Denying the Deniers? An examination of the Probation Service working with Sex Offenders in Denial.

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The thesis is submitted in partial fulfilment of the requirements for the award of the degree of

Doctor of Philosophy of the University of Portsmouth
Declaration

Whilst registered as a candidate for the above degree, I have not been registered for any other research award. The results and conclusions embodied in this thesis are the work of the named candidate and have not been submitted for any other academic award.

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Abstract

This study examines the supervision and management of sex offenders in denial through small sample studies of the probation service in England and Wales. Denial in sex offenders is complex and can create significant difficulty for probation officers holding the responsibility for managing the cases. This has been highlighted as problematic, with deficiencies in the training and support of probation officers considered to be a major factor (HMIP, 2010; Ministry of Justice, 2010). The study discusses the issues which can arise for probation officers and evaluates existing approaches to probation supervision of sexual offenders in denial.

The literature review examines the concept of the risk society (Beck, 1992, Giddens, 1990, 1991) and the historical development of the probation service within this context. The requirement to control and manage risk has had a central role in shaping the contemporary probation service, and underpins risk assessment and management decisions. Additionally, the concept of denial is explored using sources from sociology and psychology. This leads to a discussion of ways of approaching the issue of denial with sexual offenders.

The primary research was conducted in the period 2011-2013 with both pre- and post-qualified officers. It is comprised of two studies of pre-qualified officers, which identify issues for those who have been unable to access experience in working with sexual offending and those in denial. Two studies of qualified officers indicate that there is disparity in confidence, with those trained in a social work ethos possessing more assurance than probation officers who qualified more recently in risk-focussed programmes.

The study additionally examines resources such as programmes and methods of one-to-one working. It is the contention of the author that greater dissemination of these resources will assist probation officers in their work with deniers.
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Abbreviations

A
ACPO – Association of Chief Probation Officers
ARMS – Active Risk Management System

C
CJA – Criminal Justice Act
CRC – Community Rehabilitation Company
CMHT – Community Mental Health Team
CRI – Crime Reduction Initiatives (Substance misuse service)
CQSW – Certificate of Qualification in Social Work

E
ETE – Employment, Education and Training
ETS – Enhanced Thinking Skills

G
GLM – Good Lives Model

H
HMIP – Her Majesty’s Inspectorate of Probation
HRP – Healthy Relationships Programme

I
iSOTP – Internet Sex Offender Treatment Programme

M
MAPPA – Multi Agency Public Protection Arrangements
MOJ – Ministry of Justice

N
NAPO – National Association of Probation Officers
NOMS – National Offender Management Service
NOTA – National Association for the Treatment of Abusers
NPD – Non Parole Date
NPS – National Probation Service

O
OASys – Offender Assessment System
OM – Offender Manager
R
RNR – Risk, Needs, Responsivity Model
P
PAROM – Parole Assessment Report by Offender Manager
PDA – Practice Development Assessor
PO – Probation Officer
PSO – Probation Service Officer
PQF – Probation Qualification Framework
PSO – Probation Service Officer
PSR – Pre Sentence Report
S
S & A – Static and Acute
SFO – Serious Further Offence
SNOP - Statement of National Objectives and Priorities
SO – Sex Offender
SOA – Sex Offender Act
SOPO – Sex Offender Prevention Order
SOTP – Sex Offender Treatment Programme
SOR – Sex Offender Register
SPO – Senior Probation Officer
T
TPO – Trainee Probation Officer
V
ViSOR – Violent and Sexual Offenders Register
CHAPTER ONE: INTRODUCTION

The central theme of this original study is the supervision of sex offenders in denial by the probation service in England and Wales; with specific reference to England in the primary research data. This topic has been chosen for two main reasons. First, it has been observed that whilst much has been written on “what works” in the management of offenders, and there has been considerable literature on treatment programmes, the supervision process itself is a generally under-researched area (Burke, 2014). Second, there is a relative lack of literature originating from the United Kingdom on working with the issue of denial of sexual offending behaviour¹ and, more specifically, doing so on a one-to-one basis when programme attendance is not a part of an offender’s sentence. This thesis will address these two deficits by focussing on the supervision process with sexual offenders in denial; considering recent practice and developments relating to the probation service in England and Wales.

In order to understand the current situation, the thesis will trace the development of the work practices used by the contemporary probation service from the historical beginnings of the profession. It will also examine the growth in importance of risk in society and attitudes and responses to sexual offending. In so doing, the thesis draws upon material from the academic disciplines of sociology, social policy and psychology.

Prior to commencing doctoral study, I worked as a probation officer, with six years of practice in the community and prisons, and work with sex offenders, including those in complete or partial denial. I have an academic background in sociology, with a Diploma in Probation Studies gained in 2004. In 2007, as a means to enhance my probation work with offenders, I commenced a Diploma in Counselling. My interest in the area of research therefore stems in large part from this professional background work with sex offenders, and my experience of dealing with denial.

**Setting the context of the thesis**

From the latter part of the twentieth century onwards, the work of the modern probation service in England and Wales has become increasingly informed by the concept of risk, which has significantly increased the service’s reliance on

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¹ Much of the existing literature is from New Zealand, most notably the work of Tony Ward, deviser of the *Good Lives Model* which underpins sex offender treatment programmes, or research from the United States and Canada.
bureaucratic and restrictive methods of managing offenders (Fitzgibbon, 2007, 2008a, 2008b, 2009, 2011, 2012; Fitzgibbon & Lea, 2010; Nash, 1999; 2006; Nash and Williams, 2008; Nellis, 2001). The traditional concept of supervision has altered as a consequence of this concentration on risk. The focus on managing any risk of causing serious harm that an individual may cause in the act of reoffending underpins the approach to supervising a case. This approach will inform the requirements which offenders are asked to undertake and the style of case management which the supervising probation officer will adopt. It has been argued that the probation service has been required to adopt a more punitive approach with offenders generally overall, with Nash (1999) arguing that with considerable justification, the term probation could be renamed “polibation”; in recognition of the adoption of approaches to work more commonly attributed to the police.

