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Remote probation by phone in France and Scotland during the 2020 lockdown

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Introduction

Whilst France and Scotland issued orders for their citizens to stay at home to prevent the spread of the Covid-19 virus that would ultimately be responsible for millions of deaths globally at roughly the same time (March 16th 2020 in France and March 20th in Scotland), the official discourse was poles apart. When announcing the lockdown, President, Emmanuel Macron declared France 'at war' and 'in combat against this epidemic' (Le Monde, 17 March, 2020). This martial statement justified authoritarian and energetic enforcement. The language of the Scottish leadership was less authoritarian with the demand to 'stay at home' taking the form of guidance (The Scottish Government, 2020). Non-compliance with this guidance was enforced by a policing strategy of 'Engaging, Explaining, Encouraging, and (only where that failed), Enforcing'.

While in France and Scotland, as in the rest of the world, individuals and institutions were caught out by events and entered the national lockdowns in a state of institutional and personal disorientation, in both jurisdictions, probation services and their key partners closed. Differences in the fundamental structures and approaches impacted on how these institutions were able to respond. French probation is characterised by centralisation and hierarchy and is part of the prison service which considers itself to be part of the State security apparatus (Dieu, 2014) with a great number of lawyers recruited as probation officers (hereafter POs) (Bouagga, 2012). In contrast, Scottish probation is located within the 32 local authorities who carry an overarching duty to promote welfare (Sturgeon & Leygue-Eurieult, 2020), and staffed by generically trained social workers.

In this study, we wanted to document how probation practitioners were coping with the drastic changes in France and Scotland caused by the 2020 lockdown. We found that practitioners adapted essentially by working from home and by using technology. We also show that the very significant differences between the adaptation capabilities and modalities in both jurisdictions are rooted in distinctions relating to their professional identity, their institutional organisation, and the nature of their management.

We were fortunate to be able to conduct this unique study in the eye of the storm, exactly during the lockdown imposed in both jurisdictions. This study also provides a distinct contribution to the scarcity of studies of collaborative comparative probation practice (Beyens and McNeill, 2013., Robinson and Svensen, 2015).

The literature

Two strands of literature were relevant to our endeavour: the emerging literature on probation during the lockdown which has addressed remote supervision; and the less recent literature pertaining to the use of technology, on the one hand, in the criminal justice system and, on the other hand, in probation.

Regarding the emerging literature pertaining to remote probation during the lockdown, most authors have expressed rather negative views. Jane Dominey and colleagues (Dominey, Collet, Ellis Devitt & Lawrence, 2020) published a report in November 2020. On the basis of an online survey with 79 POs followed by 12 semi-structured interviews with some of them post-lockdown, the authors found that, like in France and Scotland, most of the work done by their English and Welsh POs was performed via phone and texts but that they mostly used video calls to interact with their colleagues or their managers. A number of difficulties were raised. Firstly, for non-English speakers or those hard of

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3 hearing, phone conversations were an issue. Secondly, these conversations did not allow to build or
4 maintain the relationship with probationers adequately. POs worried about the inability to detect vital
5 information because of the informal nature of phone calls, leading to complacency among
6 probationers. Compliance, in their view, meant that probationers attend at the office for interview;
7 receiving phone calls was simply inadequate to this end. This sample also worried about the intrusive
8 nature, both for themselves and their families, of phone calls made from and to a private household.
9 In Scotland, a team of researchers led by Armstrong and Pickering (2020) conducted a large study of
10 the consequences of the lockdown for vulnerable populations. Regarding the criminal justice section
11 of their work, the data came from a survey of 86 prisoners serving their sentence during the lockdown,
12 and interviews with 15 probationers, six family members of prisoners, and 11 staff in organisations
13 supporting these groups. The study covers the very end of the lockdown until mid-autumn 2020. Its
14 findings include issues such as anxiety and fear, uncertainty, and life disruption. They describe how
15 technology enabled access for some but excluded others. Technology also had a negative impact on
16 staff, who felt guilty for not being able to provide the level of care needed. POs regretted that if the
17 number of contacts increased during the lockdown, their quality was diminished. Such concerns led
18 some of the smaller organisations to resume face to face contacts in spite of the lockdown. However,
19 the report did not dwell on issues such as remote probation work or the use of technology.
20 Importantly, the two studies in question were conducted essentially after (or at the very end), not
21 during the lockdown. In other words, when their samples expressed their viewpoint, they were in a
22 position to reflect on past experience. Additionally, in the second half of 2020 one could no longer
23 believe that the pandemic would be temporary. This realisation had started taking its toll on people's
24 mental health, potentially influencing negative viewpoints.

