a number of others who questioned whether it was a probation officers role, due to the history of the Service, present apparent objectives, and particularly in the current climate of scarce resources. For those, such concerns dominated, so preventing the development of practice.

To introduce any new idea which confronts practice there first needs to be a clarity over present roles and expectations in the agency; this needs to be the first

debate before alternative developments can be considered:

"We need to remind ourselves of our value base, because no two definitions are quite alike, yet it is in finding the similarities that our strength and support for each other resides."

Roberts in NAPO (1984) p.15

5 PROJECT DESIGN - HOW THE PROJECT WAS INTRODUCED

At the start two officers felt it had not been discussed, - and a couple questioned whether there was any point in exploring mediation practice further. The majority though, were interested in the project and the research, and were keen to see me 'succeed' and 'get somewhere'. Such a project had not been attempted in the Service before, so there were no pre-conceived 'ideas' or pre-determined models; I was allowed to institute my own development. But having no research background I learnt as I went - often by trial and error!

An additional problem of the project design related to my previous experience in mediation which, all my interviewing sample asked about; it meant I was seen as the mediation specialist - so the project was seen as mine, and not as belonging to the Division. I had the responsibility to 'sell' the idea and develop it - whereas a corporate responsibility for the assessment of mediation needed to be developed.

6 THE PACE OF CHANGE

Time has proved to be a major problem, as it was a time-limited project so would eventually 'end' in spite of any progress and results. Therefore management were

effectively saying - you have two years to achieve results but no more. Change has to move at the pace of individuals - and time includes the amount of consultancy required per day or per week which varies in demand between officers, as well as the total period of intervention. I would suggest that a closed loop situation was set up by the imposition of a time limit, thus forcing stages of work rather than my being able to respond to developments as they occurred. As suggested by McLean et al (1982), closed loop activities can become 'diverted from their aim of effecting change' (p.87), so in the South division despite some officers asking for me to remain available, this could not be done if I was to complete my research and complete the write-up in the specified three years.

To incorporate mediation, culture change seems necessary and this may take years. A slow adjustment of individual attitudes is essential, particularly those of key members, which incorporates changing training inputs, both external and in-service.

7 ESPOUSED THEORIES AND THEORIES IN USE BY THE INTERVENTIONIST

I was and still am a Probation Officer so I would suggest that my espoused theories and theories-in-use had some congruence with my interviewing sample. To an extent I have since moved away from the Service culture - not while undertaking the research and consultancy - but during my write-up and subsequent community mediation project work.

I have tried to be aware of the biases I have through being different from maingrade workers due to my secondment for research; despite my gap in practice, I believe I can empathise with and understand the feelings of Probation Officers and the pressure of the job. I know through comments in interviews that I was accepted by Probation Officers, due to my 'reputation' and direct working contact with nearly half of the Division. Thus I do not believe that my knowledge and awareness of probation officers and the job was too far removed from reality as perceived by my interviewing sample. The only problem I see, is perhaps some over-identification and collusion with the pressures and problems identified by officers which they cite as precluding change. Confrontation rather than sympathy and understanding may have been more productive.

CONCLUSION

Consideration of these seven key areas has indicated specific problems in relation to the development of mediation from an organisational perspective. This has implications for the future in terms of the continued development of mediation, or the instigation of any other innovation or project that has aspirations to become part of, or to change, everyday practice. Awareness of these areas, and planned intervention to modify or transform them would be crucial. The problematic areas can be summarised as follows: The climate of the organisation is depressed and not dynamic, static and not action-learning.

This promotes an environment where probation officers lack active desire to change. My previous project experience and 'success' in working in a mediation context, has left me with a belief in the value of mediation; thus I do have underlying assumptions as a change agent. These relate to my perception of necessary changes to the probation officer role, the organisation, and the way tasks should be approached; I attempted to be constantly aware of this and to allow officers their own choice and assessment. Other factors are, the pace of change and having a 'deadline', which does not make for flexible project design, does not provide continuity, and creates pressure to quickly 'achieve results'.

From these key areas, a number of issues have been highlighted as pre-requisites for change; they are essential areas for development and link with the similar points made at the close of chapter thirteen and the last section.

- 1 The promotion of a positive learning climate, partly by the adjustment or eradication of 'negative forces'.
- 2 A secure organisational internal environment with commitment and support at all levels, and active participatory managers.
- 3 An adjustment or gradual new learning of attitudes, values and self-image.
- 4 A clarity over present role and expectations.
- 5 Changes should not be the 'hobby' or specialism of a few, but a collective undertaking.

- 6 The need for time as change cannot be rushed; both adjustment time and training time - although it must not be indeterminate - just flexible.
- 7 As a change agent it is necessary to have a realistic view of the job and the organisation, and to structure the intervention accordingly.

So how effective can a change agent be in such a setting? Is the change agent role one that should be used again? These are ongoing issues for consideration within the service as approaches to future development. The final section will consider a continuation of my role as a change agent, but in a very different setting.

"...disputes, especially between neighbours, have increased rapidly in the last decade or so...traditional agencies (are) faced with a greater caseload than they can possibly assist, but their choices of action are also very restricted. ...the high level of unresolved conflict we are seeing nowadays is a severe drain on national resources, social and economic.... In several parts of the country there exist community mediation centres offering a more successful means of resolving many of these neighbourhood-based disputes. They offer a number of advantages:-

relatively cheap
readily accessible
completely voluntary
encourage positive attitudes
general educative role
available at any stage (in a dispute)
participants usually look back on mediation
as a positive experience
flexible creative process
does not reduce parties' options
can be carried out quite quickly."

FIRM
(1990)
p.3-6

To conclude this chapter it may be useful to introduce as a contrastive device, work that was undertaken in 1989 to develop a community mediation project. The ease with which I was able to initiate and develop ideas is such a marked contrast to the development of mediation in probation, that it provides a useful and informative comparison. The enthusiasm I was able to generate to develop a project 'marginal' to the service is also interesting, as is the consideration that this is a similar direction taken by others who have attempted to innovate in the service, (i.e. give up or move out!). On reflection there might have been an implication that I chose the easy option, instead of continuing to attempt to effect change - or perhaps it represents a realisation that there are more suitable and favourable settings for mediation ideas.

This project was not included in the original research proposal and intended documentation, but has now been included as it introduces a different form of project, initiated by myself as a change agent in a community rather than an organisational/agency setting. It introduces an alternative way of developing mediation ideas, which has produced, (so far), contrasting and interesting results. It has been referred to in the text as the Community Mediation Project and provides an example of a local resident and multi-agency group, striving to understand and develop ideas that they have come to see as important.

Community Mediation

Although the idea to pursue the development of mediation practice in the way I did was mine, the time limits for all of the research were set by management. I accepted this, having no previous knowledge of research and consultancy and having no initial awareness of how much a research design can control and affect the end results. The agreement was for combined research, data collection and analysis, alongside my role of consultant/change agent over a two year period, then to write up over the next year on a part-time basis. The other half of my final year was under debate, and I suggested I should try an alternative approach to mediation - much publicised from the States and a few London-based projects, and mentioned by a few of my interviewing sample - that of community mediation. The agreement from the Probation Committee was

that I should spend the time "establishing the feasibility of a community mediation project", and assessing whether there is "a feasible and legitimate role for the Probation Service to contribute to such an initiative" (Dixon and Smith 1988). My intentions behind the feasibility assessment, were not as with other projects - to start a small-scale development and to see how it progressed. It was more the continuation of my change agent role in a community setting. Hence I wished to introduce the ideas to a small community area, and see where they led, and if others would choose to develop them.

The interest of other professionals, and a group of residents on the chosen Estate, were established by spending time chatting informally and through running a series of study workshops over a period of eight months. These were well attended by a mixed group. The group proposed that a Steering Committee should be set up to consider the development of a Sheffield Community Mediation and Conciliation Scheme.

The feasibility of the Probation role in this development is hard to assess in any way other than through discussion feedback. From those involved, the Probation Service is seen as an appropriate agency - although it is hard to separate "agency" from the known individual. The Service was seen as well-placed to develop and participate in such a project, due to their knowledge and understanding of offenders, of the law, of conflicts and disputes and fear of crime. Additionally, it would seem logical for an

agency concerned with offenders and crime, to wish to help develop initiatives which would involve them with the community - with local people and other professionals - and in issues of crime prevention, by helping develop a service which may prevent the escalation or initiation of many conflicts, which could result in offences. The major proviso was that the project should not be part of the Service, particularly in view of the Service being overly offender-focused and court-based, but community owned and controlled - meaning a mix of local and professional people.

Now, after a period of eighteen months, a group of nine residents, (all of whom have other commitments, i.e. families, jobs, tenants association and a pensioners lunch club), are continuing to meet regularly with interested professionals, (from the Police, Social Services, Disablement Rights Unit, Clergy, Housing Office, Advice Centre, Probation Service and the Council Community Safety Unit). The group is developing its own identity and working strategy, and although suffers from individuals lack of time and multiplicity of other commitments, is generally finding a way around the problems to keep the momentum of development going. The Steering Group has formulated its constitution so charitable status can be obtained, has applied for and received funding towards training, and is organising an Open Day and volunteer drive. Funding applications have been made to enable the establishment of a post for a Co-ordinator and Development Worker.

As far as the Probation Service is involved, ten of my interviewing sample have maintained an interest in community mediation development through discussions and asking for handout information. Of these, four have shown active interest by attending meetings, several of the workshops, and enquiring about training (although one has now left the Service). Yet it is assumed by all, that the Probation Service has no funds to contribute to sponsorship of the development, or to second a worker. The unspoken assumption, is that some other agency or body will take up this challenge, so the Probation Service does not have to commit itself in any way, but will continue to reap the benefits and the goodwill generated by such a scheme. The Probation Service, at the moment, has few pretensions to stepping out of its court-based and offender-focused role, despite secondments like mine to assess alternative methods and directions of work. The commitment needed would be the provision of resources, mainly in terms of personal and appropriate support systems (e.g. secretarial staff), but the crucial factor is the revision of policies and priorities in order to re-align the Service with community development work, which in the past has always been marginalised as a Special Project or as extra to statutory work.

My research was not intended to cover this period, but I did ask each officer at the end of my final interviews what role they would like to see me undertake for the final year. The points they made are summarised below, the figures represent the number of times each point was

mentioned by one person:-

I would like to see more help on the ground rather than another project 1

I think the suggested area of community mediation is an important one to consider and I would like to see how it could link to the Probation Service 18

I would like you to continue to be available as a consultant and ideally to be more available than previously 10

I like the idea of community mediation, but I wonder if it is worth it for only a year as it takes years to effect change and develop something 5

I think your role has been very important and that you could do more to promote change, you need to be assertive and put out guidelines 1

I would like to see the development of training courses for mediation skills developed and to be regularly available 4

As shown above, only one person did not want to see another Project, but would prefer resources to be used for statutory work. Eighteen out of twenty felt the investigation of the feasibility of community mediation, would be interesting and important, to link with the consideration of how Probation Officers work in the community: although five wondered how valuable or frustrating this would be, given the time restriction of one year and the limited amount of development possible in that time. Ten officers - many of whom overlap with these five, thought my time would be more profitably spent building on the consultancy work already done, so they suggested I should remain around as an advisor to practice, without regularly disappearing to research results. One officer felt I should be assertive about my results and recommendations,

promoting change by pressing guidelines for implementation to management. Four asked for regular training for mediation skills to be set up. Several asked about research results, and expressed interest in reading the finished thesis; but the majority felt research recommendations would not be taken note of by management, so they felt the continued development of practice to be more important than the continuation of my research. Yet this group also noted that without positive research results, developments would be blocked.

Using the interviewing data provided by managers, it becomes evident that my position as a consultant was seen as a temporary stimulus, in order to test out "how far mediation would be incorporated in day to day practice with clients". This manager continues:

"... after the two years...there was no point in you maintaining a high profile...it would play into the hands of the people who say, well it was okay while Jacky was here. So I would like to see you decreasing your availability and accessibility..."

This left no opening for workers choice in the matter, and did not take account of the time it takes for an idea to become working practice. From the previous Project results, it would appear to require at least three years of practice, with a single-minded worker considering mediation in all casework situations - together with appropriate support.

