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Herzog-Evans, Martine; Sturgeon, John

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French and Scottish probation during the first lockdown. In search of the heart and soul of probation

Martine Herzog-Evans, Université de Reims, France

John Sturgeon, University of West Scotland, United Kingdom

Abstract

In March 2020 in response to the global pandemic, countries across Europe ordered businesses and offices to close and their citizens to stay at home. This paper is part of a wider investigation, which explores what happened to probation services in France and in Scotland during this time of national emergency. Qualitative interviews with 29 French and 27 Scottish probation staff took place during the initial lockdown, the authors wishing to capture the personal and organisational experience of practising probation at this unprecedented time. In this paper, the authors explore how probation staff in both countries responded to the news of the lockdown and how they adapted to working in these fundamentally altered circumstances. The paper explores what took place and therefore what is left of probation when the vast majority of what it usually entails becomes no longer possible. The study reveals similarities between the countries in how as human beings, probation staff responded to the pandemic and the imposition of the lockdown; it also uncovers differences in the practice that emerged, these differences reflecting the different historical roots of the two services and differences in the way that they are structured.

Keywords: Probation, Lockdown, COVID-19, Criminal Justice Social Worker; Advise, Assist, Befriend; Social Work.

Introduction

France was placed on 'confinement' on March 16, 2020, by president Macron. From the onset, the lockdown was highly authoritarian, and energetically enforced by a very strong police presence in the street. French residents were not allowed to leave their home without a '*laissez-passer*'. With very few exceptions, public services, hospitalities, and shops (except those selling food) were closed. Probation services likewise closed overnight, and prisons were closed to external visits (Herzog-Evans, forthcoming). Masks being unavailable for many months, French probation staff who worked in prison were instructed only to communicate with prisoners in writing. Probation staff who worked in the community were ordered to work remotely, to send letters to all their probationers, starting with the high-risk ones, and to then use their phone to communicate with service users.

In Scotland, the first Covid case was confirmed on March 1st 2020 and the first recorded death was confirmed on March 13th. On March 20th, the Scottish Government ordered all businesses providing hospitality to close. It was not until March 23rd, that the United Kingdom Government, with a delay that caused a large number of deaths, declared a national lockdown. The rule was to 'stay at home', except for certain very limited purposes. Criminal Justice and public health being 'reserved matters', the Scottish Government has autonomy to make its own decisions. Thus, Scotland was able to make its Criminal Justice System (CJS) benefit from its flexibility and local embeddedness, which proved vital

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3 during this world crisis. The enforcement of the lockdown in Scotland was based on a policing
4 approach of Engaging, Explaining, Encouraging and only if this fails, Enforcing. All court business in
5 Scotland was adjourned or continued administratively on 25th March following which priority cases
6 and custody decisions were dealt with in 10 Courts. Regarding probation, the 32 probation local
7 authority Criminal Justice Social Work services (Sturgeon & Leygue-Eurieult, 2020) were placed on
8 lockdown overnight and Criminal Justice Social Workers (CJSWs) told to work remotely. The local
9 authority offices where some of the CJSWs operated from were kept in use as a base for services to
10 vulnerable people. In some instances, staff were reallocated to other local authority duties (e.g.
11 delivering food). As in France, Scottish prisons went through a series of restrictions and, in particular,
12 regarding visits. CJSWs who normally worked in prison settings, were not allowed to enter their place
13 of work.
14
15
16

17 If both jurisdictions were placed on lockdown, roughly at the same time, it was only partially lifted in
18 Scotland (July the 3rd), and with great caution everywhere in the UK, whereas as of May 11, 2020,
19 barring curfew hours and local lockdowns, France went on to largely ignore the pandemic to restore
20 the economy.
21

22 In both France and Scotland then, virtually overnight, probation offices closed and probation officers
23 (POs) were required to provide a service from home at a time of national and perhaps, personal crisis.
24 It was a set of circumstances for which neither of the jurisdictions' probation services could be
25 prepared. If, as humans, individuals on both sides of the Channel suffered from the events in an almost
26 identical way, as this paper will show, but as professionals, Scottish CJSWs and French Prison
27 Rehabilitation and Probation Counsellors (in French: CPIP) reacted very differently.
28
29

30 Conducting interviews during the first national lockdowns in Scotland and France provided an
31 experimental opportunity to explore what might be left of probation when all of its markers (visits,
32 one-to-one interviews, social work, offender treatment) were either removed or made very difficult
33 to maintain.
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38 Literature Review

39 Since this paper presents our more general findings regarding the most salient issues, we looked into
40 specialised literature, which might have shed light on some of the events which were unfolding under
41 our very eyes. We were, at that time, unable to draw on the findings of recently published research
42 into how the pandemic was experienced by probation staff [(Casey et al. (2021) in Scotland, Phillips et
43 al. (2021) England, Dominey, 2021 (England)] instead we had to find published literature pertaining to
44 probation during events which might appear similar. However, we did not find any literature
45 pertaining to probation during the Spanish flu or another epidemic or pandemic; indeed most
46 jurisdictions simply did not have probation services at the time. Thus, we looked into other pieces of
47 work regarding major historical crises and how they may have affected probation.
48
49