25
26 We now turn to a second strand of literature which has addressed 'eprobation'. In this article we will
27 use the term 'eprobation' to describe the use of any technology in probation, either to facilitate
28 contact between POs, their superiors, their partners and their probationers or which automatises
29 supervision or treatment. In other words, eprobation covers both remote and automated work. In
30 academia, there is a long-standing perception of eprobation representing a frightening dystopian
31 future. In her editorial to a special issue of the *Probation Journal* on Technologies of Crime, Control
32 and Change, Nicola Carr (2017) has nonetheless tried to present a balanced viewpoint. On the one
33 hand, she has credited technologies of information with some 'utility', whilst, on the other hand, she
34 has worried about the normative underpinnings of these innovations. Drawing upon nine-months of
35 ethnographic field work in two probation settings, Jake Philips (2017) documented a 'sense of loss'
36 due to the communication between the services in question since relationships now relied on emails.
37 He also highlighted that dependence on computers had effectively depersonalised risk assessment.
38 An undisputable specialist of the dystopian technological future, Mike Nellis (2014), used very strong
39 words, calling electronic monitoring 'downgrading probation'. Later (2017), he made it clear that he
40 did not believe in a mere human-machine complementarity. Others have also worried about the fact
41 that eprobation may simply be institutionally imposed because it saves money (Barnes Ahlman, Gill,
42 Sherman, Kurtz & Malvestuto, 2010). Perhaps more positively McGreevy (2017) has suggested that
43 smartphone apps providing a series of tools such as journaling or resources for mental health and
44 substance use, may help offenders desist.

45
46 Indeed, the literature on eprobation has addressed its potential outcomes. Of particular interest,
47 since, during the lockdown, both French and Scottish POs used cell phones to communicate with their
48 probationers, is a paper published by Fagan (2017), which pertains to the introduction of smartphones
49 in the Department of Corrections' workforce in New Zealand. Nonetheless, this experience did not
50 truly qualify as eprobation, since smartphones were not used to interact with probationers but to
51 access POs' professional emails, calendar, and the internet on-the-go. Unsurprisingly, they were
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3 welcomed and improved productivity. In the UK, in 2019, Her Majesty's Inspectorate of Probation
4 produced a rapid literature review which found that most studies did not address the issue of whether
5 eprobation worked, and of the three that did 'it was not possible to make a clear judgement' (p. 4).
6 Nonetheless, of particular interest is the random assignment of offenders into different programme
7 (Lerch, Walters, Tang & Taxman, 2017) which found that computerised motivational intervention
8 outperformed traditional probation regarding the treatment initiation rates at two months, although
9 with diminished outcome at six months. Next, Ormachea et alii (2017) wanted to know whether a
10 computer game played by adult offenders could improve risk assessments using the Texas version of
11 ORAS (Ohio Risk Assessment System). The research found that acute risk factors such as cognition,
12 aggression, and impulsivity, which are ordinarily more difficult to probe in face-to-face interviews,
13 were more accurately assessed using the game. Lastly, Vasiljevic et alii (2017) wanted to know if it was
14 possible to quantify changes in acute risk factors using automated phone calls to offenders whilst they
15 were in prison and in the month following their release on parole, and whether these measurements
16 would accurately predict reoffending within the next year. Again, the technology was successful in
17 measuring the factors which were predictive of reoffending. These findings are notably interesting
18 regarding the need, during lockdown, to assess risk over the phone.
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23 Equally interesting, is the related literature pertaining to the outcomes of video or phone therapy. A
24 recent meta-analysis has positively concluded that, clinically, video-therapy was no less efficacious
25 than in-person therapy (Fernandez, Woldgabreal, Day, Pham, Gleich & Aboujaoude, 2021). Two
26 systematic reviews have equally positively concluded that, contrary to common assumptions, phone
27 only therapy is equally promising (Coughtrey & Pistrang, 2018) and even efficient (Irvine, Drew, Bower,
28 Brooks, 2020). The jury is nonetheless still out regarding *probation* reduced to phone calls, as was the
29 case for our research participants between March and June 2020.
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32 In view of this empirical uncertainty and of the exceptional context French and Scottish practitioners
33 found themselves in during the first lockdown, we wanted to document their experience and feelings
34 regarding remote probation by phone.
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38 **Methodology**

39
40 The aim of the study was to discover how probation services and probation staff in France and
41 Scotland were adjusting personally and professionally to the sudden and enforced changes of
42 lockdown.
43

44 We decided to conduct our qualitative interviews during the lockdown itself in order to gain a 'situated
45 understanding' (Beyens & McNeill, 2013) of the lived experience of probation practitioners. The semi-
46 structured interviews, of which the use of technology was a part, also considered the impact of the
47 sudden lockdown on individual participants and services, how priorities were established, the
48 continuation or disappearance of key partners, and working from home.
49