Moving towards the end of the year of community development, the interested officers have maintained their pe-

ripheral involvement, and a handful of others have asked for advice over various mediation cases. Generally, work on the Division continues much as before. For myself, the reference group I relate to, and with whom I share the dilemmas of mediation development work, is the multi-disciplinary group that has grown on the estate. This shows a congruence of espoused values and present values in use, through the attempt to promote community conciliation and mediation ideas in a workable project form. Similar experiences of a multi-disciplinary group being able to work in this way have been found in other studies of community developments, for example: Brixton Probation Team (1988), Henderson (1988), Hope & Shaw (1988) and Robinson (1982). In the long term, problems can develop through inter-agency power differentials and conflicting sectional interests within communities, these issues are explored by Sampson et al (1988), Smith (1988) and Blagg et al (1988). A study of the development of this project would be a valuable and useful piece of future research. But to return to my role as a change agent - How successful is this project and my role within it, in comparison to my work in probation?

Assessing 'success' and 'effectiveness' in terms of 'change' depends on the perspective of the observer. It depends on their frame of reference, goals, and assumptions about the change process, (Schein 1985 chapter 13). My perception of change in the probation service will be different to other participants - similarly, in the community mediation development there

will be different perceptions. Yet with this, I can be more confident of interpreting the signs that it is, (so far), a successful venture.

Why has this development proved so different? What are the criteria for success? How has my role differed in this setting from my role in the probation service?

An analysis of these questions will hopefully identify the differences and common themes between the two projects and this should provide more lessons about the change agent role for the probation service.

Considering my role in the two settings there are a number of obvious differences:-

- 1 I was not known in the community setting. I was in probation.
- 2 I negotiated my own way in the community by introducing myself and talking to people - explaining my ideas. Management negotiated for me in probation.
- 3 I devised my own 'programme' as I went along, using the situation and opportunities that arose to meet people and talk over ideas. My job 'brief' was purely to establish the feasibility of a community mediation project. In probation I had a brief to 'develop mediation practice' over a two year period.
- 4 I was not tied to a research design (however flexible) - so in effect could wait to see what would happen. In probation I had a research programme and a time limit for results and write up.

5 I began working with a mix of people from very different backgrounds; local residents as well as local workers from a variety of agencies and groups. In probation they were all service employees from the same background and immersed in the same culture.

6 The project proved to be a focus for bringing different people together through interest. In probation I was working with an existing group where people have their own agendas; a project has potential to split people through disagreement and conflict of interest.

7 People's interest in the project was sufficient to indicate its relevance to them; it was relevant to each as a person first and their agency second. In probation, workers needed to see the projects relevance to the agency first before personal interest, due to it being based within their agency.

8 The community project was creating something so developing its own culture. In the probation service, mediation development was being introduced into an existing organisation with its own culture.

A comparison could be interpreted as questionable due to the different stages of the projects. For both I was given a time deadline for my involvement - but in probation it was arranged that I should withdraw, whereas in the community development, voluntary work can continue. Probation was not overly demanding of any continuation,

even though half the division suggested my role should continue; the community project is developing and growing, and all involved are committed despite their background and commitments, so the pressure for me to maintain my role is strong and personally directed.

A detailed examination of my role as a change agent in relation to the two settings will indicate the potential future for such a role and indicate areas of importance.

Dealing with the contrasting points in turn:

1 Previous knowledge

As I was known in probation, peoples feelings of comfort and security with me depended on a mixture of previous knowledge, reputation and ongoing contact. There would have been predetermined ideas about what I was going to do and how and what results I would be expecting/aiming for. To some extent, officers may not have listened sufficiently closely to explanations, as they knew me - and they were certainly less likely to read material when they could ask me personally. In the community setting I was not known, people had to judge me on first impressions and through increasing contact. For those interested it was more important for them to ask me questions and to read material to learn more. This makes for more initial awareness about the potential project - and provides choice about whether to become involved or not. This neatly leads to the next point:

2 Self-negotiation

My position in probation was arranged for me and the amount of discussion and choice was limited. This was not a point of contention in the division - but a more drawn out period of negotiation may have inspired more commitment to the development, and created awareness of the need for management support. In the community setting I had to negotiate my own way - which felt more comfortable - one of the features essential for a change agent role, particularly as the stress of a 'marginal' or 'boundary' position is a constantly present feature which is irritated by any lack of comfort (Nevis 1987).

3 Programme brief

Within the community setting, the simpler job brief of assessing feasibility seemed more achievable, so it was inspiring to push the development on. It was very much an ad hoc role (McLean et al 1982), responding to the situation in hand. Whereas in probation, even though my role and approach were similar, I was constantly aware of the time limit and the need to complete research which pressured my intervention. I was also aware of the pressures and agency demands on officers having been in that position myself; this depth of awareness did not extend to other agencies and residents.

4 Research

Due to the research element in my probation work, my contact with officers was restricted. I thus had insuf-

ficient 'presence' (Nevis 1987 ch.4), and did not share enough of my findings and observations as I went along. My data also exposed more problems in terms of the organisation than I had envisaged; these confused me in terms of how to progress. Within the community, the project became a shared development, so all stages were explored and negotiated within the group. I also had no commitment to spend time away researching its progress. This is not saying that the research element is not important - it is, but ideally should be an aspect that is co-worked.

5 Mixed group

Through working with a mixed group within the community, it became a shared development of skills, with local residents and professionals learning at different levels. Within probation, there was a certain amount of professional expectation that they already had skills to develop mediation, thus few joint workshops were run (or attended). It seemed easier to look at ideas with a group from a mixed organisational background, where they were learning and questioning each others perceptions and expectations, than in an organisation like the probation service where workers have similar perceptions and expectations of what they should be doing.

6 Project focus

Through working with an existing group in probation, I was confronting their already established work and agency agendas; they were a 'captive audience'. Whereas in the community setting, the project provided a focus which drew

people with similar interests and ideals - hence starting a new group with its own developing culture. This makes commitment much stronger.

7 Relevance

Within the community, people had to see some relevance for developing the project to become involved. For most of them, the relevance was fundamental, as it related to their lives and the community where they lived and worked, thus ensuring a strong driving force (Lewin 1951). In the probation setting, officers already had confused ideas about what they should be doing and what was relevant to their job, which for many proved an insurmountable dilemma.

8 Culture

The probation service has its own culture, and to introduce anything that does not immediately fit into a pre-existing system is a long and difficult process. There are issues of ambivalence and resistance to confront - as explained by Nevis (1987) chapters 3 and 8. Within the community, as the project development was new, there was no existing culture, and although people bring elements of their membership of other cultures - there is a creative element in the development of the groups own culture and identity. Although there may be problems later on, the early stages of a new development are easier and more comfortable than working with an existing group.

Thus it appears that the community project proved an easier and more comfortable development - primarily

because of the involvement and commitment of others, but also because a new culture was being formed. Perhaps I had a need to move into this type of setting due to the stress I experienced through marginality within probation. It was also a way of 'proving' the ideas in another setting, where I could avoid confronting organisational problems. The probation service as an organisation, tends to keep projects marginal as there is no mechanism for integration, hence workers are pushed to look elsewhere, or to move out, in order to continue the development of many innovations or projects. This has been a feature throughout the history of South Yorkshire - and will continue unless there are fundamental organisational and cultural changes.

The issues to confront from this analysis are therefore:

- 1 It seems important to initially consider how well an internal consultant is known and in what ways - particularly those that may colour acceptance and interest.
- 2 It is important to spend more time in initial negotiation of project development to ensure maximum interest, energy and enthusiasm. This may result in questioning whether to continue a project if interest is lacking.
- 3 A strict time limit and an appearance of the need for certain results is inhibiting. Continual assessment and readjustment of the project in the light of

- progress is easier to work with, and more progressive.
- 4 It would appear to be important to have more than one consultant-worker, not only for support and feedback, but to allow some separation of tasks such as research and consultancy.
 - 5 For new ideas to be considered as a matter of course, in order to incorporate change, changes in perception and attitudes are necessary within the organisation. This may be helped by the introduction of other people to the service - whether as students or consultants; people from other backgrounds challenge existing assumptions, provoke questions, and make changes in direction appear easier as they are not tied by the agency culture.
 - 6 Multidisciplinary projects that cross boundaries and encourage a mix of view points and ideas, would encourage a developing and forward looking organisation.
 - 7 Before any project is instituted, its relevance to the service has to be established and support and ongoing developmental systems set in process.
 - 8 Before any developmental work is undertaken that may involve any degree of change, the organisational culture has to be understood and perhaps worked with, in order to effect culture or attitude change before the development can be considered.

These eight points have been recurring themes throughout my research.

CONCLUSION

"...the effectiveness of (the Probation Service) depends largely upon the combined skills, knowledge, commitment, energy, and creativity both of its professional and non-social work trained staff...staff who feel valued, supported, encouraged and held to account are more likely to be effective than staff who do not. Staff morale is, therefore, of the essence in good management; central to the development of such a climate and the encouragement of both individual and collective potential, are the provisions of relevant training and staff development opportunities..."

Boswell and Worthington (1989) p.130

The successful and progressive development of an organisation is enhanced if practitioners have space and encouragement to step aside and look at what they have been doing, what others have been doing, and to critically assess and revise their practice and the service they offer. This opportunity in the Probation Service is called a luxury. I use this term as an irony, as the marginal position of projects, new ideas and developments, and the rare opportunity to be able to critically assess and follow through ideas, is a cultural feature of the service. It is a clear indicator of the lack of a developing or learning culture. The interviewing sample spoke of my role as unusual and a luxury throughout my investigation; normally, there is no time available to take an overview of probation work, due to constant demands and the reactive nature of the job. But should it be considered a luxury? Should it be considered a privilege? Should it not be an accepted part of the job, to have space to step back and evaluate, in a way that will potentially lead to a growth in understanding about the

Service, and provide new perspectives? In essence, this is an essential aspect of a service that is to grow and change. It is essential for the individual worker and for the Service as a whole. At present, the way the organisation is managed, and the way the work arrives and is distributed, assures that:

"Most people so restrict their frame of reference, or context, for the problem they are facing that little true change can occur. They get into such a routine with their work that they view virtually all problems in a similar way...consequently, when asked to change matters, they tend to operate in a confined "single loop" of learning on which they can only do "more of" or "less of " the same thing because of the given context."

Garratt (1987) p.59

Most members of my interviewing sample speak wishfully of change, in idealistic unattainable terms, while they continue with the established routine of practice. In order to effect some form of change, it is necessary to focus on changes in attitude and behaviour, and for organisational members to feel comfortable with this. It should make it possible to look upwards and outwards, in order to set the Probation Service in its wider context and to re-frame the problems of the Service. Important issues are its tendency to acquiesce or go along with outside directives, its lack of planned direction, and its need for on-going assessment and development. Re-framing is part of action learning which according to Garratt:

"allows a better allocation of energies to appropriate blockages or levers, so making significant movement possible. It is above all a way of thinking about problems in a way that transcends the routine thought processes of an organisation".

Garratt (1987) p.60

As is pointed out by numerous recent articles and books, for example, Rayner (1985), Cohen (1985), Hudson (1987) and others:

"small change will not do. Large changes in ways of thinking and organisation are needed. If they do not happen, the Probation Service will no doubt, survive, even grow, but the problems of division, bad communication, sterility and confusion of values will grow with it."

Vanstone (1988) p.134

Change needs to be planned and constructively developed, not forced. How far can the probation service survive with government moves afoot to temper its ethos and values by increasing the control of probation orders, and drastically changing the form and function of the service. For more information and discussion see: Carvel (1990), Yorkshire Post (1990), White Paper HMSO (1990) and Green Paper HMSO (1990). Will old values remain, with grafted additions to satisfy the Thatcherist thinking about control and punishment? It could be argued that the Service has resisted fundamental change for so long, that fears of it changing (in whatever direction) even now are groundless. In an article in Probation Journal in 1989, Robert Harris said:

"...the Probation Service has been at more crossroads than the average long distance lorry driver encounters in a lifetime. It is now at another one".

p.57

The Audit Commission Report (1989) would agree with this:

"The Probation Service is at a watershed. The Government is setting a new course for the Criminal Justice System..."

p.67

I would also agree although not necessarily in the way it is meant. I see the Probation Service as having reached

many possible changes of direction in terms of ideology and practice aims - but although it may have wavered - it has accepted imposed changes - such as the Community Service order - with a growth in resources but 'secured at a cost to the values of the service', (Roberts NAPO 1984). It has also changed in size and structure, and therefore gradually in terms of culture as workers in different sections have become distanced and communication more formal.