It has been further suggested that those who have committed an offence of a sexual nature are dealt with in the most punitive manner of all (Hebenton, 2011; Hebenton & Seddon, 2009; McAlinden, 2008), with a focus on containment, both through lengthy custodial sentence and restrictive procedures whilst they are on licence in the community; and monitoring and surveillance strategies, such as the Sex Offenders Register and Sex Offender Prevention Orders and exclusion zones. There may also be restrictions on employment, future relationships and the ownership and use of computers and access to the internet (Hebenton, 2011). The focus on surveillance can also be seen to have developed, in part, through the bureaucratisation of agencies within the public sector which has been an intrinsic, and developing, part of the move to a public managerial style of governance since the election of the Conservative party in 1979 (Ahmed & Broussine, 2010; Farnham & Horton, 1999; Garland, 2001; Giddens, 1991; Massey, 2001).

The preoccupation with the control and regulation of risk is not exclusive to the probation service; it has become an aspect of many private sector industries (notably insurance, a service entirely concerned with assessing risky situations in the public domain). However, for the probation service, it has had an overwhelming effect on the way the organisation operates. Sophisticated technology has been created to calculate and assess the effects of the current risk based upon an individual’s existing offence history and to create projections for potential future risks. This is a change which, it has been argued, has undermined probation officers’ confidence in using professional judgement to work creatively with offenders generally (Eadie, Wilkinson & Cherry, 2012; McNeill, 2006; Mair &
Burke, 2012) and sex offenders specifically (Kemshall, 2009). There is a statutory obligation for probation to work with the police under Multi Agency Public Protection Arrangements (Harrison, 2010; Kemshall & Wood, 2010; McAlinden, 2008; Nash, 2006; Nash & Walker, 2009; Nash & Williams, 2010; Wood & Kemshall, 2010). Furthermore, the nature of the qualification to work as a probation officer has changed significantly to reflect a focus on the assessment and management of risk (Knight & Stout, 2009; Nellis, 2001).

In order to explore these issues, this thesis examines the supervision of sexual offenders in denial by the probation service. In addition to the dearth of research identified above, this specific group of offenders has been chosen for two reasons. First, probation service supervision of sex offenders in denial has been previously identified as problematic (HMIP, 2010; Hudson, 2005) and second, there is the issue of the complexity of the concept of denial (Barbaree, 1991; Brown, Walker, Gannon & Keown, 2012; Cohen, 2001; Maletzky, 1991)

Sexual offending is an emotive topic for the public and one that has been much fuelled by the media representation of crime of a sexual nature (Furedi, 2013; Nash, 2006). It would be unrealistic to assume that probation officers are immune to this; although the nature of the profession would suggest a desire to work beyond such representation and the perceptions of the general public. Training opportunities are one way in which they might be expected to gain greater expertise in working effectively with sexual offenders. However, findings within the primary research in this thesis suggests that training is not always available to all who require it.

Furthermore, it can be argued that denial of sexual offending adds greater pressure to the demands of managing a case. Denial is a multi-dimensional concept and offenders may present at different points on a continuum of denial over time (Calder, 1999, p.131). However, those demonstrating complete denial or very entrenched denial present specific challenges within the modern probation service, as currently they are ineligible to attend sex offender treatment programmes with the community and tend to be placed at the bottom end of waiting lists for these programmes whilst in prison. This reflects the traditional view held by the Ministry of Justice, which is that deniers will not benefit from treatment and could prove disruptive to the progress of other group members.

**Research aim and research questions**
The aim of this thesis is to examine the levels of confidence of probation officers when working with sex offenders in denial; and how effectively they work with
them. It has been stated previously that the topic was informed by the author’s own professional experiences as a qualified Probation Officer for six years with two different probation services in the south of England. During this employment, the author worked with high risk sexual offenders in custody and the community who were subject to Multi Agency Public Protection Arrangements (MAPPA). A large number of the offenders were in denial of their offending behaviour; either in complete denial, or demonstrating partial denial of aspects of the offences. The offenders who admitted their offences were almost invariably deemed suitable for sex offender treatment in the form of a programme. Partial deniers were sometimes accepted on such programmes, depending on the extent and nature of the denial. Complete deniers would be automatically deemed unsuitable (usually at Pre-Sentence Report stage).

The research issues addressed by the thesis are as follows:

**Research aim**
To explore the current system of working with sex offenders in denial in the modern probation service, and investigate probation officers’ confidence, training and resources to effectively rehabilitate sex offenders in denial.

**Research questions**
The following research questions will be addressed to explore the above aim:

1. Is the pre-qualifying training for probation officers adequate with regard to working with sex offenders, and particularly those in denial of their offences?
2. Are probation officers sufficiently trained and supported to work with denial?
3. What resources exist to inform work with sex offenders in denial?
4. In the absence of a structured programme, what strategies do probation officers use in working with sex offenders in denial?

**The rationale for the research**
The hypothesis and objectives for the research were initially outlined when I commenced postgraduate research in October 2009. The issues were given additional credence in June 2010, when Her Majesty’s Inspectorate of Probation (HMIP) published a report on the standards and quality of the management of sex offenders by the probation service in England and Wales. The report noted considerable deficits, in particular with the supervision of sex offenders who were in denial of their offending behaviour. It observed that the probation officers
interviewed for the inspection had reported (with some notable exceptions) a lack of training in dealing with denial; and consequently felt a lack of confidence:

*Many of the probation staff we met during the course of the inspection said they felt inadequately trained or supported to work with sexual offenders outside the group work programme, particularly those in denial.* (HMIP, 2010, page 6)

Denial of sexual offending has been viewed by the probation service as a significant risk factor, which can cause probation officers to deem such offenders as being ‘high risk’ without any other factors to back up the assertion. Issues such as protective factors are often overlooked when making the assessment. There is, however, debate in the academic community as to the importance of denial as a predictor of recidivism (Levenson, 2011; Thornton & Knight, 2007).