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51 Since the lockdown was expected to be temporary, the methodology was developed quickly, and
52 participants were recruited through social media, email circular, and word of mouth. Prior to
53 interview, participants were informed of the aims and modalities of the study, its voluntary basis, and
54 their right to withdraw at any time. Interviews were conducted using video calling and, in a few cases,
55 by phone following which recordings were transcribed, and the original recordings and notes were
56 destroyed. We took great care to protect the anonymity of our participants, designating them by
57 codes.
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3 The French sample consisted of 22 front-line POs (coded by their French acronym 'CPIP') and 7
4 managers (middle managers and heads of service coded by their acronym 'DPIP'). The Scottish sample
5 consisted of 16 front-line Criminal Justice Social Workers (coded as 'SW') and 11 middle managers and
6 heads of service (coded as 'M'). The two samples allowed for comparison, not only in terms of their
7 roles but in terms of their geographical diversity, both samples drawing from urban, semi-urban, rural,
8 and remote rural areas.
9

10
11 One of the criticisms of comparative research (Beyens & McNeill, 2013; Nelken, 2013) is that
12 researchers are not sufficiently embedded in the unfamiliar context that they are studying. In this
13 comparative study, both researchers had experience of the others' jurisdiction and practices at
14 theoretical and practice levels, 'allowing data to be analysed in a knowledgeable and culturally
15 embedded way' (Beyens and McNeill, 2013: 166). Interview data was analysed individually by both
16 participants to identify key themes and concepts before findings were shared and discussed.
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18
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20 21 Findings

22
23 It may be quickly forgotten that March – June 2020 were months of disorientation and distress. The
24 lockdowns had four effects in both jurisdictions; they caught probation institutions and their staff
25 unprepared, they required staff to work from home, forced staff into innovation with and reliance on
26 technology to maintain service continuity, and overturned a century of established face to face
27 practice. SW12 describes this transformational moment when:
28

29
30 a lot of things that had been talked about or we had raised in the past as possible ways of
31 working that were always dismissed, were suddenly being implemented... (SW12)
32

33 We wanted to find out how staff were adapting to these sudden and significant changes, notably, the
34 forced use of technology. We found that the availability of technology at the outset was not uniform
35 and that the extent to which staff were able to negotiate these disruptions reflects essential
36 differences between probation institutions in the two countries.
37
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40 Office workers or frontline heroes?

41
42 Whereas in the past, probation had been experimental and marginal, during the pandemic working
43 with mobile phones and laptops and from home suddenly became the norm. One of the first issues
44 this raised was one of status and standing. How would those staying at home and using this technology
45 be perceived, compared to the handful of those who would persist in going into the field in person?
46

47
48 Indeed, although, during the first lockdown, the righteous thing to do was to stay at home and try and
49 'carry on' as best as possible, it soon became apparent that the 'frontline' workers, such as the police,
50 who had to face the virus in the field were considered as the 'true heroes'. With their dual
51 enforcement and rehabilitation role (Trotter, 2015) which side would POs be on? Would they
52 ultimately be office workers shielded by technology or heroes of the front line?
53

54
55 Whereas French probation is the smaller and subordinate partner in a national prison service (First
56 author, 2013, 2015) whose primary mission is stated in terms of 'reducing offending' (Prison Act, 2009,
57 art. 13), probation in Scotland is by contrast, a local authority social work service with a primordial
58 legal obligation to promote welfare (McIvor, 1989). Scottish probation is therefore local in focus and
59 social work by identity. A second contrast is that French prison/probation leadership is hierarchical
60 and centralised and Scottish probation leadership, as our further publications will show, is pragmatic
and transformational (Northouse, 2016).

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3 During the first lockdown, these contrasts led to drastic differences regarding the reasons why some
4 of the staff had to go back to the office. From an early stage and within a national instruction to 'work
5 from home wherever possible', some of the Scottish SWs began to make an appearance on the front
6 line in some areas for four reasons.
7

8 The first reason was a desire to be aligned with the core of their professional identity. Some SW
9 volunteered to carry out active social work tasks:
10

11 Three people are in [the office]... to deal with any sort of emergencies or welfare checks...
12 (M4)
13

14 A second but linked, reason was that for a small number of SW working with particularly vulnerable
15 service users, they felt they simply *had to* risk their life to help people in crisis, to the point that a
16 paramedic metaphor came to our mind (for such an analogy, also see: Regehr, 2018).
17

18 I can go back [to myself] and say that I have done what I can to try and keep a person from
19 either dying or for picking up more crime... (SW5)
20