50 The similarity of a period of latent warfare to a pandemic might be disputed. However, historically and
51 psychologically, what these types of events have in common is that they create prolonged and acute
52 uncertainty while causing a very real risk of death or loss. In this respect, an essential read is Nicola
53 Carr and Shadd Maruna's (2012) study of probation in Northern Ireland during the "*Troubles*". They
54 focus on the legitimacy of the CJS as a whole during this extended period of political violence. These
55 authors point out that early in the conflict, probation staff adopted a position of neutrality by ceasing
56 to participate in the supervision of 'politically motivated offenders', except when these individuals
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1
2
3 requested support. One might argue that Northern Irish POs, practicing in highly unusual and difficult
4 circumstances, retained the essence and the values of probation that is, social work.
5

6 Probation already existed during WWII in many jurisdictions, even if it was not necessarily state
7 funded. In these times probation services found themselves focusing on activities which would not
8 ordinarily have fallen within their purview. In the United States, federal POs advocated for their clients
9 in order to allow them to enlist in the army. More traditionally, they also had to focus on probationers'
10 *social* needs, such as employment, which became more pressing (Oviedo, 2003).
11
12

13 Frenkiel-Pelletier (2021), conducted a comparative study into probation in England/Wales, France and
14 Israel from the onset of World War II to the end of the welfare era in the late 1970's. The inclusion of
15 France allowed an exploration of the question of what happens to probation in times of acute crisis
16 and particularly when the rule of law disappears. Overall, Frenkiel-Pelletier noted that whereas
17 probation continued (thanks to female staff: Worrall, 2008), roughly 'as usual' in England and Wales
18 and Israel, in occupied France, where the rule of law had disappeared, the CJS was, to a great extent,
19 transformed for the purpose of aiding Nazi repression in occupied territory. For its part, third sector-
20 based probation was divided, like the rest of the nation, between the collaborators and the resistance.
21 POs' core role during the Occupation, however, was to feed and clothe the prisoners who, without
22 their support, would have died of hunger and cold.
23
24

25 To summarise, it seems that the core of probation in times of crisis has historically been social work.
26

27 It is in this unique crisis context that we decided to launch an ad hoc study during the lockdown itself.
28
29
30

31 **Research questions**

32
33 Our qualitative study explored a number of themes and questions. In the present paper, we focus on
34 two of our main questions, which were the following:
35

- 36 • How did practitioners initially deal with the news of the pandemic, and how did they respond?
37

38 And, perhaps, more fundamentally, to potentially give an insight into what constitutes the true core
39 of probation:
40

- 41 • What is left of probation when the vast majority of what it usually entails disappears?
42
43
44

45 **Methodology**

46 This study was unique because it took place whilst our interviewees were in the midst of lockdown. It
47 was important to us to capture the moment when the event occurred and the strong emotions it
48 aroused. Additionally, in mirroring the conditions endured by our interviewees, the first author
49 conducted the interviews from her kitchen whilst her children were doing their homework next door;
50 the second author conducted them in his spare room. Because of our shared desire to conduct the
51 study in the eye of the storm, we had to elaborate our methodology quickly. Similarly, we could only
52 rely on interviews, no other method being available at the time.
53
54

55 The study was initially meant to take place only in France. It was conducted by the first author, starting
56 on April 4th 2020, and completed by May 8th 2020, three days before the lockdown was eased. The
57 second author suggested they replicated together the same method, this time with a Scottish sample.
58 He thus translated the semi-structured grid used with the French sample. Together we started the
59 interviews on June 3rd 2020 and the last one took place on June 22nd 2020, when Scottish probation
60

1
2
3 was still on lockdown. The interviews were conducted via Skype, Teams, or Zoom, and in a few cases
4 by phone. All the interviews were recorded and transcribed verbatim. The first author's university
5 does not yet have an ethics committee and did not have one at the time, as the law did not require it.
6 Approval for the research was given by the ethics committee of the second author's university.
7

8
9 We took extreme precautions regarding anonymity, designating our interviewees by numbers (e.g.,
10 CPIP1, CPIP2; SW1, and so on). All our interviewees volunteered and consented. They were fully
11 informed regarding the purpose and modalities of our study, and that they could put an end to the
12 interview at any point in time, which would lead us to destroy our notes and data. None of our
13 interviewees asked us to do so. Interviews lasted between one and one and a half hours.
14

15
16 The French sample comprised 22 CPIP, seven middle managers and chiefs of service (DPIP), i.e., a total
17 of 29 practitioners. The Scottish sample comprised: 16 CJSW (SW) and 11 managers (M), a total of 28.
18 The French sample was very diverse, including people from the North-East and West, middle France,
19 South-West and East, and its overseas territories, and both rural and urban areas. The Scottish sample
20 included city, semi-urban, rural, remote-rural and island-based staff and representing 11 of the 32
21 local authorities. All the interviews were transcribed and coded on the basis of our main themes.
22