As stated previously, it has been argued that contemporary Britain can now be described as a “risk society”. Our lives are affected by decisions regarding risk on a daily basis; arguably far more so than in the past. For example, in the work environment, a Health and Safety Officer may assess the functionality of an individual’s office environment. As individuals, we may debate whether we are statistically safer travelling by car, or on a form of public transport; whether we should engage in particular activities such as extreme sport, or where will be the safest spot to cross a busy road. Parents have to make decisions as to whether their children are safe to play outside because of the fear of “Stranger Danger” and child abduction. Much of the current concern regarding risk is the result of media reporting of news events; reading about child abductions, abuse and even murder serve to inflame emotions and engender fear. In the case of offences against children, media reporting following the release of two men who had been convicted of the sexually motivated murder of a teenage boy has been seen as one of the main reasons for the “moral panic” (Cohen, 1972) which led to the setting fire to individuals homes in Paulsgrove in Portsmouth, as members of the public sought to take vigilante action against individuals they believed to be paedophiles (Nash, 2006; Nash & Williams 2008)

This thesis will discuss debates surrounding individuals who have been convicted of a sexual offence yet are in denial and are being supervised by the Probation Service of England and Wales. Since 1991, sex offenders have been one of two

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2 See Appendix 1 for a full list of current sexual offences within the Sex Offences Act 1956 and Sex Offences Act 2003. Both Acts have been used in the recent sentencing of sexual offenders.
offender groups\textsuperscript{3} who have been the subject to a raft of legislation which has affected the way in which they are monitored and supervised by probation officers. It is well documented that the probation officer’s role is supervising high risk offenders is a challenging one (Fitzgibbon, 2011, 2012; Kemshall, 2003, 2008; Nash, 1999, 2006; Nash & Williams, 2008) and the supervision of sex offenders is particularly fraught with complexities. This is due to, firstly, the nature of the offending, which can provoke strong emotions in the general public (which is both fuel for, and further fuelled by, the media) and also in the professionals whose role it is to challenge their behaviour and motivate them to change. This causes a range of pressures for the probation service in working with sex offenders. A second factor is the attitudes and behaviours which they can exhibit towards professionals, which include manipulative tendencies, but also significant justification and denial of their actions (Briggs & Kennington, 2006). This can manifest in a reluctance or complete refusal to comply with offending behaviour programmes which have been designed to address sexual offending behaviour through cognitive behavioural group work; and also unwillingness to engage with one-to-one sessions with their probation officer. If this intransigence continues, it can result in delayed release from a prison sentence. There can also be a demoralising effect upon the probation officer expected to “manage” the offender (Fitzgibbon, 2012; Morrison, 1994; Nash, 2006).

\textbf{The structure of the thesis}

The literature review within this thesis will examine three substantive themes: the development and current organisation of the probation service, risk, and denial of sexual offending. It will examine the politics and legislation which have led to current styles of working in the probation service, which have a clear focus on risk, including the use of tools and technology to assess and manage risk. It will also consider why the sex offender has become a figure of such vilification in society. It will consider the issue of denial of sexual offending behaviour, which can render the process complex and problematic. As the primary data includes studies of pre-qualified probation officers, it will examine the changes in the training of probation officers; from a social work basis to a focus on managing risk, and the impact of these changes on the supervision process, with specific emphasis on work with sex offenders in denial.

\textsuperscript{3} The other being offenders convicted of violent offences who receive a custodial sentence of twelve months and over.
Chapter two of the thesis comprises an explanation and analysis of the research methodology used in for the primary data collection. This includes a discussion of the issues encountered in what became a lengthy process of gaining access to research settings and potential participants. A number of the key issues of the “insider-outsider” debate (Reiner, 1991) proved to be pertinent in the collection of data for the thesis. Ethical issues and the various and complex demands on participants’ work time also simultaneously enabled and constrained the research. The chapter will also include an analysis of the approaches and methodologies employed in the research. As data was collected in a number of ways, the methods used were more varied than originally anticipated and included observation, questionnaires and interviews; and the advantages, disadvantages and reasons for the choices will be discussed in this chapter.

Chapter three is an exploration of risk. The contemporary probation service is risk-based; and the management of all offenders is determined by processes of risk assessment and risk management. In order to trace the development of this focus on risk, the chapter begins by discussing the “risk society” (Beck, 1992, 2007) and examines the factors which have contributed to the focus on risk in contemporary society (Beck, 1992, 2007; Giddens, 1990, 1991). Following the conclusions of the What Works debate (Andrews & Bonta, 1994; Chapman & Hough, 1998), the probation service has been a risk-based organisation. Sex offenders have been deemed to be one of the groups who pose the greatest risk. This chapter discusses how risk has assumed such importance in society as a whole and criminal justice agencies in particular; and how the dominance of risk assessment and risk management have impacted on the ways in which probation officers engage with sexual offenders, and specifically deniers.

Chapter four discusses the social policy which has underpinned the historical development of the work of the probation service. The rationale for including the historical development of the contemporary probation service is to enable the reader of this thesis (who may not be a qualified probation officer or have awareness of the history of the probation service) to develop an understanding of the factors which have underpinned the probation service’s current formation and in particular, its responsibility as an agency with the key responsibility to monitor and supervise sex offenders. An understanding of the history of an organisation can be instructive in making sense of the present.

The chapter examines how the philanthropic beginnings of probation, commencing with the work of the Police Court Missionaries in the nineteenth century, have
developed into the modern probation service. The most significant changes have occurred since 1979, when the election of a Conservative government prompted the implementation of public management, which has become an important feature of the current probation service. It will also discuss the plethora of legislation, starting with the 1991 Criminal Justice Act, which has shaped the modern probation service and, in particular, has defined who is considered the appropriate focus of public protection; namely, violent and sexual offenders. The legislation has also determined the approach to the supervision and monitoring of sex offenders who are subject to the intervention of the criminal justice system, and has also determined that those denying their offences are to be considered to be a particular source of concern.