Perhaps it is a naive statement - to suggest that my very role has been a small step towards encouraging different perspectives, particularly when the proviso is added - so long as such a position does not die with my return to 'everyday fieldwork'. Sadly, the indications are that it will.

My position, although unusual and to some extent a 'chance' development, was a role advocated by Sheldon in 1983:

"there is a possibility that in certain areas of social work, we could see the emergence of the practitioner researcher or the evaluation orientated team: people who contribute to the literature specific information and potentially reliable results drawn from their own practical experience, people who are more than just passive consumers of other people's theories".

Sheldon (1983) p.224

This would have to be part of an on-going, integrated, action learning perspective that would gradually become part of the accepted daily work of the Service and no longer a "luxury".

For myself, one of the most outstanding features of my work over the past three years, is my awareness that only now, at its conclusion, am I really equipped to attempt working as an effective change agent. To have been immersed within the organisation may well have been of greater help to practice development and my colleagues, but would have hindered the time and ability for objective research. To have stepped further back at the beginning to achieve the wider perspective I now have, would have estranged me further from the organisation at a time when divisional changes were afoot; to achieve any credibility I needed to be a part of those problems and upsets. To some extent to help people deal with the unfinished situation, but also in gestalt terms, to stay with them through difficulty, (Nevis 1987). I have also been conducting this research at a time which now appears critical - due to threatened Government changes to the funding, management and tasks of the Service. My research perhaps only indicates to those in my sample how vulnerable the Service is as a caring agency, working in a system that seems increasingly to be primarily concerned about control and punishment. With such major issues around, it may appear another naivety to be considering mediation and conciliation - but I would argue that a different perspective and understanding of probation work is needed, to be able to confront threatened changes. It is in times of crisis that it is essential to hold onto essential values that are under attack. Mediation provides this challenge and keeps the human and personal element in focus.

My research has therefore focussed not only on mediation - even though the impetus for the project was to assess and develop interest in the concept of mediation; crucial external and organisational features became evident, as did the existence of underlying agendas when I analysed my hopes for results. Agendas due to awareness of the political climate, as well as personal beliefs and hopes. Such agendas were mentioned in Chapter 1, particularly where the original project application was discussed and where hopes for finding new ways of working were mentioned. They have continued to be an underlying theme for myself, as I have needed to be constantly aware of the emotional content of attempting to effect change and the bias this can create in data interpretation and write up. Help from my academic supervisor has been crucial to counteract this. So from one angle, my motivation was spurred by the idealistic vision of "change and new directions" for the Probation Service: a theme very popular particularly in the mid 70's to early 80's which was the time when I began work, see for example Walker and Beaumont (1981). It is also a popular theme today - although tinged with a different ethos. Looking back, in the short term I was bound to fail, but in the long term results do wait to be seen; although I believe that my interventions and particularly my recorded observations and analyses will provide valuable insights, information and organisational data for future use in developing the organisation, and for consultants working with the Service.

To some extent I can wonder, "why was I allowed to do it?" - certainly other maingrade workers ask this constantly. Several answer their own question, believing it to be in the line of "kudos", and a continuation of the reputation of South Yorkshire being a progressive service with a Special Project input. Or they believe it is the residue of a previous benevolent attitude allowing workers space to develop their own quirks or interests, so long as it does not affect the everyday commitments of themselves and others; a form of hobbyism as mentioned in the Audit Commission Report (1989) p.59. Whatever the reasons, the problems associated with my research have been fundamental. They can be considered under two broad headings:

- 1 The way the Project was set up
- 2 The influence of organisational factors

THE PROJECT SET UP

The research project was set up with myself as the only worker, to act as consultant, to disseminate information and to inspire interest, as well as to research my position, the impact of the ideas and of my role. Considering the essential elements for successful consultancy, the gaps are quickly apparent. The essential elements include: initial contact, acceptance, the wish for change, action planning and time scale, support features, evaluation, resources and maintenance features; these will be considered in turn:-

- 1 I had few problems with initial contact and relationships with the South Division as I was known by some, and, (so I was told) have a reputation as a hard worker who is "alright"! Others quickly picked up on this, as indicated by many informal conversations. Hence my entry to the Division in relationship terms was relatively smooth.
- 2 In contrast, my practical acceptance by management was not in evidence and I did not have an office or personal telephone extension, features which did not help my personal well-being, or inspire confidence in others.
- 3 Part of my research considered whether individuals and the Service wished to change; a wish to change makes an organisation more receptive to ideas. This did not imply the concept of mediation as being the 'right answer', the space was built-in for discussion of other potential new directions, although there were few suggestions. Despite a stated wish for change by individuals, the organisational culture and the indoctrination of officers through their training and subsequent experience, appeared as key points and inhibitors of change. A number of probation officers discussed their readiness to change on a personal level, but the "hindering forces" (Lewin 1951), was such to make any implementation of ideas short-lived so in the long term, ineffective (Porras 1987).
- 4 My action planning was sufficient in terms of consultancy work and interview schedules and my goals sufficiently wide and realistic; but

- 5 The implementation of my role as change agent was attempted over too short a period; change is a 'slow and painful process' (Mintzberg 1983).
- 6 There were no maintenance features set up or co-ordinated to provide on-going support, at an inter-personal and organisational-political level. This perhaps reflects my failure to influence, co-ordinate or insist upon support, (apart from verbal discussion), at a higher level in the organisation. Perhaps this was due to a strong atmosphere that it was "down to me"; I had to prove that I could be effective, or that the issues were worthy, before maintenance and longer term commitments would be forthcoming. Yet in retrospect they needed to be built-in from the start.
- 7 The on-going evaluation has proved very thorough and should be valuable for future work and projects, but my dual role created conflict, as in order to analyse my data, maintain a literature search and write up the research, I had to withdraw from regular and daily contact with colleagues. This meant I did not spend as much time as possible in the Division, as I withdrew at a time pre-determined by the two year length of project, and a need to initiate another project and complete my write-up within a year. Projects and consultancy cannot be determined in such a pre-structured way.
- 8 Hence I gave insufficient time to working with people and withdrew at a stage when there were inadequate

internal resources both technical and emotional, in order to maintain the work that I had built up. No-one else took on any responsibility for what I was doing even though I informed managers, it was left up to me to pursue all additional work. Perhaps I could not escape from my role as a main grade worker, and therefore suggested and waited for resources to happen and did not push. I was also too aware of and close to other service problems to be able to prioritise my own; I had no contract as a consultant.

9 Because of my position as a maingrade worker and also through constant reminders of pressure, resources and time limits, I felt I had no position to rectify the time scale, so I stopped contact at the pre-determined time. The consequences were that support groups, discussion meetings and so on, all slowly faded after I had left. It may well be painful to look at what went wrong, but this is essential. It meant that I did not build up a structure of resources and social support as I went along, I made suggestions but no more. It perhaps indicates that I am indoctrinated into the 'right way' to do things in the Service, so I did not push above the accepted communication and resource application procedures.

Consequently, feelings about the Probation Service needing to change and find a new direction are still uppermost, but the continuing marginal nature of mediation, similar to community development ideas, are seen by many col-

leagues as indicating their inappropriateness for the Probation Service. Along with several others in the Division, I believe that these ideas confront many of the values and established organisational cultural features of the Service, so they would be disruptive and prove uncomfortable if adopted in the short term, except in a very piecemeal way. Over a longer and more sustained period of work, changes may have been gradually achievable. In contrast, the community mediation project developed outside the organisation, has taken on the ideas in less than a year; a group of community members are working successfully with a local multi-disciplinary team of professionals. Here, the focus is on the newly-formed group where initially there are no organisational constraints, as the group is building its own culture as it had no life beforehand.

ORGANISATIONAL FACTORS

Some have already been touched on, as they inevitably overlap with the project set up although they say a lot more about the service culture, and how that dictates how projects are received. These include: the existence and mobilisation of organisational resources; the confusion the probation service has over its identity; leading to, (certainly in Sheffield), a confusion over the relevance and appropriateness of tasks and themes that are not part of conventional practice; a general and natural resistance to change; and a preciousness about the maingrade workers autonomy.

The organisation appeared to have inadequate resources to set the project up successfully at the start, in terms of physical space, equipment and manpower. I say 'appeared to' - as it was perhaps a lack of foresight, planning or even commitment, which resulted in the project appearing to be marginal. Where projects remain marginal, it ensures that the day to day commitments remain in the forefront. The service is maintained and characterised by individual workers supervising individual offenders with a commonality of task and purpose, that exists through an understanding and acceptance of the nature of the work, rather than any planned organisational structure and identity. The present time appears crucial for the service, as there are changes being pushed by the government with which many probation officers feel uncomfortable (Dixon 1990).

So, the organisation through the experience of my sample, being unsure of its present identity and position in relation to the Government, seems unable to cope with any challenge to its culture and work methods. The Sheffield Service appears to prefer to keep a low profile for fear of directives being forced upon it as a reaction to any signs of assertion. This outlook is apparent from senior levels upwards, but not overtly from main grade workers, who say they would welcome a change in practice, (although not those suggested by the Government), but qualify their inaction as being due to inadequate guidance, support and resources. Within this context, the questions I posed

were threatening to the organisation, as however much workers may welcome questions, it does rock safety, security, and comfort, which people want however much they are dissatisfied with the present system, (Merry and Brown 1987). Coupled with the fear of change is the desire for maintenance of the status quo. Probation officers develop their own working practice and systems for coping, and a feature of a professional service is that of autonomy, which is very precious to all workers (Mintzberg 1979). To start contemplating organisational change for just the Sheffield Service is itself, as one Probation Officer put it, 'a mind boggler!'; but to progress to consider the ramifications outside, when the Service has outside controllers with their own agendas, i.e. the Government and Home Office, and is but one unit within England and Wales - is unthinkable.

This thesis does not have the space to pursue the consideration of change except in the small scale, and it should be noted again that my sample was only one of two divisions in the Sheffield service.

So to summarise, interpersonal factors and my relationship with those I was working with did not present anxiety and ambiguity, as workers felt they knew me - that I was not there to force change or to take away control. Yet there was anxiety and ambiguity present in my colleagues and in myself about the situation. These issues related more to the organisation. Questions posed by many of my sample were:-

Where is the evidence of managerial interest and support?

Where is the back-up and resources?

How do we change things when we have insufficient power?

How do we overcome the lack of trust between main grade and management?

How do we summon up enthusiasm for work changes that are attached to a sense of hopelessness?

Are there ulterior motives for management allowing the research?

How can we contemplate our own ideas when the Government seems set to impose institutional and controlling changes?

Such problems appear fundamental when stated so explicitly, but in reality they are difficult to see when the observer is part of the organisation. Taking an overview of the Sheffield service from my position as researcher, I can see the problems of differing but uncoordinated and often unshared perspectives about the service and its work. Together with the threat of imposed changes, there is an atmosphere of depression and despondency; where there is little trust and motives are questioned, actions and behaviour are often misinterpreted - yet there is no energy to challenge or develop anything, so there is limited coordination or sharing of ideas.