23
24 Overall, this was a rather unique experience for the two researchers. A particularly distinctive feature
25 of traditional research interviews was the fact that, for France – but less so for Scotland – our
26 interlocutors jumped immediately to the subject of the pandemic without giving us time to ask
27 traditional 'warming up questions', which had to be asked later. In a way, these very strange interview
28 conditions are already part of our findings.
29

30 31 Findings

32
33 In this section we explore two of the main themes covered in our study. The first allows us to situate
34 the very difficult emotional context in which the practitioners found themselves when the lockdown
35 was announced and as they were unfolding when we conducted the interviews. The second theme
36 pertains to what remained of probation in a deteriorated context where, in addition, almost all partner
37 agencies were closed.
38

39 40 41 **'The penny dropped'**

42
43 One of our initial questions was 'when did the penny drop?'. Here, we wanted to know when our
44 sample had, for the very first time, realised that major life-changing events were happening or were
45 about to happen. We wanted to probe what their first thoughts, feelings and behaviours had been.
46 The most striking finding, here, was the universality of the distinctions that we uncovered: the Scottish
47 and the French sample yielded identical results.
48

49
50 Two categories of people had been aware that a disaster was about to happen before their managers
51 and colleagues. These were, on the one hand, those who had serious reasons to worry, that is those
52 who were over the age of 50 and/or those with underlying conditions. There were, on the other hand,
53 individuals who paid attention to the pandemic as it was developing elsewhere and who were able to
54 overcome the tendency that was evident in other colleagues to deny that these events had any
55 significance for them. All of them expressed their irritation mixed with worry when they were at a
56 stage where they knew what was coming, but others were still refusing to accept reality:
57

58 *I mean when it all happened... I was constantly telling my colleagues "We're going to have to*
59 *get organised" and nobody was listening. And then on Tuesday I still had some colleagues who*
60 *were telling us that we had to go to the office, and I said I wouldn't. (CPIP 6)*

1
2
3 *So, I started to panic a little bit... and I was saying to my colleagues, "I don't think we should*
4 *be here" and... the day of lockdown, I took all my stuff home because I knew I wasn't going*
5 *back to the office. I just had a feeling over the weekend that things were going to change,*
6 *and they did! (SW2)*
7

8
9 The majority in both the French and the Scottish samples had minimised and refused to acknowledge
10 the upcoming disaster until the very day where the lockdown was declared or their lives were forcibly
11 disrupted in other ways.

12
13 *And well we told each other "but there's nothing going on here; I mean there's no cases". So,*
14 *I mean we were a bit, ehmm as in magic thinking telling ourselves "all is well" when really...*
15 *(CPIP 18).*
16

17 *I just didn't want to look at it and face it... For the first time in my working life, I felt: "this is*
18 *all out of my control" and I just didn't like anything about it, to be honest [laughs]! (SW14)*
19

20 Some practitioners told us that they had been on holiday abroad and that they discovered that the
21 world had changed forever when they landed in an eerily quiet airport to a changed country.

22
23 *I got to Charles de Gaulle and the airport was empty. We put masks on when we arrived there...*
24 *it was really daunting (CPIP14).*
25

26 Those who had not seen it coming despite all the evidence, humbly admitted to it:

27 *I must confess I never saw it coming as a matter of fact. I, ehmm, I really took a big slap (DPIP*
28 *4)*
29

30 *How could I not see this happening?" and at the moment of lockdown....: "this is actually*
31 *happening now and wherever I sleep tonight is going to be where I'm going to be stuck for*
32 *how many weeks. (SW3)*
33

34 Realising the enormity of the situation, SW3 makes a quick decision to make the long journey to her
35 family home. The road is empty:

36
37 *...and it was surreal, thinking; wow, what are we about to go into?! (SW3)*
38

39 Our interviewees transparently confessed to being caught off-guard, explaining that a few days or
40 hours before they were mocking those who were expressing concerns. These individuals confessed to
41 being in a state of shock, when they were told to go home, to gathering whatever they thought they
42 might need to work from home in an autopilot mode, before descending into a panic state often
43 shared with their service users:
44

45
46
47 *We had to call each of our service users who had an appointment for this particular week, and*
48 *I really felt panic on the part of these people. We had to reassure them because they worried*
49 *in case they would be breached. (CPIP 13)*
50

51
52 *I've got a colleague... We joke in the office that he's got OCD... He's got a thing about germs*
53 *and about things being clean and such like. A couple of weeks before... he was starting to talk*
54 *about it and... to get really worried about it. I was continually making jokes at... do you know...*
55 *I suppose, at his expense.... (SW11)*
56

57 And then...
58
59
60

1
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3 *After the lockdown... I wasn't sleeping at night. I was getting headaches and different things*
4 *and, I'm a single parent as well, and then I had the thing about, well if I catch it, what do I do*
5 *about my daughter? (SW11)*
6
7

8 We asked them what their initial thoughts were. Some immediately wondered how they would be
9 able to interview their probationers 'blindly' over the phone. The vast majority, however, first thought
10 about their loved ones and survival.
11

12 *I think it was work first, actually. There were a couple of clients that straight away, I thought;*
13 *Oh, my goodness. When am I going to see them? and then quite quickly after that, I was*
14 *thinking, I'd better get home. (SW3)*
15