The primary data in the thesis includes studies of pre-qualified staff and qualified probation officers. In order to provide a context for the primary research (through providing insight into the various qualifications sought or held by the participants) the chapter discusses the training of probation officers, from an initial basis in social work to the current risk-focused approach,

Chapter five will turn to an examination of the concept of denial. It will look at definitions of denial of offending behaviour from criminological (Cohen 2001), sociological (Furedi, 2013; Zerubavel, 2006) and psychological perspectives (Calder, 1999; Finkelhor, 1984; Laflen & Sturm, 1994) in order to present a rounded overview of explanations of denial as it can manifest in individuals convicted of sexual offences. This chapter will also will look at current established approaches to managing sex offending and denial. In accord with the principles of the What Works agenda which has shaped service delivery since the 1990s (Andrews & Bonta, 1994; Chapman & Hough, 1998; Whitehead & Statham, 2006) this means practices which have an established evidence base, which is accredited by the Ministry of Justice. Almost invariably, in the case of a sex offender in denial, the involvement of the probation service will also result in the monitoring of restrictions in the form of licence conditions or Community Order requirements which are directly monitored by the probation service. There may also be the additional requirement of the Sex Offender Register or a Sex Offender Prevention Order (Hebenton, 2011; Hebenton & Seddon, 2009; McAlinden, 2008; Nash, 2006; Nash & Williams, 2008). But there are also strengths-based techniques which are already established, including the Good Lives Model and work with attachment theory, which are underpinning newer developments and
innovative ways of working with sexual offenders, which, it will be argued, could prove beneficial in working with denial.

The thesis then turns to a consideration of the primary research data. There are four studies contained within the thesis. Chapter six discusses first a questionnaire study of Trainee Probation Officers following the Diploma in Probation Studies which was conducted in July 2010; and second, an observation of a university-run workshop on working with sexual offending for those undertaking the Pre-Qualifying Framework Graduate Diploma in July 2012.

Chapter seven details the results of a questionnaire which was completed by qualified probation officers working for a Probation Trust in England. Chapter eight is the study of interviews conducted with probation officers.

Chapter nine forms a discussion of the findings of the thesis; and contains a synthesis of the literature review and the primary research, in order to reach conclusions and recommendations regarding what might (from current practice and potential options) work well as effective means of working with sex offenders in denial. Chapter ten provides a concluding summary of the debates within the thesis and sets out the recommendations.

The thesis is an original contribution to academic learning. There is also potential for the findings of this research to be of value to professionals within the probation service itself. First, through a wider understanding of the underpinning public management approach and a greater awareness of the implications of the ever-increasing importance attached to risk in contemporary society. Second, by increasing awareness of the concerns which their peers have had to address in working with sex offenders, staff may be able to more easily contextualise their own concerns. These might be personal issues involving their own sexuality which are raised by the work, or value conflicts which arise from their subjective views of sexual offending. There may also be professional concerns regarding access to training or general confidence in working with cases of such complexity.
CHAPTER TWO: RESEARCH METHODOLOGY

As outlined in the introduction in this thesis, the original hypothesis came from my previous work experience. Up to the time of commencing the doctorate in October 2009, I had worked as a qualified Probation Officer, and as a result of this experience, I wanted to explore the way the probation service works with offenders to address their risk of harm to the public. I decided to focus on sex offenders in denial of their offending behaviour. This proved to be a particularly sensitive area to study. In my own professional experience, sex offenders who denied culpability had proved particularly challenging and furthermore, this view has been reiterated by other professionals, as research by HMIP (2010) indicated that there are significant issues and gaps in service provision for probation officers in supervising this particular offender group. There is also a gap in academic research in this area, as although there is a literature on working with denial from a psychological perspective, there is limited material on applying this learning to a probation context in which the supervising officer is not necessarily trained in psychology. My initial belief was that the probation service would welcome new research on this area which could assist in filling this gap. However, it became apparent that this was not necessarily the case.

This chapter will examine the methods which were selected for the primary research in this thesis; including the reasons for the choices of research methods, the issues which necessitated changes in focus, and the rationale for the ways in which data was collected and analysed. As Marshall & Green (2007, p.56) have observed, doctoral research is a highly iterative process, in which the hypotheses and focus will almost inevitably be subject to partial or significant change. This thesis has been no exception. During the registration period, alterations to the intended methods of data collection were necessitated, with the main driving force being the rapid change within the probation service. At the time of commencing my thesis, the probation service was organised into Probation Trusts, but these would be dissolved following the Offender Management and Rehabilitation Act in 2014. (This extensive process of change is discussed in chapter four of the thesis). It had a significant effect on the pace I was able to collect data, and the format it would take, as the primary research underwent changes from the initial planning stage to eventual fieldwork. Revision of the approach to the type of data I wanted to collect, and the means to do so, were required. As a consequence, the choice of methods also changed.
Deciding on Methods
The initial intention was to research the supervision of sex offenders in denial using questionnaires and follow these by conducting interviews with probation officers and offenders in two Probation Trusts. With this in mind, I devised two questionnaires and two interview schedules – one for probation officers and one for offenders – and contacted Chief Officers at a number of Probation Trusts.

The choice of methods was influenced by issues relating to the time constraints the doctorate and to some extent also those of the intended participants. Probation officers face many demands in their working life, and offenders may be reluctant to commit to participation (Rico, 2015).

I therefore devised a questionnaire intended to be completed in approximately fifteen to twenty minutes and a one hour interview. The benefits of brevity and time boundaries were intended to encourage a higher level of participation, whilst still enabling sufficient data to ensure a significant contribution to knowledge.

The Case Study Approach
Throughout the study, the initial intention to use a case study approach was retained, for several reasons. A case study approach requires the researcher to engage in the development of knowledge on a single case or a small number of related cases. It requires study of the case in its context, and data can be collected through a range of methods (Robson, 2002, p. 89).