Differing perspectives and the coordination of ideas

Within the division, anxieties and questions that were around in relation to myself - my ethical commitment and

underlying ideology to probation work - I could allay through discussion and my presence, hence early acceptance of my role was achievable in a personal sense. But I could not allay anxieties about the organisation and about the commitment of management to my role and the ideas of mediation, partly because I felt them myself; I felt insecure in my role as a change agent in the small scale, and felt insecure because of the threatened position of the Service in the larger scale political environment. In retrospect I know I communicated this to others - often unconsciously. The advantage of being a maingrade probation officer within the Sheffield organisation, meant I could interact with other probation officers and we spoke the same language. (Due to my similar indoctrination into the service culture as well as outlook and experience, as discussed in Chapter 14.) But with management I was at a disadvantage as our constructs of reality differed: as expressed by Roberts (NAPO 1984):

"We cannot I think assume that the perspectives and concerns of managers and practitioners are united and identical. We are exposed to different levels of demand ...and we have different primary accountabilities... tensions exist...in some measure between practitioners and managers..."

p.13

Through experience I talk the language of a main grade worker, (also researcher), and not that of a manager. Although managers have been main grade practitioners, it has already been noted that they appear to forget their experience and knowledge of casework pressure and demands, or maybe become intolerant or dismissive towards them.

Perhaps it is an inability to mix the two job perspectives, as concerns change with promotion; this was seen with the divisional senior mentioned earlier, who found he was drawn into administration and related tasks located 'on the edge of the practitioners world' (Vanstone 1988) p.133. This means that work concerns are different, hence making it appear harder to discuss issues meaningfully - as well as the practicality of communication, which generally:

"takes place through third parties and up and down the hierarchy, thus making a meeting of minds or mutual respect and understanding not impossible but certainly more difficult."

Vanstone (1988) p.131

Additionally, the main grade are not policy decision makers, and are not expected to be practically concerned over such areas. My research questions whether this is an appropriate position; although whether or not this is accepted, my standpoint remains that of a fieldwork probation officer and maingrade researcher, and this is how I was seen by my sample.

Despite views of my being in a maingrade position, and lacking influence and power as a change agent and short-term consultant, I was temporarily in a different position and able to see, retrospectively, the potential for such a role. Through a consideration of my role and how it developed over the period of research, I have been able to identify seven themes or qualities necessary to work as a successful consultant. These are, an ability to operate within the organisation, an understanding of the change

process, an awareness of the organisational culture, its state of development and its adaptability, the need to identify and enlist the help of key leverage groups and people, and awareness of the political viability of the intervention. I will now consider each of these in turn and analyse them in relation to myself:

Firstly, it is necessary to be able to understand and operate within the context of the organisation and its political processes. This implies a need to understand the organisation, how it has developed, and the context in which it is based. Through having 'time out' of mainstream practice, I was able to do this, but due to my permanent organisational position i.e. as a main grade probation officer, I was bounded and constricted by the organisation. My own perspective of the appropriate position and behaviour of a main grade worker affected this. Particularly, an awareness of the advantages and disadvantages of autonomous work with the interdependency created by the demands of the criminal justice system.

Secondly, it is necessary to take account of the process of change. To disseminate and incorporate ideas and new work methods, the process is gradual and cumulative, so better results are achieved using an action perspective where account is taken of how the individual understands their situation, in contrast to a systems approach where the observation and direction is conducted from outside, without personal inter-action. My approach was an action one, but I was enmeshed in the same understanding of the

probation situation as most of my interviewees. The Division needed commitment to the proposed changes, which to some extent was there, but both the divisional members and myself felt that change was not possible in the limited time and due to organisational and managerial constraints. The constant questions were, who are the clients of the service? and is it our role to be concerned with victims? Up to a point, I trusted my expertise as a mediator in the casework setting, but not when it came to affecting the Service. I was too aware of the co-ordinating and controlling systems already present, and during my research I became very aware of the constraints of the organisational culture, patterns of management, communication, and decision-making.

Thirdly, a need to be aware of the shared patterns of behaviour, attitudes and expectations of workers i.e. the organisational culture. Not only was I aware of this as mentioned above, but was part of it and thus needed to be able to distance myself in order to interpret some of the salient features. This proved an area where help and advice from my academic supervisor was essential as awareness of myself as a 'conditioned' probation officer was a constant battle. My strong feelings about the direction the probation service should be taking had to be acknowledged and held in check.

Fourthly, a need to be aware of the organisational state, (i.e. fairly rigid) having been developed from a simple

form of bureaucracy developing towards a professional bureaucracy, but with outside control. The Service works in a diverse and unstable environment which creates further problems, as the Service itself lacks a coherently expressed justification for its sense of self. As noted by Kennedy (1989). These features are ones I became aware of during my research, and the knowledge has better equipped me for future work due to a gradual growth in understanding. But I lacked this knowledge in any depth at the start of my research.

Fifthly, a need to assess the Service's ability to adapt to change. This was another feature I was not aware of until doing my research, I then became aware of the impact of new ideas, not only on the Service's methods of working, but on the structure and communication patterns, and organisational processes. Becoming aware of these patterns through confronting them by suggesting a different approach to work, meant that the need for fundamental organisational changes gradually became explicit. For example, changes in the balance of interest groups within the Service, and the differing aims and ideals between management and main grade and between local and central policy makers.

Sixthly, a need to identify key leverage points for change, for example key interest groups and personnel. The main people I was working with were main grade officers who alone lack any real leverage for long-term change. More of an emphasis should have been put on joint

working, and working with the management group. This needed identification and negotiation at the very start, and to be an inbuilt feature.

Finally, a need to assess whether the intervention is politically viable. The growing evidence is that this is questionable, due to the insecurity of the organisation, particularly in view of proposed Government changes in terms of funding, control, management and tasks - as expressed in the Green Paper (1988), Hodges (1989), White Paper HMSO (1990), Green Paper HMSO (1990), Hodges (1990), Carvel (1990) and Cohen (1990). Not only is the viability of mediation questioned, but the responsibility for victims is an area of work that is under debate. Although such considerations are seen as politically sound, it is the division of tasks and responsibilities that are being debated, together with costs, and location within the public or private sector. Mediation within criminal justice has added a further angle to the debate.

Retrospectively I can now see that when I started my consultancy role, one of the major problems and key points of my research was not so much the vagueness of objectives, resources and expectations, but more their implied dependency on my achievement of results. The irony is that the results management wanted to see before they would commit themselves, could not be forthcoming without workers perceiving their commitment. A chicken and egg problem that has become explicit in retrospect. With

2

resources, and overt management support, more probation officers would have had confidence to attempt mediation practice; and they say they would have felt secure to develop the ideas further.

The diagnostic aims of assessing the acceptance and importance of mediation practice were too complex and long-term in relation to the imposed time scale. This meant planning had to be structured in relation to the time available and not in terms of the assessed needs for action and effective intervention. Over a short time scale, feedback is inevitably inadequate, as handouts, notes, results etc. are not read, meetings may be attended by a good number but not consistently, as ordinary work is seen as a priority until project ideas are accepted as part of everyday practice. Unrealistic goals, in terms of the time scale, also did not take account of my understanding of the concept of mediation, which had been developed over a three year period as a specialist worker. My colleagues had a period of two years with myself working with them as a consultant and adviser; but throughout that period, their time was taken up with having to contend with their daily commitments as well. It suggests that I was in a position to look at medium and long-term goals for change, as I was away from practice and had thinking space, but this could not be actively shared, as colleagues I worked with were tied up with day to day pressures, so they found it hard to look further than the end of the week. My evaluation showing the low level or lack of resources for continuation of the

project, inspired the concern of colleagues, as many had experienced or observed other projects dissolve through the same lack of resources. Yet it was not seen as crucial, as daily work continues as usual. An in-built safeguard to this was necessary; a phased withdrawal, with the development of on-going resources of manpower, time, education or training, as well as emotional and organisational support. It appeared to my colleagues that the organisation (and they mean management), was more interested in achieving results without effort, than in my role as a consultant and how they can build and develop from this experience. This seems two-faced, as without effective consultancy and organisational commitment, no research will achieve credible results.

To improve the effectiveness of the Probation Service, as well as to develop and sustain a consensual ideology, the development hinges upon good communication, flexibility, creativity and genuine psychological commitment. Schein (1980) suggests that these can be obtained by...

- 1 recruitment, selection and socialisation practices that stimulate rather than demean people;
- 2 more realistic psychological relationships based on a more realistic psychological contract and the recognition of developmental changes in people;
- 3 more effective group action;
- 4 perpetual re-design of organisational structure;

5 better leadership in terms of the activities of goal-setting and value definition.

And he concludes:

"... open systems work better if their members are in good communication with each other, are committed, and are creative and flexible."

p.252

This also includes the need for communication to aid the development and maintenance of trust and understanding between management and main grade workers, particularly due to the present political climate. As the Probation Service is under threat, there is all the more reason for the Service to develop a co-ordinated approach and a positive strategy towards its own future. Appendix 12 contains an overview of results and some personal but by no means definitive recommendations.

We shall not cease from exploration
And the end of all our exploring
Will be to arrive where we started
And know the place for the first time.

T S Eliot "Little Gidding" Four Quartets (1943)

APPENDIX 1

MEDIATION & REPARATION PROJECT:

GENERAL RESEARCH RESULTS

Mediation can be defined as:

a process for moving towards the potential resolution of conflicts or disputes by "... the introduction of a third party who intervenes ... from a position of at least apparent neutrality, with the purpose of helping the disputants towards an agreed outcome."

Roberts (1983) p.3

In the project we developed our practice as individual counselling with victim(s) and offender(s), which led to a joint meeting if both parties so wished. We found that when people met, during the meeting there tended to be an exchange of views, experiences and feelings - leading to an exchange of positions, apology and perhaps forgiveness, or at least some form of understanding. Rarely was any practical agreement made or even wished for. Project work thus focussed on the task or process of counselling and mediation, and not the achievement of any foreplanned result. Through practical experience, the simple aims of our work became: (1), the hope that victim and offender would gain a degree of understanding and compassion towards each other and about the event, and that this may prove cathartic; and (2), that the experience would provide people with 'tools' or insight to enable them to resolve conflict issues themselves, within their own lives.

Using these aims, the project proved successful and this was substantiated through both qualitative and quantitative results:

Qualitative results included:

1. Feedback from external research
2. Feedback from colleagues
3. Feedback from 'clients' - victims and offenders

For example: some memorable comments from two offenders:

'That's the first time I've apologised for anything - and it's made me feel OK!'

'I never meant to hurt anyone and didn't think anyone would be afraid, I thought I was a nice burglar!'

From two victims:

'It's good to know someone cares and can be bothered to apologise'

'It's such a relief to know you're a nice, normal guy'.

Quantitative results:

75% of victims accepted a direct or indirect apology from their offender

50% of situations resulted in a face to face meeting.

Those who met were generally positive about the meeting.

Victims reasons were:

curiosity about the offender; concern to help; wish to express their feelings; a need to 'resolve' or finish the situation.

Offenders reasons were:

they found it helpful as it made them think - one commented: it was 'nerve wracking and worse than courts'; hearing of the victims suffering and experience made them re-assess their behaviour; they saw it as a 'good thing' to do - to apologise and try to 'make up' - it helped them feel better; some did hope for a reduction of sentence but this reason reduced in importance after a successful meeting - the meeting, generally proved to be of value in itself.

Only a few victims and offenders said they felt pressured into the meeting or felt indifferent to the process. Only one meeting caused some distress where the victim felt the offender was insincere. Generally, there was a high degree of agreement between victims and offenders views:

"Offenders found it helpful and were satisfied in the same cases or types of case as did victims, and cynicism or indifference were similarly mutual feelings."

