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-Eurieuult, 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
hearing, phone conversations were an issue. Secondly, these conversations did not allow to build or maintain the relationship with probationers adequately. POs worried about the inability to detect vital information because of the informal nature of phone calls, leading to complacency among probationers. Compliance, in their view, meant that probationers attend at the office for interview; receiving phone calls was simply inadequate to this end. This sample also worried about the intrusive nature, both for themselves and their families, of phone calls made from and to a private household.

In Scotland, a team of researchers led by Armstrong and Pickering (2020) conducted a large study of the consequences of the lockdown for vulnerable populations. Regarding the criminal justice section of their work, the data came from a survey of 86 prisoners serving their sentence during the lockdown, and interviews with 15 probationers, six family members of prisoners, and 11 staff in organisations supporting these groups. The study covers the very end of the lockdown until mid-autumn 2020. Its findings include issues such as anxiety and fear, uncertainty, and life disruption. They describe how technology enabled access for some but excluded others. Technology also had a negative impact on staff, who felt guilty for not being able to provide the level of care needed. POs regretted that if the number of contacts increased during the lockdown, their quality was diminished. Such concerns led some of the smaller organisations to resume face to face contacts in spite of the lockdown. However, the report did not dwell on issues such as remote probation work or the use of technology. Importantly, the two studies in question were conducted essentially after (or at the very end), not during the lockdown. In other words, when their samples expressed their viewpoint, they were in a position to reflect on past experience. Additionally, in the second half of 2020 one could no longer believe that the pandemic would be temporary. This realisation had started taking its toll on people’s mental health, potentially influencing negative viewpoints.

We now turn to a second strand of literature which has addressed ‘e probation’. In this article we will use the term ‘e probation’ to describe the use of any technology in probation, either to facilitate contact between POs, their superiors, their partners and their probationers or which automatises supervision or treatment. In other words, e probation covers both remote and automated work. In academia, there is a long-standing perception of e probation representing a frightening dystopian future. In her editorial to a special issue of the Probation Journal on Technologies of Crime, Control and Change, Nicola Carr (2017) has nonetheless tried to present a balanced viewpoint. On the one hand, she has credited technologies of information with some ‘utility’, whilst, on the other hand, she has worried about the normative underpinnings of these innovations. Drawing upon nine-months of ethnographic field work in two probation settings, Jake Philips (2017) documented a ‘sense of loss’ due to the communication between the services in question since relationships now relied on emails. He also highlighted that dependence on computers had effectively depersonalised risk assessment.

An undisputable specialist of the dystopian technological future, Mike Nellis (2014), used very strong words, calling electronic monitoring ‘downgrading probation’. Later (2017), he made it clear that he did not believe in a mere human-machine complementarity. Others have also worried about the fact that e probation may simply be institutionally imposed because it saves money (Barnes Ahlman, Gill, Sherman, Kurtz & Malvestuto, 2010). Perhaps more positively McGreevy (2017) has suggested that smartphone apps providing a series of tools such as journaling or resources for mental health and substance use, may help offenders desist.

Indeed, the literature on e probation has addressed its potential outcomes. Of particular interest, since, during the lockdown, both French and Scottish POs used cell phones to communicate with their probationers, is a paper published by Fagan (2017), which pertains to the introduction of smartphones in the Department of Corrections’ workforce in New Zealand. Nonetheless, this experience did not truly qualify as e probation, since smartphones were not used to interact with probationers but to access POs’ professional emails, calendar, and the internet on-the-go. Unsurprisingly, they were
welcomed and improved productivity. In the UK, in 2019, Her Majesty’s Inspectorate of Probation produced a rapid literature review which found that most studies did not address the issue of whether eprobation worked, and of the three that did ‘it was not possible to make a clear judgement’ (p. 4). Nonetheless, of particular interest is the random assignment of offenders into different programme (Lerch, Walters, Tang & Taxman, 2017) which found that computerised motivational intervention outperformed traditional probation regarding the treatment initiation rates at two months, although with diminished outcome at six months. Next, Ormachea et alii (2017) wanted to know whether a computer game played by adult offenders could improve risk assessments using the Texas version of ORAS (Ohio Risk Assessment System). The research found that acute risk factors such as cognition, aggression, and impulsivity, which are ordinarily more difficult to probe in face-to-face interviews, were more accurately assessed using the game. Lastly, Vasiljevic et alii (2017) wanted to know if it was possible to quantify changes in acute risk factors using automated phone calls to offenders whilst they were in prison and in the month following their release on parole, and whether these measurements would accurately predict reoffending within the next year. Again, the technology was successful in measuring the factors which were predictive of reoffending. These findings are notably interesting regarding the need, during lockdown, to assess risk over the phone.

Equally interesting, is the related literature pertaining to the outcomes of video or phone therapy. A recent meta-analysis has positively concluded that, clinically, video-therapy was no less efficacious than in-person therapy (Fernandez, Woldgabreal, Day, Pham, Gleich & Aboujaoude, 2021). Two systematic reviews have equally positively concluded that, contrary to common assumptions, phone only therapy is equally promising (Coughtrey & Pistrang, 2018) and even efficient (Irvine, Drew, Bower, Brooks, 2020). The jury is nonetheless still out regarding probation reduced to phone calls, as was the case for our research participants between March and June 2020.

In view of this empirical uncertainty and of the exceptional context French and Scottish practitioners found themselves in during the first lockdown, we wanted to document their experience and feelings regarding remote probation by phone.

**Methodology**

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

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

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

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

Findings

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

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

We wanted to find out how staff were adapting to these sudden and significant changes, notably, the forced use of technology. We found that the availability of technology at the outset was not uniform and that the extent to which staff were able to negotiate these disruptions reflects essential differences between probation institutions in the two countries.