16 Strikingly, every single one of our interviewees could pinpoint the moment when 'the penny dropped',
17 what they were doing at the time and what their thoughts had been. For some it was a decision to be
18 made about a travel, whether they should cancel it postpone it or go forward with it:
19

20 *On the day we left there was an unbelievable queue at the airport with people asking whether*
21 *they would be able to leave and some people wanting to leave earlier. (CPIP 2)*
22

23 For these respondents it was the cancellation of an events that were important to them as part of the
24 fabric of their lives:
25

26 *A big part of the Scottish football culture is the Rangers and Celtic game ehmm, which was...*
27 *cancelled... you knew then that this was going to be, maybe, quite serious. (SW5)*
28

29 *What!?! You can't cancel St Paddy's Day! (M6)*
30

31 For others still, it was a few days before lockdown when they realised some of their colleagues were
32 becoming more vocal about the risk they were facing and their fear of being 'contaminated'. In many
33 instances, when hearing what had up until then been a rather banal event, someone coughing in the
34 office, they now realised this caused them concern because it could be 'it':
35

36 *I remember this service user who came at the end of February. This man was rather sick,*
37 *sweating and had coughing fits. So, I immediately kept a distance and I asked him to leave the*
38 *office. (CPIP 16)*
39

40 *I didn't really take it that seriously up until just before lockdown and then the week before we*
41 *went into lockdown I was sitting in my hot office and I had a bit of a cough and I started getting*
42 *funny looks from colleagues... (SW9)*
43
44

45 For many it was simply being literally kicked out of the office by their manager, without having more
46 than a few minutes to prepare before they rushed back home:
47

48 *My manager said "you suffer from asthma; you know you need to go home"... And for the*
49 *whole week I'd kind of been putting it off and saying "no", you know, "I think I'm okay and I'll*
50 *sign a disclaimer... And then the day that it was, "Well, you all need to go home now", it was*
51 *like the world was collapsing... So, I left the office with my laptop and that was twelve weeks*
52 *ago, and we've not been back. (SW14)*
53

54 A further clear distinction at the time was that POs who lived and worked in rural areas or were very
55 young and without young children felt relatively safe, whereas those with health conditions, shielding
56 loved ones or living in big cities, feeling they were directly at risk.
57
58
59

60 **A deteriorated context**

1
2
3 Another common finding in both jurisdictions, was that the vast majority of probation services'
4 partner agencies appeared to be closed. This meant that their partners could not process cases or
5 deliver medical, mental health or substance use treatment under normal conditions. Both in France
6 and in Scotland the courts functioned way below their normal capacity. In Scotland, the choice was
7 made to only keep some of the courts opened. In France, all the courts were closed to the public and
8 the vast majority of magistrates worked from home, but the prosecutors' offices remained open with
9 some of their staff present on site, although they only dealt at the time with the most serious cases.
10 As regards to medical, psychiatric or substance use treatment practitioners or institutions, the vast
11 majority of them operated via tele consultations, either by phone or by video.
12
13

14 With statutory duties to promote welfare and protect vulnerable adults and children, local authority
15 social work services, of which Criminal Justice is part, remained open in Scotland to staff, but not to
16 service users. Thus, emergency care was maintained throughout the country with, in this example, the
17 crisis leading to service improvement:
18

19 *We have, really strengthened our relationship with some partners... housing team came on*
20 *board with us... we set up a joint database and we are able to triage people... and worked*
21 *really closely together and that has never happened before. Health have been on... Addiction*
22 *services have worked really closely with us... (M1)*
23

24 In France, the great majority of social work institutions were fully closed, their practitioners working
25 from home. An important exception in France's big cities was the emergency housing system which
26 did prevent a great number of homeless people from being left on the street, alas often forgetting
27 former prisoners:
28

29 *Rather swiftly the authorities took care of finding accommodation for the homeless, which*
30 *means that several times I asked them to help with people being released from prison but there*
31 *was nothing. Conversely our usual partners aren't there anymore: psychologists, addiction*
32 *specialists... (CPIP 22)*
33
34

35
36 Differences are thus appearing between the two studied jurisdictions regarding what was left after
37 the Covid19 crisis hit.
38
39

40 ***The Heart and Soul of Probation: Priorities***

41
42 In trying to address what remained of probation once in person interviews and supervision was
43 removed and many partner agencies had closed, we first explored who were the probationers our
44 interviewees had to contact first, or more frequently. In other words, what were their priorities and
45 how was this decided?
46
47

48 Unsurprisingly, in France, this was the result of decisions made by the hierarchy:
49

50 *I sent an email (to my staff) and of course the decisions were shared with my fellow managers.*
51 *(DPIP 5)*
52

53 In Scotland, our interviewees told us in all cases that their managers trusted them enough to make
54 the right decisions, based on their experience and expertise:
55

56 *... that was literally about speaking to individual workers. We could not guarantee at that point*
57 *that the LS-CMI (risk assessment tool) was going to reflect the current level of risk so that*
58 *involved team leaders speaking to each worker and saying; "in your case load who are the*
59 *cases that are the most vulnerable that we need to be concerned about?" (M9)*
60