Smith et al (1985) p.137

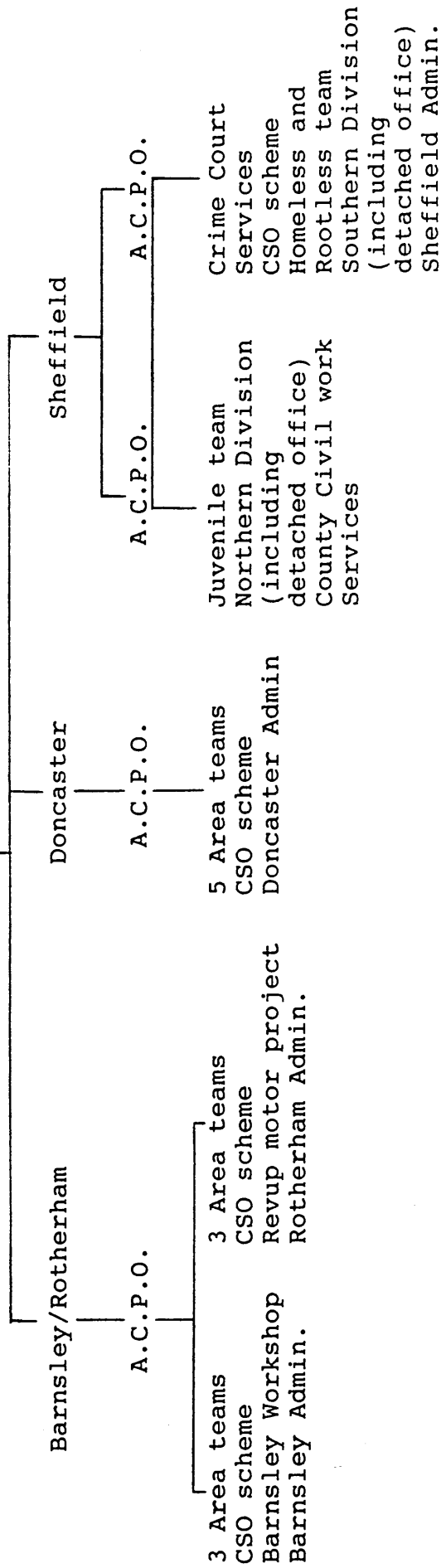
Considering the views of the probation teams that the project was attached to, the researchers found that the probation officers felt the project to be more 'the property' of the three project workers than a joint development:

"Officers were, on the whole, interested and supportive but, with one exception, uncertain about what mediation would entail for them in terms of acquiring new skills and styles of work. They tended to be sceptical about the feasibility of making mediation a routine part of probation practice; they felt they would have no time to do it unless some other aspect of their work were reduced. The scepticism and uncertainty of these officers contrasted sharply with the enthusiasm and clarity with which the project officers themselves spoke about their work."

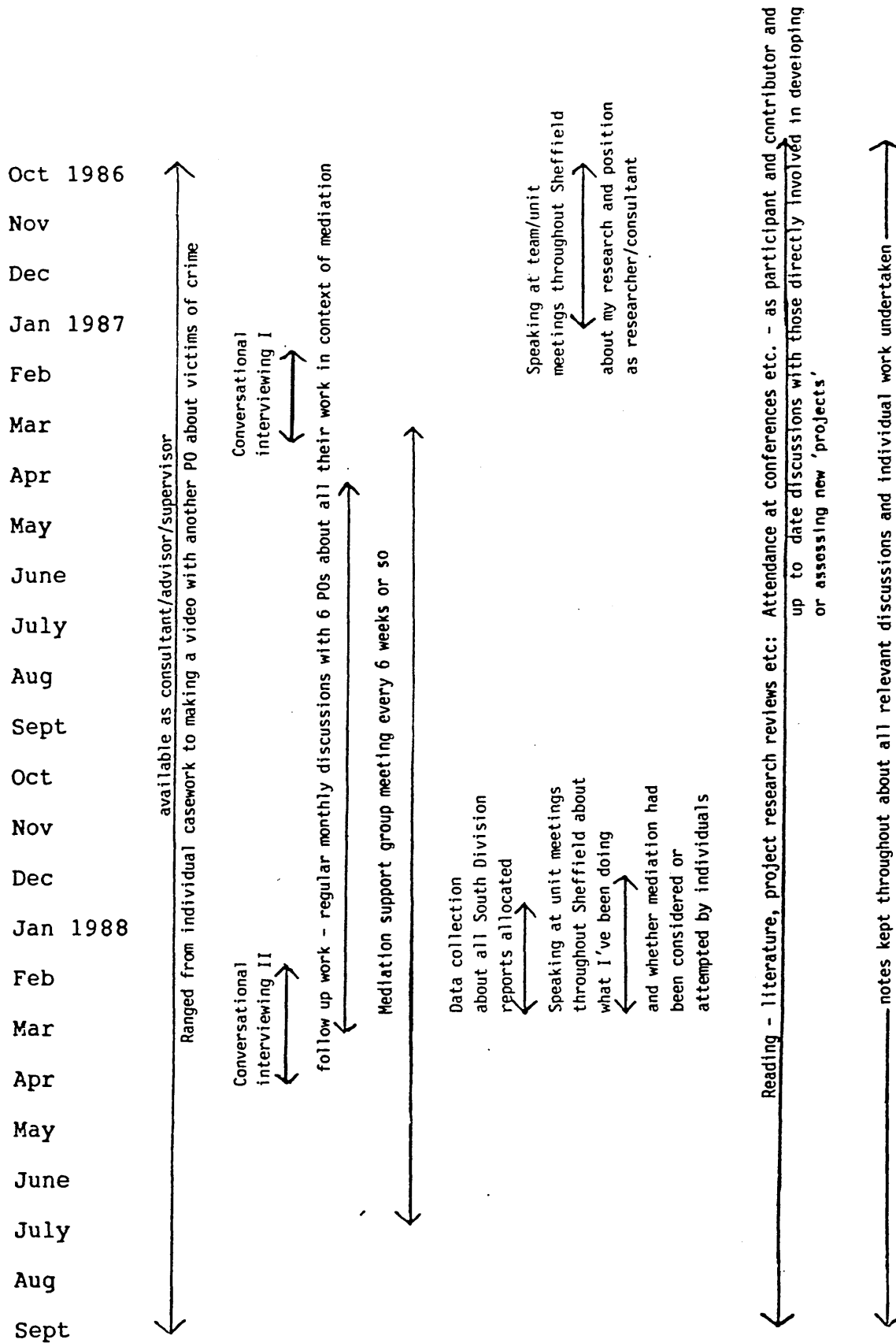
Smith et al (1985) p.138

COUNTY HEADQUARTERS

Chief Probation Officer	Deputy Chief P.O. (Resources and Administration) Treasurer	Staff responsible for Finance, Personnel, Premises, Supplies
	Deputy Chief P.O. (Client Services)	Assistant Chief P.O. (Hostels, Constellation, Staff development and training).
		Research Unit and Statistics



TIMETABLE OF DATA COLLECTION



APPENDIX 4

GUIDELINE QUESTIONNAIRE I

When did you begin work as a Probation Officer?

Where did you train - what was the main thrust of the course?

What previous experience had you had - in social work?
in non-social work?

What ideals/ideas did you come to probation with?

Did you have aims in your job, hopes/fears in working with clients/colleagues?

How has your job worked out?

What is your work now?

How do you work - jointly/individually?

- regular supervision?

Have you changed in any way - ideals/work aims?

- general or specific change?

Is any change due to specific influence, e.g. person/course?

What do you want from your job in the future -

do you wish for any change in practice?

are you satisfied with things as they are now?

do you have a purpose - what are your aims now?

how have they changed?

Do you get disillusioned - are you content?

Do you look for new directions - such as what?

Do you want the service to change?

- what are the constraints to change?

- what helps change?

- e.g. personal factors (time, colleagues, nervous about new client or group)?

- organisational factors (procedures, deadlines, lack of acknowledgement of certain work area)?

What do you see as the role of special projects?

Does it have any meaning for everyday fieldwork?

How else could new ideas be explored?

What do you understand by mediation?

Do you have any knowledge of mediation

- have you done any?

- spoken to others about it?

Can you suggest any beneficial aspects?

any dubious areas?

MEDIATION SURVEY

(Form devised by probation Officer 'A', for use by individual probation officers as case records for their own files).

Offence

Crime with victim(s) YES/NO

"Victimless" crime YES/NO

Mediable/Non-mediabile offence

Attitude of offender to mediation

Mediation pursued YES/NO

If not, why not (brief reasons)

(Form devised and used by myself in conjunction with the six self-selected officers, when noting details about their work and court reports).

P.O.

Date report allocated:

Court and final hearing date:

Court result:

Offender

Age:

Area lives in:

Previous convictions:

Offence(s)

Victim/Victimless

Commercial/Public/Private

Dates:

Details:

Victim details - where from?

Time spent on report:

Attitude of Offender (eg. impression of remorse)

Emphasis of report (eg problem focused?)

Mediation

Mediable/Not Mediable

Reasons:

Details of any mediation or reasons why impossible/impractical (eg time, organisation, culture, lack of interest, concern over expertise)

Form completed by myself in conjunction with Appendix 6a

MONTH END:	CASELOAD numbers	REPORTS numbers	LEAVE days	ADDITIONAL COMMITMENTS hours	WORK PRESSURE rating 1 - 5
1987 April					
May					
June					
July					
August					
Sept					
October					
November					
December					
1988 January					
February					
March					
April					

(Form sent or given to all South Division probation officers for completion on every report written during the months February and March 1988).

MEDIATION RESEARCH

Court Reports Where Guilty Plea

Date of Allocation:	PO:
Which Court:	
Charge(s) with dates and value:	Court date and result
Victimless/commercial/public/private	
Mediable?	
Offender: name age area lives number of previous court hearings knowledge of victim	
Victim: name age area lives	
Mediation: through about? Yes/No attempted? Yes/No <u>Outcome:</u> <u>Reason for trying/not trying:</u>	
Report: time taken emphasis recommendation	

(South Division formed - April 1986)

How long have you been part of/attached to the South Division?

What is your job?

Has it changed since your move to South Division?

How has the Division changed or developed since it started?

Would you like to see further changes?

If so, what?

Are you happy with your job?

Are you hoping for any changes?

Service changes - future directions - fears or delights?!

When I interviewed you before I understood you to say that mediation was (give individual definition)

Do you agree?

Do you feel differently now?

If so, why?

Has anything happened over the past year that has made you think differently, or affected your practice?

Have you tried any mediation?

(if yes) With what sort of results?
Was it worthwhile? To whom? and why?

(if no) Why not?

Do you think mediation practice has a future?
..... in the Probation Service?

Can you expand?

Has my presence in the Division made you think of mediation?

Has my presence had any other effects?

Have you seen any evidence of management/organisational interest in mediation?

How do you think management have seen by job/role?

Have you any thoughts on the further development of mediation?

Have you any thoughts you would like to share about what I am doing?

- 9.20 am Arrived untypically late to the office having struggled to find car park space near building.
- 9.25 am Spoke to Community Service Officer about a client who is about to be breached.
- 9.30am Greeted colleagues. Brief discussion about a report.
- 9.35 am Went into allocation meeting. Reports and cases allocated - only one to me - a young woman convicted of soliciting for the umpteenth time. Raised concerns about newly appointed senior manager and his comments about job-share.
- 9.50 am Walked to Court building. Took reports and moved car.
- 10.05am Back to office. Client reporting - had to wait whilst I took a telephone call from ex-client. Wanted advice about threatening letters from old boyfriend of his co-habitee. Advice given and client calmed down.
- 10.10 am Client into office. Discussed home situation, efforts to find work, sussed out who he's mixing with at the moment - this is a young lad convicted of robbery against an elderly man. Now returned home and on young offender licence. We practised making telephone calls for interviews and arranged an appointment with NACRO employment training.
- Whilst I was with him, several interruptions - telephone calls from Apex Employment Trust, Leeds Prison, SPO, one notifying of pending arrival of new probation client and an unknown woman.
- 10.45 am Client left. Community Service Officer came to see me about bills for renovation work on community centre we are using.
- 10.50 am Phone call from a friend of one of my clients. Latter arrested last night, her two children aged two and a half and six months found their way to the friend via alcoholic father; she can't look after them anymore and police have told her my client will be kept in custody.

11.00 am Rang police who confirmed my client is facing serious charges and police opposing bail. Police didn't know anything about children. Asked that my concerns about children should be noted.

11.10 am Rang solicitor. No-one knew anything about this. Requested that someone contact me as soon as possible.

11.15 am Rang Family and Community Services to advise there may be a need for temporary care place. No duty officer or principal officer available. Message left.

11.20 am Rang my client's friend who confirmed she will look after the children until 4.30 pm. Checked with our Registry. She is not known to us.

11.25 am (ish) Realised that client due in re civil matter has not arrived.

11.30 am onwards

- 1) Rang Leeds Prison re complaints made by a potential lifer last week and queries about entitlement to air-mail letters. No-one was available. Message left.
- 2) Rang APEX Trust re help for clients on employment training to do lessons. No joy from local office. Message left.
- 3) Rang local psychiatric hospital family therapy unit regarding help with a particularly difficult case. No-one available. Message left.