Although the case study method approach has been criticised for its narrow focus, I chose to use it in order to obtain in-depth, richer data. As Yin (2003) has observed, the value of the case study is in providing rich data when exploring “how or why” questions relating to the study of contemporary phenomena (2033, p.9). The proposed research in this thesis fits these criteria in that the subject of the research is a contemporary phenomenon, and I have explored how, and asked why, the probation service works as it does in relation to the supervision of sex offenders in denial. However, I was aware that the case study approach, being essentially selective (Robson, 2002; Scott, 1997; Yin, 2003) will not present conclusions which can be used to make generalisations; it cannot be claimed that one specific project or training approach will necessarily be the solution which could be applied to the service nationally. However, I anticipated that the conclusions reached by conducting the research could be of benefit to probation officers working on a one-to-one basis with deniers.

Yin notes that critics of the case study approach have argued that a comparative work, that is one which is examining more than one subject body, precludes that
work from being defined as a case study. However, he refutes this, stating that it is the context being researched which is the key (2003, p.19). I intended to replicate data by applying the same questions to all the projects and training which were examined; furthermore, all the research instruments were developed for the same reason (to address the issue of the probation service working with denial) and to gather data on the same group (sex offenders subject to supervision by the probation service). This focus was retained, despite the changes required to continue the research in the face of rapid organisational change. This follows an established tradition, common in researching agencies within the educational and criminal justice fields (Scott, 1997; Noaks & Wincup, 2004). Therefore, using Yin’s definition, the research can clearly be viewed as falling within the case study approach.

**Ethical considerations**

Due to the nature of my thesis, I had to consider a range of ethical issues, and make significant alterations to the original ideas for data collection in order to overcome concerns and gain access to an appropriate agency to conduct fieldwork. Furthermore, wanting to research a dynamic agency such as the Probation Service, which is subject to frequent change in response to developments in the criminal justice system and the corresponding requirements placed upon it⁴, is in itself a complex matter.

It has been observed that research in the field of criminal justice is inevitably political, involving matters relating to national policies and organisations (Hudson, 2000, p.175; Hughes, 2000; Jupp, 2000, p.17; Jupp, Davies & Francis 2000, p.170; Martin, 2000, p.221; Morgan & Hough, 2008; Reiner, 1991). Researching criminological issues involves interrogating data of a sensitive nature and should a researcher wish to involve offenders as participants (or use specific information as data) the issue of ethical concerns throughout the research process is especially pertinent (Francis, 2000, p.31; Davies 2000, p.87; Davies & Francis, 2011, p.283; Wahidin & Moore, 2011; Noaks & Wincup, 2004, p.37; Reiner, 1991; Reiner & Newburn, 2008). Before the commencement of primary research, I was required to gain the approval of the Ethics Committee at the University of Portsmouth. The Ethics Committee expressed concerns regarding my intention to interview sex offenders, who, as people subject to supervision, are necessarily regarded as “vulnerable individuals”. I was asked how I would respond if further

⁴ See chapter 4 of this thesis
offending was disclosed during the interviews. Criminal justice research of course must acknowledge that offenders are perceived as a vulnerable group, and their inclusion will increase concerns of ethical responsibility (Hudson, 2000, p.184; Noaks & Wincup, 2004, p.84; Wahidi & Moore, 2011). I had to clarify that any such information would be referred immediately to the probation service, and as a qualified Probation Officer I was fully aware of the vital importance of doing so.

When negotiating access with the probation service, there must be an agreement to adhere to any ethical framework within the organisations, and the organisation may request access to the data (Noaks & Wincup, 2004: Scott, 1997). To this end, I was therefore prepared to compile a report or give a presentation to meet this need. There was also an awareness that both staff and offender respondents may have concerns around how their responses might be used by the organisation; and the level of confidentiality that could be offered may be crucial in the choice to participate.

**Gaining access to research data**

I initially contacted three probation trusts, one of which expressed interest in participating in the research. The author had a lengthy interview with the Performance Manager in one of these probation trusts, who stated an interest in sex offending from her previous work in treatment programmes. However, she advised me that she would need approval from the local Probation Board\(^5\), and that she would put the research proposal forward at the next meeting. In the ensuing email conversation, it transpired that this might prove more problematic than either party had anticipated given a number of organisational issues at the time. Probation is a dynamic field, with frequent changes in agenda and personnel. In addition, following the Offender Management Act 2007, the requirement to change from a National Probation Service to trust status had resulted in reorganisation and new pressures on time and resources, all of which were to impact upon the progress of my research.

Firstly, the research proposal could not be included on the agenda of the next three Probation Board meetings due to other matters relating to service delivery, and the inevitable resulting time pressures on the Probation Board. Secondly, my contact changed her role within the organisation; the new Performance Manager did not share her enthusiasm for my project, and so support was withdrawn. This was also the case for the second Probation Trust who had shown interest; although

\(^5\) A Probation Board was responsible for overseeing the work of a specific geographical area and comprised senior staff members and elected lay members.
some managers saw merit in the project, there was insufficient consensus to take it forward.

As negotiating thus far had been a lengthy process, this was a significant setback given the time constraints of doctoral research. It was now April 2011, eighteen months since I had commenced my studies. I was faced with the choice of contacting different probation trusts, and risking the same scenario arising again, or rethinking the approach entirely. After consultation with the first supervisor, I decided to take the latter course and place an advertisement in the “NAPO News”, the Probation trade union journal, asking individual officers to complete questionnaires. Six responses were received, which the author considered insufficient to make any impact.