1
2
3 Regarding the first matter, there were great similarities between France and Scotland. Most of our
4 interviewers listed roughly the same categories of individuals. The first categories, sex offenders and
5 domestic violence (DV) offenders reflect recent changes in criminal justice policies. Both categories
6 are also justified in as much as they represent, at least at a general level, the perpetrators of offences
7 which are potentially dangerous and whose reoffending would be particularly catastrophic for victims
8 and in the eyes of the population in general.
9

10 *We were told to call the more sensitive cases, meaning (French equivalent of MAPPAs) cases*
11 *and DV cases. (CPIP 17)*

12
13 *The amount of lists that we have is endless; from MAPPAs lists to Caledonian (Domestic*
14 *Violence groupwork programme) lists, to high risk lists... (M8)*

15
16 Nonetheless, in France, these broad categories could not be refined further:

17
18 *We very roughly categorised people. It's what I call war criminology: 'S files' [i.e. radicalised*
19 *offenders], DV. (CPIP 15)*

20
21 Some of the people thus categorised might not have presented a real reoffending risk or a danger for
22 anyone. In Scotland when practitioners had had time to administer a structured risk and needs
23 assessment of the individuals in question, they were trusted to individualise these assessments
24 further.
25

26 *... the high-risk ones was easier because we have the risk assessment tools that tell us if*
27 *someone deemed to be a high risk of harm so that was a lot easier and it was very much down*
28 *to social workers to triage their cases because they knew the people well and would also be*
29 *able to pick up triggers where there were problems so that is how we divided it all out in the*
30 *beginning. (M1)*

31
32
33 In France, in the absence of any evidence-based tool or methodology, practitioners relied on their own
34 judgement, as they would normally do, to determine who, amongst the people convicted of sexual or
35 domestic violence offences presented the most acute danger. Regarding domestic violence cases, in
36 both jurisdictions, there was no doubt that the lockdown presented a serious added risk factor when
37 the perpetrators were still living with their victim or were in a new relationship. More broadly, Scottish
38 and French POs whether with or without a structured tool, paid particular attention to those deemed
39 as presenting high risks to their partners.
40

41 A second category of people our interviewees paid attention to during this global health pandemic
42 were those they deemed vulnerable either to the pandemic, to the effects of the lockdown, or to a
43 neglect of their needs. However, there was much variation regarding who exactly they categorised as
44 such. In Scotland, vulnerability was very often defined in terms of poverty, a lack of emotional
45 resilience, and high levels of social need.
46

47 *I think in terms of priorities for service users it was really about identifying people who were*
48 *most disadvantaged, vulnerable, and at highest risk... It was really about going into crisis*
49 *intervention... (M8)*

50
51
52 In France, vulnerability was often defined in terms of solitude and lack of autonomy:

53
54 *I'm not comfortable with this because I'm afraid that it will become the norm... We don't know*
55 *how long they'll stay in the street. They're very isolated. (CPIP 14).*

56
57 We were quite surprised to discover that, in both jurisdictions, very few practitioners spontaneously
58 thought about psychiatric cases who would be very likely to suffer greatly as a result of the lockdown
59 and in fact potentially not be able to tolerate or even understand it.
60

1
2
3 In our two samples, for those who worked in prison the immediate emergency pertained to the early
4 release of a great number of individuals because of the particular risk incurred both by prison staff
5 and prisoners regarding the spread of the virus, although France did a much better job and liberated
6 15,000 prisoners thanks to its reentry judges (Herzog-Evans, forthcoming). French and Scottish
7 practitioners alike had to inform families regarding the lack of visits, and how to maintain contact with
8 their loved ones.
9

10 How priorities were defined greatly depended on the character of their institution and on leadership
11 styles. French managers struggled to respond, at least initially, to the needs of their staff and their
12 service users being paralysed whilst they waited for instruction from headquarters. This initial "*laissez-*
13 *faire*" response (Northouse, 2016) was conducive of panic (Weinberg, 1978). Once reorientated, the
14 service responded returned to familiar practices of managing through strict guidelines and hierarchical
15 control.
16

17
18 *I am angry with my managers..., it is unacceptable that they are not reacting but, as good civil*
19 *servants, they are waiting for whatever comes from Paris. (CPIP 10)*

20
21 *My manager left it for a week before she called me, no, in the end it was me who called her.*
22 *She showed no signs of life... I felt alone... I thought that I could spend my life in isolation, and*
23 *no-one would know. (CPIP17)*
24

25 SW15 spoke for all of the Scottish participants as she described her own manager:

26
27 *A good manager balances the work stuff, makes sure you've got the support there, checks in*
28 *with how you're doing personally, but doesn't have a one size fits all...they trust that the work*
29 *will be done, whenever that might be. (SW15)*
30

31 The Scottish managers went out of their way to meet the professional and personal needs of their
32 staff. This can be recognised as "servant leadership" (Greenleaf, 1970), a style that is characterised by
33 caring, flexible, and trusting behaviour. In contrast to their French colleagues, Scottish participants felt
34 trusted, supported, were able to prioritise within loose guidelines and to innovate.
35