21 The pandemic has taught us on a large scale that not everyone succeeds in working from home. Some
22 thrive, others struggle (Ipsen, van Veldhoven, Kirschner & Hansen, 2021). Indeed, a third reason for
23 going in the field was, for some, that they were less efficient when working from home:
24

25 I am tending work, work in the office, probably about three days a week at the moment. It
26 fits better for me... I tend to get distracted when I'm working from home (M3)
27

28 Lastly, and closer to, as we shall see, to the law enforcement ethos of some of their French
29 counterparts, some Scottish SWs had to go back in the field, to carry out home visits to dangerous
30 offenders. However, these social workers did not consider themselves to be at particular risk because
31 they were equipped with PPE and few of them ventured beyond the doorstep:
32

33 ... So, they're going in but they're literally going into the door, the door's shut behind them
34 but they're not entering, going through the house, or sitting down anywhere (M11)
35

36 None of those interviewed in the Scottish sample spoke of a requirement imposed on them. They did
37 this at their own discretion but with management approval.
38

39 Conversely, in France, the main reason for going back to the office was direct orders from POs'
40 hierarchy. Several reasons explain this. The first is a traditional need to control staff perceived as being
41 susceptible to abuse the situation if unchecked. A second reason was that it was perceived that, given
42 the lack of available technology (see below) it was simply impossible to work from home adequately.
43 A third reason pertained to 'prisonbation' culture which has developed within probation since it has
44 been absorbed by the prison services in 1999 making it part of the state security apparatus (First
45 author, 2013, 2015). Thus, it has incorporated strong symbolic signs such as their participation in the
46 14 July parade along with the army, the police, and the gendarmerie (Dieu, 2014). Thus, the forced
47 return to the field was encouraged by management eager to present a heroic and martial image of
48 the institution:
49

50 I have been requisitioned [underlined by the authors] from the 20th to the 25th, to keep the
51 service going (CPIP 10)
52

53 Equally, managers were told that they could not work from home. Some of them were happy to show
54 that they were, similar to army sergeants, role models:
55

56 As a manager I wanted to lead by example. That we can still work in spite of the constraints.
57 Because the context demands it (DPIP 7)
58
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3 Others were more critical:
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5 So, eehhm, I come over every single day. This has also been a source of anger, that our
6 administration has forbidden management to work remotely... well I think it's completely
7 absurd and it goes against the national rules (DPIP 4)
8
9

10 11 Working from Home 12

13 With probation staff in both countries being suddenly forced to work from home at least part of the
14 time, it could be anticipated that as human beings the individuals concerned would have similar
15 experiences. The extent to which their institutions were able to adapt depended on the availability of
16 technology and we will turn to this in the last part of our findings.
17

18 Whilst everyone will have their individual story to tell about working from home during the first 2020
19 lockdown, there were a number of clear themes.
20

21 One such need was autonomy. Autonomy being a fundamental human need (Ryan and Deci, 2017),
22 unsurprisingly, amidst massive restrictions of personal freedoms, respondents felt the need to
23 organise their schedule in a way that was more compatible with competing personal responsibilities:
24

25 When you have to share your office in small spaces. You're constantly interrupted. At home
26 one is more productive that's for sure! (CPIP 16)
27

28 Conversely, those without other responsibilities spoke about being able to work uninterrupted, those
29 with children faced particular challenges:
30

31 I am on special leave of absence. WAIT! [*she talks to her children*] I am on the phone. I am on
32 the phone!!! So, I take care of my children... and I keep my phone, my stuff [*stressed laughter*],
33 my paperwork and I call my probationers until the evening (CPIP 5)
34
35

36 In the French sample, as we shall see, the lack of access to institutional technology meant that
37 balancing work and the care of children could be particularly problematic.
38

39 [*Talking about another colleague*]. She has a little child and the only computer at home is
40 used by her husband who also works remotely (CPIP 6)
41

42 The presence of other people in the homes of probation staff and their service users went beyond
43 distraction to impact on practice. Whilst professional confidentiality is an ethical principle in Scotland,
44 breach of it is criminal matter in France.
45

46 I mean, we are also bound by professional secrecy. So, having a discussion with a service user
47 with his child or partner right next to him... (CPIP 4).
48

49 It can be concluded from our interviews that working from home with or without others present did
50 constitute, despite benefits cited by many, an intrusion which blurred the boundary between home
51 and work.
52

53 It boils down to mixing private and professional lives. It's the same thing for the people we
54 supervise. It's an overlap which I'm concerned about when my children are right next to me
55 watching a cartoon on telly or something (CPIP 4)
56

57 ... by default, you are bringing one of your service users into your home (M11).
58

59 This Scottish practitioner working with sexual offenders described a moment when his home and work
60 life collided as his infant daughter burst into the room during a telephone call to a service user.