However, in the course of this process, I also received a response from a Sex Offender Treatment Programme Manager, who could not answer the questionnaire as he was not working as a current case holder, but instead provided a great deal of information about work completed previously on the issue of sex offender denial, and a current project – the development of a Specified Activity for sex offenders who were deemed not suitable for programme intervention. From this, the research moved onto a completely different trajectory, although the focus on sex offenders in denial remained. I initially considered analysing the content of the programme material using documentary analysis techniques (Silverman, 2005, 2009), but judged it to be most suitable for inclusion in the literature review as part of the consideration of what might work with sex offenders. Nevertheless, as a result of reviewing the manual, I realised that rather than focusing on what was not happening, and identifying training and knowledge deficits, was of less value than an enquiry into what was actually happening in terms of resources, support and skills in working with deniers. Therefore, I decided to re-focus on an analysis of work that had been undertaken, or was in planning, to assist probation officers to deal with this complex area of research. The initial planning for achieving this took the form of first, a questionnaire for qualified probation officers working with sexual and violent offenders within public protection teams in one probation trust; and second, interviews with individual probation officers about the strategies they have used in working with sex offenders in denial. As a result of further opportunities for data collection, the primary research included the above, with the addition of a questionnaire to trainee probation officers following the Diploma in Probation Studies, and an observation of a workshop for the Diploma in Probation Practice. Figure 2.1 illustrates the timeline for the flow for the process of data collection.
Widening the remit: Including the views and experience of staff in training

Given the issues I had encountered in gaining access with Probation Trusts thus far, and as time was passing quickly, it was important to alter my approach. I determined that a focus on smaller projects in a mixed methods approach (Johnson, Onwuegbuzie & Turner, 2007) would prove beneficial. I also decided to incorporate the views of pre-qualified staff who would become probation officers in the near future. Opportunities arose to include data from a questionnaire of Trainee Probation Officers (TPOs) in 2010, and attend a workshop and observe participants following the Diploma in Probation in 2012, and it was essential to be pragmatic in taking full advantage of the assistance I was offered, as both appeared to be fertile ground to consider attitudes and beliefs about working with sex offenders and the issue of denial, in a way which would enhance the material gained from the earlier questionnaire-based study of trainee probation officers. As the qualification structure had changed between the two studies, it also provided a contrast in the levels of knowledge and experience between the two groups.

Questionnaires

A well-structured questionnaire is a useful tool to collect a large volume of responses using identical criteria which result in data which is easily quantifiable (Punch, 1998: Robson, 2008, p.234). It is also a reasonably fast process for a respondent to complete a questionnaire. However, as Burgess (1984) has observed, care must be taken regarding the use of language in creating data collection materials and, in particular, in the preparation of questions. This is of
particular importance when questionnaires are for self-completion (Robson, 2002, p.238) which was the case for both the questionnaires in this thesis, as due to the way in which distribution occurred, I was not able to offer guidance to the respondents. Therefore, it was important that the participant information sheet and the questionnaire were clearly articulated to avoid confusion for the respondent, which could in turn create difficulties at the analysis stage. If a question has be misunderstood or misinterpreted, data can be skewed or inaccurate (Burgess, 1984). In my own research, this may have been an issue with the TPO questionnaire, as there was disparity in the answers to the question on the input on sexual offending which was provided by the university. For example, the information received on how much work was required on the specific topic of sex offending: some recalled that they were required to complete a risk management plan for a sex offender case; others stated that work on sex offending was optional; whilst others reported that no work was included at all. As the questionnaire was anonymous, it was not possible to clarify the answers with the respondents, which was a significant disadvantage.

The research focus required both qualitative and quantitative data. In order to obtain both types of data from the questionnaires, it was decided to use a mix of closed and open-ended questions. The data from closed questions can be statistically interpreted; in this case, to provide a picture of the numbers of sex offenders per caseload in total, and within this, the number of deniers each probation officer held on their caseload. Additionally, I wanted to examine the number of years staff had been qualified (to ascertain whether this had a bearing on their confidence in working with denial). The qualitative data was required to look at the types of training staff had received to work with sex offenders and more specifically with deniers; and also to examine a specific case from each respondent’s caseload from the viewpoint of risk and the interventions they had undertaken, if any.

It has been well documented that a difficulty in using questionnaires is the likelihood of a low response rate (Oppenheim, 1996; Robson, 2002, pp233, 238) and this proved to be the case with my research for a number of reasons. The first issue was that the target group, probation officers, are extremely busy with conflicting demands on their time (Fitzgibbon, 2009, 2012; Rico, 2015) which include requests to become involved with research projects by staff and outside organisations and individuals. Therefore, there was a significant risk that many
would not respond, either through pressure of work, or because they did not see the relevance of my research to themselves.

It has been argued that a low response rate raises questions of validity (Jupp, 2000; Francis, 2000; Robson, 2002; King & Wincup, 2008; Noaks & Wincup, 2005). The author has sought to resolve this issue by way of triangulation (Burgess, 1984; Noaks & Wincup, 2004, p.9; Semmens, 2011; Davies, 2011, p.173; Francis, 2000). Triangulation is the use of a mixed-method approach to data collection, which in this case involved the inclusion of a number of studies, with different participants, over time. In an ideal scenario, triangulation would use the same questionnaire and type of participants over time or in different areas (Burgess, 1984; Davies, 2011, p.173; Francis, 2000, p.39). Herein was another area in which the time available and difficulties with access have impacted on the author’s approach. However, although the questionnaires and interview schedule were not identical, the conclusions which came from each study were similar and implied validity and reliability.

i. The TPO questionnaire

The TPO questionnaire focussed on the themes of denial, and the organisation and structure of the probation service as it impacts on training and confidence. As the TPOs received input from a University and their employing probation trust, the questionnaire sought to explore what was provided by both agencies. The focus of the questions was input on sex offending and, more specifically, denial in this offender group.

I made a formal request to the university to send a questionnaire to trainee probation officers. NOMS were also approached for approval and both organisations agreed that I could proceed. The questionnaire was semi-structured, including closed questions which were intended to elicit statistical data. Open-ended questions were included to collect qualitative data. The questionnaire reflected the themes of risk, denial and training. I requested information regarding the amount and nature of training they had received to assist them to work with sex offenders in general, and more specifically, in working with the issue of denial in this group of offenders.

The questionnaire was sent out by a member of the university administrative staff. I was not aware of the number of recipients or their names and locations; this may have been a means for the university to ensure anonymity for their students. This was a disadvantage in terms of my ability to ascertain the response rate. Although
it was beneficial in saving the author time with the immediate issue of distribution there was a disadvantage in that difficulties arose in establishing the exact number of trainees who were included in the distribution process; and I was only aware the number of those who completed and returned them.

The questionnaire was anonymised. A disadvantage of this was that it reduced the opportunity to clarify any issues the respondents may have had regarding the questions, and what was required of them; although information on my thesis and the reasons for asking for their involvement was provided, as were my email contact details.