11.40 am Started to sign letters - letters of appointment, letter to housing department, letters in support of application to the Social Fund, letter of thanks to theatre for provision of free tickets for group, letter to day nursery in support of application for day nursery place for at risk child. Letter to volunteer to arrange a supervision session - all left over from previous work day. Interrupted by phone call from a person on whom I was preparing a social enquiry report, asking if he could change the time of his appointment. I refused. Then interrupted by the office's employment and occupations worker wanting me to confirm arrangements for a horse-riding and a drivers training session for members of an alcohol support group. Discussed briefly. Also discussed a referral for assistance with

sporting activities for a client on probation.

11.50 am Message to advise that my next client had arrived (early!!!). Finished signing letters. Went upstairs to admin section to photocopy articles, to obtain money from Missionary Fund and to pay in cheque from NACRO for clients educational expense.

12 noon Commenced interview with client on probation. Alcoholic, now in dry house. Reviewed progress towards future accommodation plans. Looked at his most serious offences from the victims point of view.

12.45 pm No interruptions!!!

- 1) Rang housing department re application for re-housing for a client on probation. Housing office confirmed that a visit is to be made Wednesday.
- 2) Rang F & CS. No duty officer available. Left urgent message again re court case this afternoon.
- 3) Booked prison visit for next week.

12.55 pm Left building for lunch. Had sandwich in pub. Discussed recent union meeting and help to an isolated client re decorating.

1.40 pm Returned to building.

1.50 pm Message from solicitor to meet him at court at 2.30 pm. Rang F & CS. Arranged for fostering officer to find temporary places for children of woman appearing in court this afternoon. Returned call to Senior Probation Officer from this morning - presumably regarding race issues meeting. Not available - message left. Rang police about another matter.

2.05 pm Telephone call from Day Centre staff. One of my disturbed clients needs to be seen.

2.10 pm Rushed around trying to arrange duty cover whilst I was at court, SPO agreed.

2.13 pm To Day Centre. Spoke briefly with above client. Problem about accommodation but it can wait until tomorrow.

2.30 pm Spoke to colleagues at court. Spoke to police officers. Waited for solicitor.

Interviewed client in cells and got details about possible alternative arrangements for children. Waited more for solicitor who didn't appear. Read through a file.

- 3.00 pm Left message with Court Duty Officer. Returned to main building.
- 3.10 pm Took telephone message from NSPCC about arrangement for possible joint visit in child abuse case. Checked whereabouts of a prisoner I am due to see next week.
- 3.15 pm Duty caller. Male probationer with benefit problems. Rang DSS and tentatively agreed a loan to him before locating his own probation officer.
- 3.25 pm Telephone call from Court Duty Officer - please come urgently.
- 3.30 pm Arranged duty cover.
- 3.34 pm Back to court. Discussed bail application with defence solicitors. Sat in Court through numerous other cases. Our case kept getting deferred. Wrote appointment letters while waiting.
- 4.00 pm Rang officer. Case just going ahead. Chaos in court as defendant very angry about the allegations and upset about involvement of Social Service.
- 4.40 pm Case ended with bail granted. Made arrangements with my client to go and collect children and get photographs of injuries she received in the alleged affray.
- 4.45 pm Returned to office
- 1) Telephone call to F & CS re outcome of case
 - 2) Took duty call from a parent enquiring about prison visiting - information given
 - 3) Responded to message from local authority mens hostel expressing concern about one of my clients behaviour - discussed with worker concerned and agreed to follow up with specialist housing project to which he has already been referred.
 - 4) Responded to telephone call from colleague at sub office who wants to refer a parolee to the alcohol group. Discussed.

- 5) Passed on information to a colleague re above.
- 5.15 pm Made three cups of tea. Interviewed client and his girlfriend for a social enquiry report, on burglary, two criminal damage and assault matters. Tentatively agreed I would attempt to recommend a Probation Order with a condition of hostel residence. Rang hostel about this whilst client in office.
- 6.00 pm Rang police station to re-negotiate bail reporting time.
- 6.40 pm Client left office. Rang student who wants to do placement in January, to make arrangements to meet.
- 6.50 pm Having waited for parolee twenty minutes after allocated time I decided he wasn't coming in. Quickly drafted letters of appointment and welcome letters to clients waiting to attend Alcohol Support Group.
- 7.00 pm Left office. Made home visit to above parolee - not in.
- 7.20 pm Made home visit to another parolee and family. Routine check and to discuss housing application.
- 8.00 pm Home!!

APPENDIX 9B

DAY A

Started early to miss rush hour traffic. Arrived Leeds Prison in good time only to find that they have double-booked again so I have to wait. Eventually only given 15 minutes to interview client - for a new report as not previously known.

Back in Sheffield by 11.45 am and visit client's parents to gain background information and to see how they are coping.

Back at the office by 1.00 pm to find two people waiting and four phone messages.

See the two clients fairly quickly, but one has re-offended so make another appointment.

2.00 pm Attempt to eat a sandwich while making phone calls, one successful, have to leave the rest.

Start to write the Court report but interrupted by colleague wanting advice - chat for a while until phone rings - it is the parents visited earlier with DSS money problem. I phone the DSS and phone the parents back, it is complicated as they are waiting at a public phone and obviously other people are using it. Meanwhile, I have another office caller - a lad who has left home; after a long discussion take him home (hard as now through rush hour traffic) and talk to his mother. She eventually agrees to take him back so long as a hostel place is applied for.

I have two evening visits to do, then home by 8.00 pm to attempt to finish writing the Court report.

DAY B

I am on duty so start off seeing a few clients of my own who are reporting. Then, as there are no callers, I start to get through the backlog of phone calls; chasing up a housing transfer, contacting a doctor and social worker, checking with the hostel worker how a client has settled in. The doctor's phone is engaged and to keep ringing is very time-consuming. When eventually I put the phone down I find there is a duty caller waiting for me. This turns out to be someone with nowhere to live, who has travelled over from Liverpool. Try to establish some background and phone Liverpool Probation to find that this client regularly moves about and has no real roots. I phone several voluntary hostels and eventually find a vacancy; contact DSS so he can apply for money and lend him bus fare to reach the hostel. I later hear he never made the hostel and was seen with a bottle of cider in town.

Lunchtime and two old clients call in for a social call, meanwhile the phone rings and a social worker wants to talk over a previous case. Then a phone call from court where a client is up for a burglary committed last night, send over an old report and eventually go over when a colleague can cover duty. The case has been adjourned for a full report so I arrange to visit the client next week.

Return to the office to find two duty callers waiting, one wanting money, have to send them away after long explanations. 5.30 pm Duty has finished but I attend a volunteer discussion meeting which seems to go on very late before I can get home.

Case Example 1

A situation where a man had stolen from his employer. He had been employed by a newsagency firm. When the probation officer discussed the offence with him he found the offender to be very upset and remorseful about what he had done but also feeling that to some extent he had been driven to his offence through a sense of grievance by a callous and unfair employer (although he did acknowledge that this did not excuse his actions). The probation officer, after some discussion with him, established that he would like to apologise to his employers so the probation officer contacted them and attempted to talk but found them very hostile, uncompromising and unpleasant. The impression he received was that it is their policy to employ people on a very low wage, to promise them a cut of profits and then to deny that any profit has been made. So he felt that in this instance mediation was not appropriate because of the attitude of the victim.

Case Example 2

A situation where a youth was charged with deception as he had borrowed money from people and failed to return it. These people turned out to be his friends and it seemed a situation where mediation would be most appropriate. When the probation officer talked to the offender about his behaviour he seemed very remorseful and very determined to try and explain what he had done and apologise

for it, but on further discussion it appeared that he had behaved in exactly the same way on many different occasions and had apologised on those occasions and become friendly again with the victim and then done exactly the same thing again. The probation officer decided the offender was not trustworthy and may use the contact and potential meeting to harm the victim once more.

Case Example 3

A man charged with burgling a flat. When the probation officer saw the offender he was very upset about his behaviour and asked whether there was something he could do to make up for it even though he knew he was having to go to court and would have to potentially serve some form of sentence. The probation officer, after some discussion, wrote to the victim, had contact with him by phone so visited and had a long conversation on several occasions before it was agreed that the victim would like to meet with the offender to allow him to apologise but also to try and share some feelings about the burglary. A meeting did result and it proved a very helpful discussion with a lot of input from both sides. The personal contact seemed to help both victim and offender and the probation officer felt it was a very successful piece of work.

Case Example 4

A situation of deception and theft by someone who worked at an Advice Centre as a volunteer. She had apparently fiddled the till on several occasions. When the probation officer spoke to her, the offender expressed distress and confusion about what she had done, feeling that she needed to be punished but also wanting to make some contact with the Advice Centre so that no hard feelings would remain. Accordingly the probation officer contacted the Manageress of the Centre and visited and had a long discussion about the whole situation. They agreed to a meeting together with the offender, and this cleared the air for everybody and helped the probation officer prepare a more realistic report. All concerned felt that issues had been sorted out and the whole event of mediation had been very productive.

Case Example 1

A situation where the probation officer commented that mediation was desperately needed. The offender had cashed a cheque belonging to his brother, and excessive bitterness has kept them apart ever since. The probation officer tried to persuade the offender to meet with his brother but to no avail. In discussion with me the probation officer could see how mediation might have provided a framework for on-going work to move slowly towards reconciliation, although she commented that this would be a more demanding task than preparing a straight court report which in the end was all she did.

Case Example 2

Another situation where a longer term mediation approach may have been appropriate: an offender was charged with assault on his next-door neighbour apparently a culmination of many complaints from both sides. The offender insisted his actions were justified and he was backed by his parents. The probation officer commented that mediation would not work as the offender would not accept any blame; work would have to be longer term with the boy's parents as well as himself. The probation officer thus implied that extending the work to the whole family (and supposedly the neighbours as well) was not an appropriate task, and moreover would be more time-consuming. In the event nothing was done and arguments remain unresolved.

Case Example 3

A situation of racial abuse and argument between three drunken lads and an Asian taxi driver. The three lads assaulted the driver and the driver stabbed one of the lads, as a result they all appeared in court together. In retrospect the probation officer said a mediation approach and one that confronted racism may have been helpful, but at the time of preparing a report on one of the lads he did not think of it. He commented "JF was so angry I dared not suggest anything about the situation; my preoccupation was with JF's mood swings and violence and not really about his offence". He then commented that in court he could see that a lot of issues were left unresolved, and all concerned remained very upset and angry.

Case Example 4

In this case the offender was charged with theft of two horses committed with two girls who were not charged. The horses were apparently due for slaughter but instead of just "saving" the horses the offender arranged to sell them. The probation officer said he did think about mediation but ... "it was obviously a long-winded situation which was complicated so would take a lot of time, perhaps with no results. I'd have to include the two girls, so in the end I thought, mediation? no way!".

Case Example 5

A situation where the offender's father instigated mediation and this was encouraged by the probation officer. The lad had burgled a friend of his father's, and when his father found out he 'made' his son own up, apologise and return the goods which (luckily) he was able to do.

Case Example 6

Another family situation where the offender stole his brother's cheque book and used it. The probation officer brought the brothers together to sort out the situation and come to some agreement. A lot of family problems came to light, so the work is proving to be family counselling which is on-going. A probation order was recommended and given.

Probation officer A

1. AC is a twenty three year old man committed to Crown Court on a charge of burglary to dwelling house. Damage was caused in the commission of the offence and items included things of personal and sentimental value to the householder as well as food and drink. Previous convictions for theft.

At the time of the offence the defendant was experiencing personal problems, had just been thrown out of home and was staying with a friend in the locality. He saw the burglary as a legitimate response to his situation but when he was interviewed for the purpose of the report expressed his regret at causing personal distress to the householder, about whose upset he had heard via neighbourhood gossip. He spontaneously stated that he would like to try and make amends.

With his consent therefore I wrote to the householder, asking if I could meet him. At that time I spoke largely in terms of how he (the victim) felt about what had happened. After a telephone conversation, a meeting between us was arranged.