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3 My service user obviously heard that, and he quickly ended the telephone conversation after
4 he heard my daughter. So, I need to go back to him to speak to him about that. (SW9)
5

6 Those without these responsibilities, in both jurisdictions, experienced the relative quietness of the
7 times as an opportunity, as this French manager stated:
8

9 There's this proverb that says that in all things there is something positive. With regards to...
10 sex offenders, for instance, it's allowed me to do much more interesting and thorough work...
11 Now I can go deeper into things and I think it's a blessing in disguise (DPIP 3)
12

13 A final theme on the practicalities of the sudden and unanticipated working from home was the
14 unsuitability of the work set-up as kitchens, dining areas, and bedrooms were commandeered as
15 offices:
16

17 I was sitting at my kitchen table... and I'd a really sore backside because, of course, the kitchen
18 table is not set up for, you know, me sitting at it for nine hours a day... (M7)
19

20 Whilst there were many similarities in the human experience of working from home, the research
21 revealed differences between the jurisdictions in terms of the trust that institutions put in staff to
22 maintain focus on their work responsibilities whilst out of sight of their managers. Scottish managers
23 were much more trusting of their staff and this had an effect not only on how working from home was
24 managed but also on the earlier requirement to return to the office in France than in Scotland.
25

26 [My manager]... allows me to have my own autonomy... (SW 3)
27

28 In contrast, how French managers spoke of their own staff and then their own higher managers
29 reflected the controlling environment they operate under (Bouagga, 2014; Garcia, 2014):
30

31 So, some of them, I won't go as far as to say they milk it, but it makes them more autonomous
32 (DPIP 6)
33

34 So now we are accountable, we send statistics up, I mean really super frequently. We have
35 videoconferences constantly. I mean we really feel scrutinised. We're under such pressure!
36 (DPIP 4)
37
38
39

40 Coping thanks to Technology

41 From March to June 2020 institutions communicated with their staff, staff with each other, and staff
42 and their service users by relying on technology. This forced reliance on technology created not only
43 connection between colleagues that contributed to personal and institutional resilience but also the
44 conditions for a paradigm shifts in thinking.
45

46 It also taught us to develop coping skills... To adapt to other ways of doing one's work, to
47 develop other ways of interacting with people. Also realising that the things we thought were
48 impossible, are possible after all. So, we push our own limits and I think it can be a good thing.
49 (DPIP 7)
50

51 Both French and Scottish POs, depending on their personal circumstances and their personality,
52 greatly missed office interaction. However, Scottish managers were notable in being in all cases
53 present and attentive to their staff. Team members began to innovate by creating discussion space
54 thanks to technologies, which provided a space for information exchange and personal and
55 professional care and guidance; but they could not replace in-person human connection.
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3 We've got like, a Whatsapp group set up for the team... and team meeting and things, and
4 they've also got peer support sessions set up... through Microsoft Teams... But the bit that
5 they miss is that kind of instant, almost like, gratification... (M2)
6
7
8

9 Digital divide

10 As mentioned earlier, French probation staff were sent back to the office earlier, in breach of national
11 rules, simply because, in contrast to their Scottish colleagues, they were not adequately equipped to
12 undertake office tasks from home.
13

14 Reflecting a widespread national digital under-equipment affecting most public services which was
15 denounced by the Human Rights Ombudsman shortly before the pandemic (Défenseur des Droits,
16 2019), of all our 22 interviewed CPIPs, only 4 had a laptop, 7 had a work computer and none had a
17 connection to their intranet files. Whilst all but 4 had a business phone, internet capability was only
18 available to managers. Our interviewees were unanimous in deploring this.
19

20
21 It's really taxing to work under such conditions. It's a constant source of irritation and
22 annoyance (CPIP 14)
23

24 This reflected the digital and IT backwardness of the French prison institution, which had been present
25 before the lockdown (Défenseur des Droits, 2019):
26

27 [We have]... three computers for twelve CPIPs, including one computer that does not connect
28 well [to their internal application] (CPIP 8)
29

30 This lack of investment in technology reflects a historical reluctance to allow staff to work remotely.
31 Indeed, in organisations where autonomy is limited, management tends to be more oppressive (Dale,
32 2006). This has been aggravated by New-Public Management techniques (Garcia, 2014; Dubourg,
33 2015), understood in France essentially as the management of institutional poverty and smothering
34 bureaucracy. In a context such as this, allowing CPIPs and DPIPs, in normal times, to work from home
35 would have meant a loss of control.
36
37