Office workers or frontline heroes?

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

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

Whereas French probation is the smaller and subordinate partner in a national prison service (First author, 2013, 2015) whose primary mission is stated in terms of ‘reducing offending’ (Prison Act, 2009, art. 13), probation in Scotland is by contrast, a local authority social work service with a primordial legal obligation to promote welfare (Mclvor, 1989). Scottish probation is therefore local in focus and social work by identity. A second contrast is that French prison/probation leadership is hierarchical and centralised and Scottish probation leadership, as our further publications will show, is pragmatic and transformational (Northhouse, 2016).
During the first lockdown, these contrasts led to drastic differences regarding the reasons why some of the staff had to go back to the office. From an early stage and within a national instruction to ‘work from home wherever possible’, some of the Scottish SWs began to make an appearance on the front line in some areas for four reasons.

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

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

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

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

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

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

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

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

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

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

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

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

As a manager I wanted to lead by example. That we can still work in spite of the constraints. Because the context demands it (DPIP 7)
Others were more critical:

So, eehhm, I come over every single day. This has also been a source of anger, that our administration has forbidden management to work remotely... well I think it’s completely absurd and it goes against the national rules (DPIP 4)

Working from Home

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

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

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

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

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

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

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

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

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

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

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

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

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

This Scottish practitioner working with sexual offenders described a moment when his home and work life collided as his infant daughter burst into the room during a telephone call to a service user.
My service user obviously heard that, and he quickly ended the telephone conversation after he heard my daughter. So, I need to go back to him to speak to him about that. (SW9)

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

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

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

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

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

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

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

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

So now we are accountable, we send statistics up, I mean really super frequently. We have videoconferences constantly. I mean we really feel scrutinised. We’re under such pressure! (DPIP 4)

Coping thanks to Technology

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

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

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

Digital divide

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

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

It’s really taxing to work under such conditions. It’s a constant source of irritation and annoyance (CPIP 14)

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

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

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

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

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

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

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

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

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

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

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

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

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

**Engaging Service users**

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

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

Some practitioners pointed that the use of phone increased the number of contacts they had with
their probationers. If in Scotland, this often reflected different risk levels, with higher risk offenders
receiving more calls, in both Scotland and France, the main philosophy behind this new trend was the
need for more spontaneity:
I told all my guys ‘if you want to call me, and I don’t answer immediately it’s because... I am not home, or I am doing something, but you can leave me a message and I’ll call you back during the day’. (CPIP 10)

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

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

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

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

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

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

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

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

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

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

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

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

It allows one to develop one’s listening skills, because you can listen to the tone of voice, the voice rhythm, things like that. So, even if you do not see the person, you can nonetheless interpret, to a degree, if the person is open to discussion, is sceptical... (CPIP 19)
I think, actually when you take away the visual, you can become more tuned into what the person is saying (SW8)

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

I talked with a colleague who was shocked that I could interact with people via text. As far as she's concerned texts are for pals. So, I told her ‘... When you receive texts from your doctor or your bank, it’s useful’. She replied: “yes but this is criminal justice, it’s not at all the same’.

(CPIP 7)

Discussion

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

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

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

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

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

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

We hypothesise that timing affected the contrasted results. Indeed, our study took place entirely during the lockdown, whilst other studies either overlapped the lockdown and the lifting of restrictions (Armstrong & Pickering, 2020) or took place some time after (Dominey & Coley, 2020). Thus, participants in other studies may have had the benefit of hindsight and were likely to have come to the same depressing conclusion as the rest of the population that the pandemic was not to be a transient episode. Like the wider population, they may have started to experience the mental health impact of the pandemic. Conversely, at that particular moment in time our sample did not have this hindsight and were still hopeful. Indeed, research has documented that human beings tend to be more optimistic when they are going through trauma – as opposed to after they have experienced it – when they have no choice but to fight and try and survive. In such times, they tend to be kinder, more cooperative as if they were one unique human group (Jetten, Richer, Haslam & Crywys, 2020). Conversely, once they return to ‘normality’, they can start experiencing the negative impacts of what they have gone through. Similarly, when a crisis lasts for a long period of time, people tend to have more negative feelings and behaviour. In this respect, we documented a different point in the history of Covid-19.

Another striking finding has been that contrary to what the national guidelines dictated in both jurisdictions, a number of practitioners actually went back either to the office or to the field during the lockdown. In France, POs went back to the office both because of the bureaucratic rigidity of their institution (they could not access their files from home) and because of their prison service culture which required them to perform and be seen as frontline heroes. In Scotland, but for a few ‘paramedic’ heroes and those who had to conduct home visits to high-risk service users, Scottish SW mostly stayed home. In their less hierarchical and more supple institutional context, they were able to continue, for the most part, to be creative and autonomous, and to operate according to their values and professional identity. Thus, those who returned to the office essentially did it by choice. During the first lockdown, therefore, institutional structures, type of management, history, culture and professional identity ultimately determined how practitioners and their agencies responded to the crisis.

We are well aware of the limitations of our study: qualitative in nature and volunteer-based it cannot claim generability. Similarly, it has only measured the experience of POs to the exclusion of service users to whom access would have been impossible during the initially strict lockdown. In spite of its limitation, our study represents a useful snapshot taken in the eye of the storm of a unique historical moment and this, equally uniquely, comparatively.
Indeed, conducting this study has been a unique experience for the two researchers. Whilst carrying it out we were aware that we were facing many of the same issues of personal and family concern, professional disorientation and adaptation, technological familiarisation, enforced changes to working conditions, and balancing of other priorities. We are grateful to all of our participants for sharing their stories with us.

Note: The study was reviewed and approved by the ethics committee at the second author’s institution.

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