Mr T used those meetings to talk about the effect on him of the incident and said that he wanted AC to know about this. By the time I saw him most of his stronger feelings of anger and anxiety about being vulnerable had subsided, but he stated that he would have found it useful for someone to see him fairly soon after the offence.

He was concerned to see justice done but had no wish for punitive action which he felt would not help anyone - least of all himself. His greatest need at the time seemed to be for someone to keep him in the know - he disliked the feeling of being excluded from the judicial process and felt resentful that his significance as a protagonist had been downplayed. He was particularly interested in the work of the Probation Service and it was a useful opportunity to talk to a member of the general public about our work.

Having talked to him about AC's viewpoint, I asked Mr T whether he would be prepared to take our discussions any further. He agreed to a meeting which was subsequently arranged at his house by choice - though I ensured as far as is possible that he had considered all possible implications of inviting the person who had burgled him, into his home.

The defendant was very nervous about the meeting but I maintained contact with both parties prior to going

ahead, so some support was offered. I felt the meeting was successful; the defendant listened to what Mr T had to say about the effects on him and was able to make a face to face apology as well as offering reassurance that he had no intention of repeating the offence. I was struck by the extent to which Mr T took an interest in AC, but listening to him I felt he was in part trying to exorcise a few demons by making AC into a real person.

Both parties had by the end of the meeting, reached a point almost of amity! AC's offer of a practical task to make recompense for his behaviour was refused but Mr T said he could call on him if ever he needed anything! He expressed a wish that the client be saved from custody, and I have undertaken to keep him informed of the eventual result. My impression was that both parties had benefited considerably.

2. An eighteen year old man with a number of previous convictions for theft and drink related offences. He seemed to have settled down recently and had a good job with removal firm, during the course of which he stole from a house items of considerable monetary value.

The case was committed to Crown Court with DS clearly facing a custodial sentence not least because of the seriousness of breach of trust.

When I first interviewed him it was immediately apparent that he had never been asked to think about the effect of his behaviour on other people and seemed surprised that the person against whom he offended was part of the equation. As we talked however, and related what he had done to his own recent experience of having things stolen, he expressed concern about the victim. He said he would like to apologise but didn't know how; I suggested he think about that in between our first and second meeting.

He had no objections to me meeting with the householders but was very anxious about the possibility of being pushed into a situation where he would have to confront them, and made it clear he would only do this if forced - clearly inappropriate. I duly arranged two meetings with the householders and in particular the woman whose personal possessions were stolen. A lot of the time was spent trying to help her untangle her feelings of guilt that DS had lost his job as a result of his offence, feeling that she had some responsibility for the offence because she 'put' temptation in his way (sic), and because they were a prosperous and comfortable family, whilst encouraging her to express the anger and distress she obviously felt. It was important to understand why DS had committed the offence, and this was a difficult area since he could not pro-

vide any "logical" explanation for it. I asked her whether she wanted to hear direct from him and she said no, because she would find it very hard to see him without feeling guilty and sorry for him. I struggled to deal with this; on the one hand there was potential for some useful work on the other hand time was a very important factor and I was unsure about the usefulness of DS being in a situation where someone felt sorry for him.

The compromise was that I would convey to DS her feelings about what he had done, along with a message of regret from her that he lost his job, and that I would endeavour to elucidate from him a clearer explanation of his actions to help her make sense of it.

DS later came back to me and said that he wanted to write a letter of apology which I helped him draft. A further meeting between myself and the victim was arranged and is pending; in the interim DS appeared in Crown Court. In my report I had mentioned the meeting with the victim and prepared an addendum indicating that he had written to her. The sentencing judge expressed an interest in what had happened although as I wasn't in Court it is difficult for me to comment fully. The defendant received a community service order. It would be possible to pursue further the idea of a meeting as I am due to see Mrs B again. However, I don't think this will be as productive as pre-court and I see the priority as helping the woman put her mind at rest in the way she chose.

Later

Mrs B has now received a letter of apology and was highly delighted with DS's efforts. She also felt the result was fair and was very pleased he did not go into custody.

3. PC is a twenty year old man with convictions for dishonesty, charged with two offences of burglary and theft from neighbours homes. These offences formed part of a wide spectrum of anti-social behaviour which had antagonised people in the community, culminating in a petition being presented to the Housing Department. When I prepared the report I felt the opportunity existed for doing some mediation specifically in connection with the offences, and more generally mediation within the neighbourhood in which he lived.

PC agreed to this, as a means of trying to re-locate himself with the neighbourhood and although the report was prepared at very short notice (for reasons beyond our control) and I was unable to take any action prior to the magistrates' court hearing, I asked the Court

for a probation order. My report mentioned the prospect of such work being carried out, and it is interesting that I had to argue in Court against the insertion of a condition to mediate! A good illustration perhaps of the general lack of understanding about it.

My efforts to pursue this further were unfortunately hampered by lack of information about the whereabouts of the victims. These details were not read out in Court and PC chose not to be represented; I was therefore unable to check, as would be usual with a solicitor. He had a general idea where he had committed the offence but as I wanted to make contact with the victims first rather than simply turn up, I felt this was unsatisfactory. I had - perhaps naively assumed that I would be able to obtain details from the police.

Various discussions between the police and myself, by letter and telephone ensued. The general impression I had was that the police saw little point in what I was doing and couldn't understand it anyway. I was informed that the police could not release addresses without the written consent of the persons concerned, with whom the police would have to consult. Whilst they could have refused anyway, I doubt that the police representative was able or prepared to explain fully the purpose of my request, and therefore presented a very one sided view.

The end result is that I feel frustrated because there is unfinished business. The client is frustrated because he was beginning to think that he had found a way of doing something positive to redress some of the imbalances caused by his behaviour. As for the victims - I just feel it was a missed opportunity for them also.

Officer A's comments:

For me attempts at mediation have raised the following important points:-

1. Lack of understanding/awareness about the Probation Service amongst the general public.
2. Lack of understanding elsewhere? The need for public relations, information dissemination, discussion with significant parties to the judicial process (sentencers, police especially).
3. The amount of extra time needed to pursue mediation - even if it is simply a question of encouragement to exchange letters. In many cases I have made a conscious decision not to pursue mediation. This decision is especially difficult when there are several offences committed against different people.

4. The suitability of a wide range of cases for varying degrees of mediation. A meeting between victim/offender is not necessarily the only desirable outcome, but establishment of some sort of dialogue can help to mitigate the worst effects of a judicial system which excludes the person against whom an offence has been committed and can leave a tremendous sense of unfinished business, and which distances the offender from his/her action.
5. In connection with this I have found myself, to an extent going back to basics. Mediation brings the victim, therefore the offence, back to the foreground. In working with offenders don't we have to look at the offences? I haven't yet had the confidence to work with other types of offenders in this way, but surely the ideas are equally relevant?

Probation Officer B

1. A 17 year old charged with stealing #300 in cash from a former employer.

'A' had been employed in the complainant's butcher's shop under the auspices of a Youth Training Scheme and after leaving the scheme he continued to visit the shop both to 'help out' and for social reasons. 'A' had at one stage lived next door to the shop and because of his rather unsettled childhood the proprietor had taken an interest in him and had helped out with furniture when 'A' moved into his own flat.

'A' stole #300 from a much larger sum of money which was in the proprietor's coat pocket. He spent it within 48 hours.

At the SER stage I got the impression that 'A' felt he had 'burnt his bridges' and alienated one of the few sources of adult support available to him. He readily agreed to me going to see the complainant. This I did. The proprietor of the shop accepted 'A's regret about what had happened but said that this did not make good the loss and he doubted whether he would ever again see the money. I was able to answer some of his queries about the Court process but apart from asking to be told how the case went he didn't want to take the matter further. Indeed it was quite clear that he wanted nothing else to do with 'A' although he said he was glad I had called.

I believe contact with the complainant helped me with a more balanced report which may have helped in getting my recommendation (for Probation) accepted. I'm not sure whether the contact helped resolve the conflict

between the two parties and indeed I suspect there was more to it than met the eye. However there was no enthusiasm from either person to pursue the matter.

2. A woman in her mid-20s had worked for an electrical retailer since leaving school. Over the previous 6 months or so she had been fiddling the books to the tune of about #1000. At the time she had been under a lot of personal pressure because of her relationship with a violent and exploitative man.

I spoke to the manager of the shop who had initially employed 'B' when she was 16. He expressed the view that 'there must have been something wrong' for 'B' to have taken the money as, for 7 years she had been a model employee. He was interested to know about her case, glad that she had found new employment and encouraged that she had already saved #300 towards compensation. He felt that it was sufficient for her to make good the money she had taken.

Contact with the shop manager helped to confirm my own impressions of 'B' and to a degree confirm her account of the reasons for the offence. I felt confident in recommending a Compensation Order (a low tariff for such a 'serious' offence) and attended Court to support my recommendation. In the event she was given a suspended prison sentence.

3. A young man committed to Crown Court in custody charged with wounding his girlfriend; she had a dozen or more air-gun pellet wounds.

Contact with the complainant and defendant began at an early stage and the process of reconciliation and mediation had started without any intervention from me. Through having considerable contact with both parties I believe I was able to i) help them 'renegotiate the basis of their relationship so that hopefully the type of violence which had occurred in the past would not be repeated or at least, not be accepted by the complainant, ii) help the couple constructively co-operate with Social Services who, as a result of the offence, had placed the children on the 'at risk' register, iii) write an SER which helped contribute to an acknowledgement that the conflict had been resolved. The judge asked the complainant to 'go into the box' and, in this instance, I felt that those most immediately involved in the offence were allowed to 'own' it.

4. 'D' had, amongst other offences, taken his brother-in-law's car for a 'joy ride' and, because he was drunk, written it off in an accident. The offence occurred whilst the brother-in-law was on holiday in Spain and had left the car at his parent's for safe keeping.

Because of the offence 'D' had effectively estranged himself from his family and I felt it might be useful to contact the victim to see if there was any scope for mediation, although I had little clear notion of what this might entail. I visited but the brother-in-law was in bed as he was working nights. I spoke to his wife, 'D's sister who frankly 'looked at me gone out'... I made a hash of saying why I was there and what I wanted largely because I was not clear myself! I made an arrangement to see the brother-in-law but he didn't keep the appointment.

I also spoke to 'D's father because he too was a victim in as much as the offence had repercussions for him because he has been looking after the car. He also claimed that 'D' had stolen all his whisky and broken into the house after being told to leave.

On reflection I wonder whether this situation was 'mediable'. Attitudes were hardened and frankly 'D' showed little or no concern about what he had done. Possibly the report I was able to write might have been seen as more 'balanced' by the Court because I was able to talk about the impact that the loss of the car had on 'D's brother-in-law who was forced to buy a motorcycle to get to work. In theory it should also have helped during the subsequent Probation Order but the only times I saw 'D' in the next 12 months was once in the office, once in the streets and once in the breach Court!

Probation Officer C

1. Report for Magistrates Court
Previous convictions: 2
Co defendants: -
Offence(s) Wounding
Victim(s) Personal

From the start C saw this situation as one that needed resolving in some way but separate to the court case. The offender had been denied access to his child by his ex-girlfriend and her new boyfriend. On meeting them in town he tried talking, then lost his temper and fought and wounded the boyfriend. The offender whilst regretting his actions felt he had been driven to it and C could understand this. But as the offenders behaviour was not an acceptable way of dealing with the situation, C felt the court process had to be completed before he made any contact with the victim. C made this contact after the court case as it was agreed that there were two separate issues to be followed through. Firstly an apology about the wounding and secondly the access arrangements. This work is ongoing.

2. Report for: Crown Court
Previous convictions: 8
6 Co defendants: -
Offence(s): Theft of handbag from night club
Victim(s): Personal

C was aware of this being a common form of offence - particularly by (as on this occasion) offenders who are drunk and wanting money. The offender blamed the drink, claiming he wouldn't do such a thing if sober. C took the situation on face value and treated it as a straightforward case but later felt he should have discussed the victims feelings and followed up some contact. He acknowledged he could still do this, but it would be unlikely as the moment had passed.