38 Despite the exceptional nature of the times, the hierarchical and bureaucratic character of the
39 institution mitigated against innovation, rules from another time continued to be applied and rules
40 against accessing central online systems from personal computers and being able to take paper files
41 home continued to be applied. With access only to the most basic telephone equipment, and no access
42 to files, French POs relied on their memory of service users' personality and circumstances. Whereas
43 this presented less problems for experienced staff who knew their caseloads, for newly appointed
44 staff with no or very limited previous contact with service users it was far more challenging. Within
45 these restrictions, staff did what they could:
46
47

48 Since we cannot take our paper files home... we try and do something (CPIP 21)
49

50 In fact, the institutional prohibition on accessing their internal server and typing reports from home
51 forced CPIPs to break the curfew by going back to the office to carry out their most basic functions
52 such as writing and transferring reports:
53

54 I must go back to the office after closing time in order to upload my notes onto APPI
55 [probation/judiciary intranet server] (CPIP 7)
56

57 It has been said that in adverse circumstances, good management is management that allows staff to
58 break the rules (Downton, 1973). In the French sample however, only one CPIP was allowed by her
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3 manager to take her paper files home and only one of our interviewed managers had likewise
4 authorised their staff to do so.
5

6 The Scottish sample, for the greater part already had phones. Most services had already established
7 the means by which staff could work remotely and where it was not the case, they rapidly acquired
8 and disseminated laptops, smartphones and institutional connection. The shift from office to
9 lockdown working was therefore quite seamless except for a lack of access to key systems that were
10 owned by partner agencies.
11

12
13 Again, we can see the impact that institutional differences may have had on adaptation to the
14 pandemic crisis. The hyper-hierarchical and bureaucratic French probation system has slowed down
15 decision making rendering it inadequate to the urgency of the crisis. The fact that French probation is
16 part of the prison institution has also led to a restricted focus on the fear of contamination from the
17 outside world (the home becoming the workplace) and security risks (in this case through computers
18 and technology) rather than the rapid and effective management of the pandemic. Conversely,
19 Scottish Criminal Justice Social work is part of locally embedded smaller scale, and consequently more
20 flexible structures. This provided a much better framework for swift and appropriate decision-making.
21 In addition, the social work nature of Scottish 'probation' provided a pragmatism and problem solving
22 professional and institutional environment.
23

24
25 Inevitably, such systemic constraints had a direct impact on the type of management that was at work.
26 As shall be elaborated on this in a further publication (Author 1 & 2, Forthcoming) we found that
27 Scottish managers were appreciated by their staff for demonstrating the attributes of what has been
28 called 'servant leadership' (Spears and Lawrence, 2002), this being manifested in relation to
29 technological adaptation by an active concern for connection and wellbeing among their staff:
30

31
32 everybody's been really impressed by the duty of care... Ehmm, like really good. So, we feel
33 looked after as people. Technology, I've been quite surprised at how good it is... (SW16)
34

35
36 Inevitably the contrasting conditions of Scottish and French probation impacted staff interactions with
37 service users.
38

39 40 Engaging Service users

41
42 Despite the institutional differences noted above, in the two jurisdictions the type of technology
43 enabling contact with service users during the first lockdown was generally quite prehistoric: it took
44 the form of rather rudimentary telephones. Indeed, both Scottish and French institutions prohibited
45 the use of use systems such as Skype or Zoom, because of the security risk these private sector systems
46 caused.
47

48
49 This raised a practical question pertaining to whether their most dissocialised service users even had
50 access to a phone. None of our French interviewees encountered such issues. In France, people in
51 extreme poverty and even homeless people need and have a phone, and often a smartphone (Solilab,
52 2019). Conversely, in Scotland, a number of probationers did not have phones, to which some services
53 responded by handing them phones with a bit of credit.
54

55
56 Some practitioners pointed that the use of phone increased the number of contacts they had with
57 their probationers. If in Scotland, this often reflected different risk levels, with higher risk offenders
58 receiving more calls, in both Scotland and France, the main philosophy behind this new trend was the
59 need for more spontaneity:
60

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3 I told all my guys 'if you want to call me, and I don't answer immediately it's because... I am
4 not home, or I am doing something, but you can leave me a message and I'll call you back
5 during the day'. (CPIP 10)
6

7 I'm much more flexible and I'm happy to speak to people out-with these core hours. So, I think
8 it's probably benefitted some clients in how they can access me more easily... (SW 3)
9

10 Whereas, in the past, most CPIPs would have been reticent to make themselves available beyond
11 office hours, the pandemic context and the use of technology led them to more flexibility:
12

13 Having your mobile phone outside working hours allows service users to call on us when they
14 are in trouble... but one must be careful... When I work remotely, I tend to forget about the
15 time and... to spread myself thin (CPIP 13)
16
17
18