36 Another variable was the background and the values of the POs themselves. Those who had a public
37 protection culture prioritised offending risks and risk of harm; those with social work values were
38 more focused on probationers in need of practical intervention. CPIPs recruited at a time when France
39 focused essentially on the enforcement of community sentences and their obligations were keen to
40 continue doing so:
41

42 *I especially think about the practicality of their licence conditions. I ask questions regarding*
43 *how they comply with their sentence, and some tell me they've already sent their documented*
44 *proof. It's kind of a technical support. (CPIP 12)*
45
46

47 None of our interviewees, however, clearly made the distinction between, on the one hand, the stable
48 dynamic risk factors that they would normally be working on, and acute dynamic factors which might
49 be exacerbated by the unique situation of lockdown, with the exception perhaps of drug use. If they
50 mentioned psychological or psychiatric symptoms, it was in terms of risk of self-harm, which
51 undoubtedly was significantly present during the lockdown; not in terms of exogenous risk factors.
52

53 In common with the findings of other lockdown studies (Phillips, et al., 2021., Casey et al., 2021., Sturm
54 et al., 2021.) we did find that risk orientated POs were anxious to some extent in their work when
55 deprived of their usual range of senses by remote probation. Our study was, however, conducted at a
56 very early stage in the pandemic and our participants, particularly our Scottish participants, were
57 creative in how they maintained a focus on risk. We agree with Sturm et al (2021), Stempkowski and
58 Graf (2021), and Dominey et al. (2021) that opportunities for learning from developing practice and
59 from research about remote risk assessment should be taken whether this is in the form of using
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3 technology itself to conduct the risk assessment (Vasiljevic et al, 2017; 2020) or learning from those
4 experienced in providing therapeutic care over the phone. SW8 had 19 years of experience in working
5 with people with high-risk substance misuse:
6

7 *... I've done tele-counselling with alcohol services. I think actually, when you take away the*
8 *visual, you can become more tuned into what the person is saying and really listening. (SW8)*
9

10 11 12 **The Heart and Soul of Probation: Assist or Advise and Befriend**

13 Where our data diverged most strikingly was regarding what, ultimately, constituted the heart and
14 soul of probation. For French practitioners it was relationships; for Scottish practitioners it was social
15 work.
16

17 Traditionally, French social work (de Robertis, 2018) and probation (Frenkiel-Pelletier, 2021) has been
18 deeply influenced, if not rooted in, psychoanalysis, and has gradually forsaken social work (Perrier,
19 2013). Unsurprisingly, then, whatever their background, our French sample generally stated that what
20 was left of probation was 'the relationship'. Prior to the pandemic, France had long subcontracted
21 social work and treatment to community agencies and third sector 'associations', leaving POs with the
22 role of case manager and talking coaches (Herzog-Evans, 2011), although in recent years they had
23 been asked to 'become criminologists' (Dubourg, 2015). With the lockdown, and their partners no
24 longer available, none of our French CPIPs thought they could maintain offender treatment, in any
25 way shape or form. What was left, therefore, was a human touch, a supporting voice over the phone,
26 similar to that of a friend.
27

28 Those who in their practice and whose philosophy was more focused on supervision and enforcement
29 expressed their concern about the lack of supervision, the inability to risk assess, and to control. Those
30 who were more focused on the ideal of human assistance and desistance support, felt they were
31 abandoning their probationers:
32

33 *I think we're losing them... this woman has serious psychiatric problems... it's a really difficult*
34 *supervision. She cannot stand what we represent, the CJS, and so on. At the same time when*
35 *she's not in a good place she knocks on our door. On Wednesday, she left a message to my*
36 *colleague, breaking apart; "I won't manage. I'm going to commit suicide". (CPIP 7)*
37

38 However, the vast majority of our interviewees were more positive. What they felt was that their
39 relationship with probationers had become more egalitarian. They argued that when they called their
40 service users, and asked them how they were, the person on the other end of the phone understood
41 that it was not just a form of politeness devoid of real genuineness. Everybody being in the same boat
42 and everybody craving human interaction, both the CPIPs and the probationers were worried about
43 each other and were happy to talk over the phone. Ordinarily, probation is a rather odd relationship
44 business where only the probationer is expected to confess intimate things about themselves whilst
45 the PO sits, watches and listens and reveals very little. During the lockdown, however, probationers
46 and POs were placed on an equal footing, and probationers typically answered their questions with
47 'and how are you?'
48

49 *... they are really touched that we ask about them. And it always ends with "and how about*
50 *you?" All of a sudden, we seem to them more human... In the same situation as they are. (CPIP*
51 *6)*
52

53 *Yes, I would say people will always ask how I am, yes. And a couple will always ask how's my*
54 *family. And so, yes... that's a genuine interest. (SW7)*
55
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The discussions between the two correspondents would focus mostly on how to deal with the lockdown, some probationers having been through prison before being now in the odd position of advising the POs. SW2 had this advice from a service user:

Do you know, you guys should recognise this because the way you are feeling now about being isolated and on your own, that's how a lot of us feel a lot of the time. (SW2)

Similarly, the conversations would focus on health issues and how to deal with them in the lockdown context. French CIPs would particularly support the most vulnerable of their service users through words, encouragement and advice.