The questionnaire (Appendix 2) included five questions which focuses on the TPOs experience of input from the university on sex offending, and denial as a specific topic. It also asked what training provision had been made available by the employing Probation Trusts.

I also requested information on the type of support the TPOs had received from their Practice Development Advisor\(^6\), and the qualified probation officers and Senior Probation Officer\(^7\) of the teams they worked in. Information on the PDA was seen as important as the PDA was the line manager and designated source of support for an individual TPO. If this were the case, it might be that qualified probation officer colleagues were therefore subsidiary to the TPOs experience, and SPOs yet more peripheral. Finally, the TPOs were asked how confident they felt about working with denial in sexual offending; a question clearly central to the themes of the thesis.

The individuals who received the questionnaire had either been members of Cohorts 10 or 11 of the Diploma in Probation Studies. Cohort 10 had commenced the Diploma in Probation Studies in October 2007 and completed in September 2009; they therefore were in their first year as qualified probation officers. The members of Cohort 11 had begun their training in October 2008 and were due to complete their Diploma in Probation Studies in September 2010; they were

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\(^6\) Practice Development Assessor was a job role of equivalent status to SPO which was created to support trainees following the Diploma in Probation Studies. The purpose of a PDA was to work with TPOs providing supervision, advice and guidance. A PDA would be allocated a specific number of trainees. In some Areas, one PDA would support the same trainees throughout their two year training programme whilst other areas required a change of PDA after one year.

\(^7\) A Senior Probation Officer (SPO) is the manager of a specific probation team
therefore in the final stages of the Diploma and due to commence work as qualified probation officers. The involvement of the two groups potentially provided a contrast of focus and experience, even at these early stages of a probation career.

A total of 23 questionnaires were returned. It is acknowledged that this is a small sample which presents difficulties in making generalisations about the findings. However, it is believed that sufficient data in terms of similarities and variation of experiences was obtained to provide a reliable and valid snapshot of the TPO experience.

ii. The probation officer questionnaire

In order to collect data from qualified probation officers, I designed a semi-structured questionnaire which was circulated to qualified Probation Officers working within Public Protection Teams at a specific Probation Trust in England (which asked to remain anonymous). Probation officers in these specialist teams work with caseloads of high risk violent and sexual offenders (both serving their sentences in custody and on licence or Community Orders in the community) who are subject to Multi Agency Public Protection Arrangements (MAPPA).

The questionnaire (Appendix 3) was lengthier than that sent to TPOs, but was designed to take no longer than half-an-hour to complete. The focus of the questions was the themes of denial, risk, and organisational impact on training and confidence. It sought to obtain data of both a quantitative and qualitative nature, and in order to achieve this, there was a mix of closed and open-ended questions. Closed questions requiring short responses or replies in the affirmative or negative were useful in the collection of factual information (Oppenheim, 1992, p.113; Robson, 2002, p.231). These questions requested information on the participants' date of qualification, the number of sexual offending cases, the number in denial and the assessment of risk level of cases. The open-ended questions required the respondent to give more detailed information. These were beneficial for obtaining data about specific cases or the respondents' opinions about specific topics including their strategies for working with sex offenders in denial, preferences for working with admitters or deniers and views on the MAPPA process.

Questions eight to fourteen requested information on one specific case of a sex offender in denial with whom the respondent had worked; this approach was taken in order to enable the respondent to focus more thoroughly on the particular
Interventions rather than provide an overview of their work with deniers in general. I believed that an advantage in this approach would be richer data.

The questionnaire was sent to qualified Probation Officers only, as they take responsibility for the offender management of sex offender cases. The method of distribution was as follows: the Senior Probation Officer (SPO) of each public protection team was sent an email by the Director of Public Protection which included a brief description of the research area and the questionnaire as an attachment. The SPOs then forwarded the email to the qualified probation officers within their team. To maximise confidentiality, the name of the respondent was not requested (although could be supplied if they wished to receive feedback on the research). As with the TPO questionnaire, the author’s lack of involvement in the distribution process saved time yet restricted the amount of information on the potential respondents. It also ensured that the organisation retained control of the process and minimised my personal involvement.

As previously noted, eleven completed questionnaires were returned. Although this was a small sample, in terms of validity and reliability, the responses gleaned important data and once again provided a useful snapshot of both the inherent difficulties and creative work undertaken with the offender group.

**Interviews**

As a well-established qualitative method in social research, interviews can provide a richer source of data, enabling the researcher to explore the respondents’ views and feelings in greater depth (Robson, 2002, p.272; Silverman, 2006, p.113) and potentially enable respondents to express themselves more naturally, in more depth and with greater control over the information they provide, than is possible within a questionnaire (Silverman, 2006, p.114). Therefore, having used a questionnaire to collect what was essentially background information, the author chose to use interviewing to explore in more detail what techniques probation officers had used with sex offenders in denial.

Interviews are frequently exploratory (Oppenheim, 1992, p.65). As with case studies, the interview method is often chosen with the purpose of examining situations with the intention of finding out “what and how” about a specific situation. As these two questions are also central to the aims of the case study approach, interviews are frequently selected as a method for a case study. Information was gleaned from the questionnaire study; but given the potential for flexibility inherent in speaking directly to an individual (Robson, 2002, p.273)
conducting interviews enabled me to obtain further detail and clarify issues. This is the benefit of the personal contact of the interview method, and, for me, was the main advantage of using the method.

The use of interviewing as a technique in social research has been criticised for being time-consuming for data collection and analysis (Burgess, 1984; Robson, 2002, p273). In the author’s own experience, the process of setting up the interviews can be lengthy in itself (for example, the juxtaposition of meeting the time commitments of others and co-ordinating this with the demands of conducting research). From the particular perspective of my own research, the main disadvantage of employing the interview method were that they are time-consuming for the respondent. In this case, participants did so in their non-working hours.