19 We wanted to know what kind of impact reliance on the telephone had on PO-service users'
20 relationship and what lessons the experience of phone probation in the pandemic might offer future
21 practice. The interviews revealed contrasting experiences and opinions.
22

23 Reservations about remote supervision by phone were gathered around the theme of risk, the inability
24 to verify key information, and to include assessment of body language in assessments:
25

26 You don't gain a lot from telephone contact, apart from confirming that somebody is on the
27 other end ... You are dealing with some individuals who have possibly never wanted to work
28 with us... (M5)
29

30 Where risks to others were less to the fore, telephone probation provided some useful learning with
31 a clear theme being that phone probation increased engagement from service users who were more
32 resistant during face-to-face contact. SW16 observed to her surprise that nearly all of her
33 probationers' 'love' talking on the phone. Ferguson's (2011) observation about the willingness of
34 children to talk openly about difficult issues when out of eye contact during car journeys may have
35 something to teach us here.
36
37

38 A second unexpected bonus from phone probation was access to wider family supports.
39

40 There's one who always puts his mum on the phone and I ask: "how's he getting on?"... That
41 wouldn't happen if it was in an office... (SW 13)
42

43 A key question raised by the aforementioned literature reviews pertaining to the efficacy of remote
44 therapy has been the lack of scientific certainty regarding the type of skills needed to treat patients
45 remotely. Successful phone probation may similarly rely on a yet under-developed skillset:
46

47 ... he phones me for a chat, before I even have to phone him and he says 'you've been a big
48 support to me throughout this and it's so weird because I don't even know what you look like'
49 ... So, I think you can overcome them [the challenges of developing relationships on the phone]
50 but I have colleagues who hate speaking to people on the phone... and this is their worst
51 nightmare at the moment (SW1)
52

53 In both samples there were examples where practitioners were satisfied that they were overcoming
54 the limitations imposed by a lack of visual contact by attuning to their service users' cues, via their
55 silence, hesitations, change in tone of voice, etc.
56

57 It allows one to develop one's listening skills, because you can listen to the tone of voice, the
58 voice rhythm, things like that. So, even if you do not see the person, you can nonetheless
59 interpret, to a degree, if the person is open to discussion, is sceptical... (CPIP 19)
60

1
2
3 I think, actually when you take away the visual, you can become more tuned into what the
4 person is saying (SW8)
5

6 Finally, there were some questions about whether informal communication methods were
7 appropriate for mandated supervision:
8

9 I talked with a colleague who was shocked that I could interact with people via text. As far as
10 she's concerned texts are for pals. So, I told her '... When you receive texts from your doctor
11 or your bank, it's useful'. She replied: "yes but this is criminal justice, it's not at all the same".
12 (CPIP 7)
13
14
15

16 Discussion

17
18 The lockdown of 2020 provided an unprecedented opportunity to study how probation institutions
19 were adapting to the paradigms shifts of working from home and using technology. The national
20 lockdowns in France and Scotland of the spring of 2020 were a particular moment in time where
21 established ways of working became suddenly unfeasible. This paper has documented two aspects of
22 that period: the experience of working from home and the use of technology to retain service. We
23 discovered heroism and creativity.
24

25
26 The study found that Scotland was able to adapt more quickly and more completely than France with
27 French POs returning to work earlier than in Scotland due to issues of organisational identity,
28 institutional rigidity, low levels of trust (Dubourg, 2015), and a lack of basic technology. Scotland on
29 the other hand, was quick to adapt to the crisis due to locally based organisational structures, high
30 levels of management trust and care, and technological connection to information systems. This
31 reflected drastically different institutional structures and cultures, with France being embedded in the
32 hierarchical, bureaucratic and centralised prison culture, whilst Scotland has a social work culture, and
33 benefits from flexible local governance.
34
35

36
37 Whilst the existing literature reveals a certain level of ambivalence about the use of technology in
38 what is essentially a human service, it is clear from our data that technology is not the 'devil' that
39 some writings have portrayed it to be. Where communication via the medium of telephone is
40 contrasted with face-to-face interactions, naturally, the former seemed a poor ersatz. When the
41 sudden lockdowns presented our interviewees with the choice of no contact at all or contact via
42 technology, their views became more balanced, their behaviour adaptive, and benefits were
43 discovered.
44