... a smile, over the phone... "don't worry". It sounds trivial, these little things, but it gives them more confidence, because many of them have gone through difficult things... One of them really got to me. He said "but Madame, I have lost my job. The guy kicked us out. And I made so many efforts". I told him: Hang in there. You've put everything in place. I am not at all worried about you because you now get it, and you want it and because of that it will be OK. (CPIP 17)

Those with a more educational stance, reminiscent of their 'socio-educative' historical past (Frenkiel-Pelletier, 2015; Perrier, 2013) felt they had to teach:

I strongly believe I must call them and take the time to explain that this lockdown is a national decision. (CPIP 13).

Therefore, lockdown probation was reduced to human support, advice, and genuine human interaction. Although French probation has never formally embraced the traditional British 'Advise, Assist and Befriend', it sounded oddly familiar. Therein lies the reason why a good number of our interviewees were expressing satisfaction, in spite of the uncertainty and the fear. What they found was that they were experiencing a parenthesis where they were able to go back to their roots; those that had preceded the many contradictory reforms that French probation had gone through over the last decades turning former social workers into legal registrars, then controlling enforcers, prison staff, and, more recently, to criminologists (Dubourg, 2015; Garcia, 2014). Indeed, at a point in history where they were just starting to initiate a shift towards evidence-based practices, both CIPs and probationers expressed (Herzog-Evans, 2011) that they considered that probation work consisted in doing 'talk support' (Farrall, 2002). During the lockdown, the difficult job of motivating offenders to change was abandoned. Most CIPs ceased to even talk about the offence in question, and only focused on helping offenders survive the lockdown.

Our sample did comment that it was easier to maintain a relationship which had been created before, even briefly, than to initiate a new relationship over the phone.

I tell myself "First create a relationship". I haven't been here long; only since September. So, all my supervisions are just starting. (CPIP 3)

That being said, and bearing in mind the limitation of our methodology, it was apparent that some of our interviewees had enough professional skills to be able to overcome this particular barrier whilst others struggled. There is no doubt whatsoever, then, that for most of our French POs, the core of probation is 'the relationship', that is *advise and befriend*. It is useful to remember that their official title contains the word 'counsellor' (*conseiller*).

Scottish lockdown probation presented very differently. As with their French counterparts, their fundamental role is reflected in their official title: Criminal Justice Social Workers. And whilst they have particular objectives as CJSWs to contribute to the protection of the public from serious harm, hold offenders accountable in order to reduce the risk of their reoffending, and support their desistance

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3 through social inclusion (The Scottish Government, 2010), they are trained as generic social workers,
4 and are employed by social services department with a fundamental legal obligation to ‘promote
5 welfare’. When asked about their motivation for becoming CJSWs they spoke overwhelmingly of a
6 desire to promote social justice and to provide help and support to those in need or at risk. All 27
7 respondents, managers and social workers, felt ethically aligned to their role and this increased during
8 the lockdown.
9

10 *They’re going back to real social work! That, that making relationships and not thinking about*
11 *running onto the next person or the next meeting, or what reports need done. (M1)*
12

13 Whereas French CPIPs hardly ever do home visits and would never directly contribute to social aid,
14 several of our Scottish interviewees would deliver parcels, medication or even in some cases drive
15 their service users to places of treatment.
16

17 There were a number of examples of highly innovative practices that were intended to enhance their
18 service users’ wellbeing. SW2 continued group work by moving it online and having dropped off
19 cooking ingredients on the doorstep of each participant, worked with the group to cook from the
20 ingredients. SW2 also dropped off jigsaws and colouring materials to those she saw as needing a
21 distraction from the threat of the virus and the effect of lockdown. Working with a service user who
22 had struggled with mood, SW3 linked in with him on a regular basis to follow an exercise routine that
23 they both followed. She did not see any contradiction, in the circumstances, between what they were
24 doing then and the normal requirement for offence focused work.
25

26
27 *I think actually, you can indirectly, ehmm, achieve the same thing but just in a different way.*
28 *(SW3)*
29

30 SW5, who worked with serious drug users was unusual in that he increased his face-to-face activity:
31

32 *I think it was, not to be arrogant...I, eh, just felt within myself “that is, that is who I am”. You*
33 *know, “I’m there to support people...” (SW5)*
34

35 What they thus did was social work in the traditional sense of the term: hands on; directly supportive;
36 without counting their hours; and, in many ways, taking personal risks (of infection) reminiscent of
37 wartime front medics or of pioneer John Augustus himself, but also fully aligned with their personal
38 and social identity.
39

40 French practitioners were not able to give many examples of such creativity. This must be understood
41 within their constraining institutional context where every initiative has to be hierarchically stamped
42 before it can be put in place and where the nation as a whole aspires to complete uniformity in its
43 public services. As an example, institutionally, evidence-based practises are hailed principally because
44 they can lead to national uniformity (Bourgouin, 2013).
45
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48 **Discussion and Conclusion**