3. Report for Magistrates Court
Previous convictions: -
Co-defendants: -
Offence(s): Deception and obtain pecuniary advantage
Victim(s): Commercial concern - Lloyds Bank

Offender had own bank account and used his own cheque book and card even when no money left. He was threatened - moved address without informing the bank. Still given chances but in the end prosecuted. When C met the offender it was apparent he hadn't realised the seriousness of his behaviour and had tried to avoid it by not opening letters etc. Once apprehended he wanted everything out in the open, to sort things out, apologise and repay what he could. C contacted the bank and found them very concerned and willing to meet and make arrangements. The manager had changed, and felt if it would not normally have gone this far and resulted in prosecution. Successful repayment of part of the debt arranged.

Probation Officer D

1. Report for: Crown Court
Previous convictions: 1
Co-defendants: 5
Offence(s): Theft from cars - about 40
Victims: Personal

D initially spent time talking to the offender about the offences and likely effects on the victims. The offender tried to justify his behaviour saying people should be insured and initially he seemed to believe he'd stolen from cars and not from people who owned cars. Once he had made the personal connection and could see the possibility of distress caused by his

behaviour he could see what he had done as being wrong and harming people. But D felt unsure how to take the case further, as although the offences were personal, they were impersonalised in court (e.g. theft of money and briefcase from car reg: PUL 391T), and there were so many of them. So no mediation - but D's approach did help the offender think about the effects of his behaviour on others.

2. Report for: Magistrates Court
Previous convictions: 10
Co-defendants: 2
Offence(s): Thefts from cars x 10, fraudulent use of credit cards, TWOC
Victim(s): Personal

The large scale nature of these offences put D off in considering victim contact initially, as so many offences and no details on the court sheet, and the offender 'couldn't remember' half of his offences. D used the victim side in discussion and found the offender had never thought about the victim before as a real person and would've been helpful to have been able to confront him with a 'real' victim. But lack of information and so the impossibility of immediacy of impact persuaded D to take it no further.

3. Report for: Crown Court
Previous convictions: 0
Co-defendants: 0
Offence(s): Burglary - houses x 15
Victim(s): Personal

The information D got about these offences was all from the offender. He had been a bin-man and looked at places in the course of his job and returned to burgle. The offender attempted to explain his behaviour through various marital and sexual problems but did eventually start to express distress for the victims and a wish to apologise. D felt that mediation may have been possible here, but due to the need to spend a lot of time on victim contact, but only a short time to prepare the report he did not pursue it further.

4. Report for: Crown Court
Previous convictions: over 20
Co-defendants 0
Offence(s): Burglaries - about 7 - from houses
Victims: Personal

D tried to encourage the offender to look at his behaviour and the distress he has caused, but to no effect. Although the offender did not know the victims of these burglaries, he has burgled people he knows including his grandmother in the past. The offender finds crime and the distress of others amusing it seems, so D is working on the offenders life experiences and own

personal development. He is an offender who has spent so much time in institutions (including care) that he does not relate to others in a normal way - making him uncaring, but also very isolated. Concern was thus never really focussed on the victim but totally on the offender.

Probation Officer F

1. Report for: Crown Court
Previous convictions: 10
Co-defendants: -
Offence(s): House Burglary x 3 and TWOC
Victims: Personal

From the start F felt he would make no headway with this case because the offender was in custody, and because of his record F's contact with the offender backed up his fears about his attitude as the offender laughed at his offences and blamed others - his mother, girlfriend, past probation officers and so on. The offender is very aggressive, suffers from delusions of hate and tries to intimidate others. F would not contemplate any form of mediation as can see how the offender could be plausible but would use people and be totally untrustworthy.

2. Report for: Magistrates Court
Previous convictions: -
Co-defendants: -
Offence(s): Assault PC
Victims: Personal (but in an official capacity)

To a great extent F felt the offender to be a victim in this situation. The family was being harassed by the Police and on this occasion an officer was taunting one of her sons about his driving ban and when the lad swore he threatened him with arrest. Seeing a scuffle, the mother ran out and hit the Policeman, and she was then charged with assault. F discussed the situation with her and apart from being mildly bitter about the Police and the 'system' she saw the situation as 'part of life'. F would not consider mediation as saw the victim i.e. the Police as being to blame - and this would never be admitted.

3. Report for: Crown Court
Previous convictions: 15
Co-defendants: -
Offence(s): Supply amphetamines
Victims: Personal - but a long chain (his victim supplying others)

F did not see it as important to go over how the offender supplying others is dangerous and addict inducing as he was part of such a long chain. F felt

it more appropriate to concentrate on his addiction and his need for a change in lifestyle to escape from the drug-trap.

South Division Officer

Attempted Mediation

The offender was a young man of 22 with no previous convictions. He was married with one child aged 2 and a new baby. The charge was one of entering the offices of a factory as a trespasser and allegedly stealing a computer (value approx. #18,000). The defendant said that he had been very worried and depressed because he had recently been diagnosed as suffering from an hereditary disease which meant that he would have to take medication for the rest of his life. The offence was quite out of character and occurred because he was drunk. He was charged with theft because he climbed in through a window and moved a computer a few yards. Apparently this is a technical theft. He expressed great regret for what he had done said that he wanted to apologise for the trouble which he had caused. I called in at the firm concerned and spoke with the Manager's deputy, who advised me to 'phone the manager, but gave it as his opinion that the Manager would not be interested. I duly 'phoned the Manager who said that he admired my tenacity in pursuing the matter, but he was not at all interested in receiving an apology because people who caused that sort of trouble deserved to be severely punished. I explained to the client that it had not been possible for me to negotiate an apology.

North Division Officer - Mediation Cases, Pen Pictures

1. John

Current client. Has been a fairly heavy drinker for some years. Drinks in the older Pitsmoor pubs. On leaving one of them, smashed a window of local undertakers - arrested and charged with damage. Subsequent interviews with P.O. revealed John's anxieties about desecration of the dead, bad dreams, etc. P. O. suggested mediation meeting with member of firm - agreed. Complainant firm sympathetic but on their territory. P.O. escorted John to firm, discussed incident, John formally apologised. Firm's representative explained window was of office and not Chapel of Rest, fairly small window and no real damage done.

Included in Court report - result new Probation Order with #41.49 compensation.

2. Stephen

Current client - history of inappropriate social behaviour especially when consumed alcohol. Also, suspect some mental abnormality.

Feigned a karate kick at a young woman in the city centre - no actual physical contact but was frightening experience for complainant. Arrested and charged with cause fear/violence. Expressed to P.O. feelings of shame, embarrassment - would like to apologise to woman. How to get her details? Asked Court Team to try and get these from CPS solicitor of Police - blank refusal. Discussed with SPO - he telephoned and then wrote to CPS - they forwarded request to Police (Community Relations) but as yet no information has been received.

3. Anthony

Report client - burglary and theft plus criminal damage to a Church near home. First time offender - expressed remorse at actions - mediation meeting suggested to which he agreed. Met with member of Church, P.O. shown where damage committed. Anthony offered his apologies. After discussion offered to carry out some gardening and clearing up work in grounds of Church.

Included in Court report - received 24 hours Attendance Centre plus compensation.

4. Gary

Report client - burglary and theft of old lady's home. First time offender expressed remorse at actions - suggested mediation meeting - agreed. P.O. contacted Victims Support - volunteer visits victim - she did not wish to meet.

TOWARDS A MEDIATION POLICY

1. The Policy statement needs to begin with a statement of aims; i.e. it should endeavour to answer the question "why should the Probation Service involve itself in mediation?" Following the discussion at West Bar, I sense that a focus on mediation as a method of addressing offending behaviour as well as the needs of victims and some of the arguments used in the proposal to develop a community conciliation and conflict resolution service are the matters which need to be included.
2. The next part of the statement needs to be a consequence of the statement of aims. In other words, what follows from these aims? I suggest that this part should include comments about which cases are most appropriate and which communities might be most relevant.
3. Further consequences which will need including are a range of implications which follow the aims of mediation. These could include the following:
 - a) How do you change the culture of a Service which has not previously considered mediation as an integral part of its work? (training, changing court referral forms, influencing CQSW courses etc. etc.).
 - b) What are the resource issues of incorporating mediation into the work of the Service?
 - c) What support is required for staff undertaking this work? (line management supervision, external consultation, support groups etc.).
 - d) What kind of information needs to be available to officers undertaking this work? (relationship with the police etc.).
 - e) What are the implications for Victim Support schemes?
4. I very much agree that any policy statement should have, as an appendix, case examples to demonstrate what can be achieved. I also agree that a half-day review meeting both to take stock of where the Service is and to launch a policy statement might be productive.

12.7.88.

APPENDIX 12

The following appendix provides an overview of results and 'recommendations'. My aim can be explained through the words of Stanley Cohen (1985) in his final chapter:

"...to provide neither a handbook of practical recommendations on the one hand nor a set of lofty political platitudes on the other. The point is to clarify choices and values. And also to search our own stories for the same type of hidden agendas, deep structures and domain assumptions we so readily detect in the stories which others tell..."

p.238

A SYNTHESIS OF THE RESEARCH

- Themes:
- 1 Change and New Directions in the Probation Service
 - i) Results
 - ii) Recommendations
 - 2 The Development of the concept and practice of Mediation.
 - i) Results
 - ii) Recommendations

1 Change and New Directions in the Probation Service

i) Results

- a) The probation service does not respond readily to new ideas due to its bureaucratic structure.
- b) The probation service lacks an efficient communication system between higher and lower levels.
- c) The probation service is 'stuck' in looking at and dealing with problems in a traditional way - i.e. single loop learning.
- d) The probation service is constricted in developmental work by the emphasis on maintaining the traditional work component.

- e) The probation service is restricted in budget and direction by the Home Office so does not consider large-scale re-allocation of resources.
- f) The probation service is non-directive and non-innovatory as it has no developed and effective change agent role in society.
- g) The probation service is poor at working with and alongside other agencies.

ii) Recommendations

- a) That there is alteration of the management structure and tiers of responsibility to fewer levels.
- b) That patterns of responsibility and 'jurisdiction' are altered.
- c) That communication be improved by the above (a & b) and by unit groups working together and holding their own responsibility.
- d) That courses for management and main grade are instituted that help individuals change their perspectives/perception of problems facing/within the service, so helping innovation and making them receptive to change.
- e) That such courses should involve units or part units together - including higher and lower levels.
- f) In the light of attitude change, that behaviour change is considered through looking at traditional roles in a critical and re-designing way.
- g) That the probation service formulates its own proposals for change and new directions and submits these to the Home Office - and acts as a change agent in the criminal justice system and other relevant situations.
- h) That in the light of the above, resources will need to be re-assessed as re-distribution may be possible and is necessary.
- i) That the service develops work across boundaries through individual community links and developmental work.
- j) That secondments of probation officers to other agencies/developments/projects becomes viable and progressively developed - as well as the reverse.

2 The Development of the concept and practice of Mediation

i) Results

- a) 95% felt mediation to be an important development, 60% felt it should be developed in the probation service working with victims and offenders.
- b) 95% believed mediation skills to be important in whatever setting.
- c) All who tried mediation practice found restrictions in their development of the practice due to
 - i) Lack of skills or lack of confidence
 - ii) Lack of management support
 - iii) Lack of availability of information
 - iv) Difficulty in overcoming the traditional role and traditional demands
 - v) Lack of time to think constructively or develop anything new.
- d) That in all situations where mediation did result, all concerned found it helpful, meaningful and worthwhile.
- e) Where mediation development involved a community group (residents and other agencies) - the concept and practice were welcomed, and seen as important to develop further by all concerned.

ii) Recommendations

- a) That acknowledgement and a policy on mediation is developed by the service.
- b) That liaison with other relevant agencies is set up so information and co-ordination is developed.
- c) That training courses are set up and on-going support/training arranged for all levels.
- d) That a process is set up whereby the traditional work and demands on the service are assessed and considered in a new way.

- e) That mediation is set up as part of the service so is available as an approach for internal disputes - hence making the practice part of the service culture.

- f) That mediation development and training is inter-agency and where possible community based so mixed groups of people, with differing loyalties, localities, ideals and agendas can work together and learn from each other.

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