45
46 Key questions raised by this study are whether phone-only offender supervision can work and which
47 set of skills is required to make it effective. We saw that, in psychology, systematic reviews have
48 yielded reassuring results. A meta-analysis found that video therapy was as effective as face-to-face
49 therapy (Fernandez et al., 2021). Additionally, two systematic reviews have likewise concluded that
50 telephone only therapy is promising (Coughtrey & Pistrang, 2018) and even effective (Irvine et al.,
51 2020). However, both reviews have concluded that more research is needed to understand which
52 skills, techniques and precautions are required to produce positive outcomes. Psychologists or
53 psychiatrists' associations such as, for instance, the British Association for Counselling and
54 Psychotherapy (2021) have started issuing guidelines to support practitioners, which point to classic
55 therapeutic competences such as communication, structuring, risk assessment, and knowledge. The
56 question remains whether the results found in psychology are transferable to probation, where the
57 working relationship is partly therapeutic, but also consists of supervision on behalf of the justice
58
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3 system (Trotter, 2015). This represents an important gap in the literature, which our article simply
4 touches upon, and which will need to be addressed in further work.
5

6 In any case, our findings do call into question whether office interviews are required in all cases, all of
7 the time or whether the same objectives can be met in other ways. We found that phone probation
8 did, in some cases, make communication more open, disclosure easier, and access to wider family
9 much more spontaneous and possible. Phone probation could thus have a place and some of its
10 lacunes can be reduced by developing specific skill sets.
11

12 Overall, our results contrast in this and other respects with the literature that has been published on
13 probation during the first lockdown. Indeed, our participants did report the same challenges in
14 working from home via telephone. Nonetheless, they were far less downbeat than later studies.
15 Additionally, we got no real sense of the ‘complacency’ described by Dominey and colleagues (2020,
16 p. 3) in supervisory relationships, seeing instead an active prioritisation of institutional effort and
17 energetic creativity in how to engage service users and ensure public safety. Our participants reported
18 a better work-life balance thanks to the no commuting parenthesis and many aspired to continue
19 working remotely by choice for some of their roles and for some of the time.
20
21

22 We hypothesise that timing affected the contrasted results. Indeed, our study took place entirely
23 during the lockdown, whilst other studies either overlapped the lockdown and the lifting of
24 restrictions (Armstrong & Pickering, 2020) or took place some time after (Dominey & Coley, 2020).
25 Thus, participants in other studies may have had the benefit of hindsight and were likely to have come
26 to the same depressing conclusion as the rest of the population that the pandemic was not to be a
27 transient episode. Like the wider population, they may have started to experience the mental health
28 impact of the pandemic. Conversely, at that particular moment in time our sample did not have this
29 hindsight and were still hopeful. Indeed, research has documented that human beings tend to be more
30 optimistic when they are going through trauma – as opposed to after they have experienced it – when
31 they have no choice but to fight and try and survive. In such times, they tend to be kinder, more
32 cooperative as if they were one unique human group (Jetten, Richer, Haslam & Crywys, 2020).
33 Conversely, once they return to ‘normality’, they can start experiencing the negative impacts of what
34 they have gone through. Similarly, when a crisis lasts for a long period of time, people tend to have
35 more negative feelings and behaviour. In this respect, we documented a different point in the history
36 of Covid-19.
37
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40 Another striking finding has been that contrary to what the national guidelines dictated in both
41 jurisdictions, a number of practitioners actually went back either to the office or to the field during
42 the lockdown. In France, POs went back to the office both because of the bureaucratic rigidity of their
43 institution (they could not access their files from home) and because of their prison service culture
44 which required them to perform and be seen as frontline heroes. In Scotland, but for a few ‘paramedic’
45 heroes and those who had to conduct home visits to high-risk service users, Scottish SW mostly stayed
46 home. In their less hierarchical and more supple institutional context, they were able to continue, for
47 the most part, to be creative and autonomous, and to operate according to their values and
48 professional identity. Thus, those who returned to the office essentially did it by choice. During the
49 first lockdown, therefore, institutional structures, type of management, history, culture and
50 professional identity ultimately determined how practitioners and their agencies responded to the
51 crisis.
52
53

54 We are well aware of the limitations of our study: qualitative in nature and volunteer-based it cannot
55 claim generability. Similarly, it has only measured the experience of POs to the exclusion of service
56 users to whom access would have been impossible during the initially strict lockdown. In spite of its
57 limitation, our study represents a useful snapshot taken in the eye of the storm of a unique historical
58 moment and this, equally uniquely, comparatively.
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3 Indeed, conducting this study has been a unique experience for the two researchers. Whilst carrying
4 it out we were aware that we were facing many of the same issues of personal and family concern,
5 professional disorientation and adaptation, technological familiarisation, enforced changes to working
6 conditions, and balancing of other priorities. We are grateful to all of our participants for sharing their
7 stories with us.
8
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11 Note: The study was reviewed and approved by the ethics committee at the second author's
12 institution.
13
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