49 This qualitative research has revealed that, for the most part, French and Scottish POs shared the
50 human fate of having to face a lockdown and the realisation that a worldwide disaster had suddenly
51 taken place. They also shared similar hopes and fears regarding the future. Where they differed
52 significantly, however, was regarding how they conceptualised the core of probation which was left
53 in these very extraordinary times. For French practitioners it was to *Advise and Befriend*; for their
54 Scottish counterparts it was to *Assist*. Strikingly, combined, both probation cultures reverted to the
55 historical roots of probation (Jarvis, 1972; Mair & Burke, 2012). Each of these two cultures
56 nevertheless greatly diverged in their approach and this was due to this historical basis: influenced by
57 psychoanalysis (Frenkiel-Pelletier, 2015), French probation counsellors focused on talking and
58 listening; Scottish social workers focused on helping in a concrete way (McIvor, 1989).
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3 To a significant degree these differences can also be explained by their institutional dissimilarities and
4 their contrasted backgrounds. Scottish probation operates within a national strategy and a set of
5 National Practice Standards (The Scottish Government, 2010). This national strategy is however
6 embedded within local authority social services departments that have a primary duty in law to
7 “promote welfare” at a local level. In Scotland, CJSW is characterised by flexibility in internal decision
8 making and relationships, including with hierarchy. For its part, French probation having fully merged
9 with the prison services in 1999, has become centralised and has a multitude of hierarchical levels
10 which greatly slow down and rigidify decision making which has the effect of reducing staff autonomy.
11 In Scotland, whilst CJSWs are all qualified social workers who have experience in other areas of social
12 work practice, at least in training, in France, CPIPs are essentially recruited amongst lawyers and only
13 marginally from other humanities.
14
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16

17 These differences in the organisation of probation represent cultural differences (McNeill & Beyens,
18 2013), which cut across all dimensions of society in both France and Scotland. Inevitably, then, it has
19 had a strong impact on how the lockdown has been organised and experienced.
20

21 Significant institutional differences are also quite salient. Scottish management being more flexible
22 has adapted much quicker to the lockdown ensuring that their staff could continue with some level of
23 efficacy to work from home. As a result, their staff were significantly more relaxed, adaptive and
24 creative than their French counterparts who were rather powerless. Whilst Scottish managers were
25 present, caring and supportive, French POs felt lonely and abandoned, or conversely tightly
26 constrained by bureaucracy or paradoxically both:
27
28

29 *My managers, well, they don't really call. It's only when they want to give me their directives*
30 *when something new happens. Other than that, nothing (CPIP 19)*
31

32 We do share many of the conclusions made by some of our colleagues, particularly in England and
33 Wales (Dominey & Coley, 2020) and in Scotland (McNeill, 2020). However, without denying the
34 hardship our sample went through they were, on the whole, optimistic and positive. The difference in
35 the results could be due to the methodologies used: survey based for Dominey and Coley; mixed with
36 a prisoners' side of the story for McNeill. The differences may also be due to the fact that our
37 colleagues interviewed people who had the benefit of hindsight since their fieldwork took place
38 several months after the lockdown, in the last part of 2020, when it had become apparent that the
39 pandemic was here to stay, when all its consequences had become painfully visible, and this started
40 to significantly impact the general populations' mental health. Additionally, it may have been due to
41 a more fundamental human trait. Indeed, historically, humans tend to be more optimistic, and even
42 uplifted, when they are in the middle of chaos and trauma, which they have no choice but to fight and
43 overcome. They tend to be kinder, more cooperative as if they were one unique human group (Jetten,
44 Richer, Haslam & Crywys, 2020) and to show more empathy (Bregman, 2021). Conversely, once they
45 return to 'normality' or to something akin to normality, they can afford to worry, complain, and
46 criticise. This would explain why our results are more positive than our colleagues': we simply
47 documented a different point in the history of Covid-19.
48
49

50 Undoubtedly our study suffers from an important limitation: interview based it cannot claim to reflect
51 the reality of what went on behind the very closed lockdown walls. As with any qualitative endeavour,
52 it cannot boast generality. It nonetheless offers a unique battlefield snapshot of the French and
53 Scottish POs experience during the lockdown. Additionally, our interviews were raw, genuine, and
54 profoundly humane. Our interviewees candidly expressed a large array of human emotions: they
55 laughed, displayed anger, irritation, sarcasm, resilience, hope, solidarity, and care.
56
57

58 Moreover, never in our careers did we ever conduct research where the parallels with our own lives
59 were so striking. The first author will never forget her first interview with a French PO, exactly the
60 same age as her and with similarly serious health conditions, revealing that just as the interviewer,

she had had to rapidly draft a will, in order to prepare for her children in case she would pass away in the upcoming weeks:

When he [president Macron] closed the schools down... knowing that I was at risk, I felt fear. I took out all my paperwork and I sorted things out with my daughters (sobbing). (CPIP 1)

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19

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36 **Corresponding Author:** Prof. Martine Herzog-Evans, Université de Reims, Champagne-Ardenne-Droit,
37 57 bis rue Pierre Tattinger, Reims 51100, France. **E-mail:** martine.evans@univ.reims.fr
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