The interviews for this thesis were intended to expand on the information collected from the questionnaire sent to qualified probation officers, and further explore the themes of working with denial and managing risk. I prepared an interview schedule of six open-ended questions (Appendix 4) which were designed to explore these themes and allowed scope for the interviewee to relate their experiences of working with deniers and the training they had received. As MAPPA is an element in work with all sex offenders (see chapter three) participants were asked about their experience of using MAPPA procedures.

There were five interviews in total. The respondents had agreed to be interviewed following participation in the questionnaire study. Three were face-to-face interviews and two were conducted by telephone. The face to face interviews were more complex to arrange but tended to be longer, lasting around forty-five minutes. Face-to-face contact also gives the advantage of greater interaction between the interviewer and participant, as clues can be gleaned from body language (for example, any lack of understanding, confusion or unwillingness to respond can be detected, and verbal cues provided if the researcher deems this necessary (Oppenheim, 1992). The telephone interviews were shorter (around 25-30 minutes) and lacked the nuances of communication afforded by interviewing in person. However, they provided an important source of data collection where arranging a meeting in person would have protracted the process or rendered it impractical.
Three of the respondents held the Diploma in Probation Practice, one a Certificate of Qualification in Social Work and one the Diploma in Social Work. These qualifications are explained in Chapter Four; they represent different time periods in the history of the probation service. This variety proved to be a benefit to the study in terms of responses and the information provided by the respondents, and covered a diversity in training and levels of experience.

Observation
It has been argued that conducting an observation has the advantage of giving direct access to the subjects one wishes to study, within an environment which is natural to them (Silverman, 2006, p.67) and, in theory, provides the opportunity to obtain the data for questions one needs answers to directly, enabling any misunderstanding to be clarified and discrepancies explained by either the observer or the subjects (Robson, 2002). However, within this, the issue of role constraint must be taken into account and can mitigate outcomes. In the case of the observation for this study, the observer (that is, myself) was in the role of a PhD student. The workshop facilitator from the university also informed the students that I had had worked as a probation officer. This had the effect of altering the author’s status from an observer of the group (who shared the membership category of learners) to a contributor who was a potential source of information for the students; and I did indeed contribute to discussions on typologies of denial and the practicalities of sex offender supervision.

Details of the observation setting
In 2012, the author observed a university training workshop for the new Probation Qualifying Framework (PQF) candidates. This workshop was made up of 30 Probation Trust staff members from 5 Probation Trusts who are undertaking the current training programme to become qualified probation officers.

This was a one-day meeting in which the trainees received academic learning from a lecturer from the Institute of Criminal Justice Studies department of the university. They also shared their knowledge and practical experiences of working with sex offender cases on their caseloads to illustrate their understanding.

The attendees had a range of experience. Some had already completed a criminology degree course at a higher education institution, and as a result of this were following a one year Graduate Diploma programme. However, this group typically had less experience of practical working in a probation environment.
Others had been employed as Probation Service Officers for varying amounts of time; they had substantial experience of working with offenders (albeit mainly at low and medium risk levels; and the PSO grade is generally not permitted to work with sex offender case). Their main learning issue was to raise their knowledge of criminological theory and participate in work with higher risk cases.

To reflect the diversity of their training needs, the two streams of graduates and PSOs usually attended separate training sessions, but, due to reduced numbers on this occasion, the two groups were combined. This created a more diverse group than would be the norm.

Although all trainees held caseloads, not all had direct experience of working with sex offenders. Yet it was interesting that the tutor of the group expressed surprise at the amount of trainees who had had access to sex offender cases (it was more than she expected, given that access to work with sex offender cases is often denied to those in training) and the level of awareness the group demonstrated about the issues surrounding the supervision of sex offenders.

**Data Analysis**

Due to the small sample sizes, the author analysed the quantitative data produced by the two questionnaires manually. Excel was employed to assist in the analysis of the quantitative data from the questionnaires, and was also used to create charts and graphs to aid the process.

For the researcher, analysing interview data can be a lengthy process (Burgess, 1984; Robson, 2002) particularly if one is working as the sole researcher, as was the case with my doctoral research. To analyse the data, the interviews were taped and then transcribed by myself.

Data from the qualitative sections of the questionnaires (the open-ended questions) were entered into the research tool AtlasTi and sorted under predetermined codes. As Punch observes, the process of coding serves as an initial means of analysis; it places values and meanings onto the data (1998, p.204.) The initial (first-level) codes I chose reflected the themes of the thesis, required training in the use of the AtlasTi package which I undertook as part of research methods training completed in the first year of the doctorate. These included Denial, Training, Experience, Confidence, Support and Risk. Punch has suggested that following a deeper analysis of texts, further and more inferential codes may be generated which more accurately reflect the data (1998, p.205). This was indeed
the case, as after an analysis of the data under these first level codes, second
level codes were created which enabled a closer analysis of key themes.

The interview transcriptions were also scanned and fed into AtlasTi (a qualitative
data analysis package). To assist in the process of data analysis, codes were
devised, and from this, the data was sorted under headings. As Punch observes,
the process of coding serves as an initial means of analysis; it places values and
meanings onto the data (1998, p.204.)

The data I obtained from the observation was treated similarly, as I had made
substantial notes during the observation. The codes already created for the
previous data analysis worked effectively in this instance.

**The “insider-outsider” issue**

It has been pointed out that there are two types of research setting; those which
can be considered open or public and those which closed or private and in which
access is monitored by gatekeepers (Hornsby-Smith, 1993; Walsh, 2004; Reiner,
include professional organisations and deviant groups (Silverman, 2006, p.81) and
it can be argued that the probation service encompasses both, in being an
organisation with the specific remit of working with offenders. Therefore, I
would be required to seek permission to conduct the research; and this would involve
gaining the support of staff at senior and fieldwork levels, the former to gain initial
consent and the latter to ensure that staff would be willing to engage and make the
project feasible. In addition, I was aware that questions regarding my interest in
this area of study might be asked throughout the research process. As discussed
previously, interest in conducting research about the probation service developed
while the author was working as a probation officer, and experiencing at first hand
the difficulties and frustrations involved in working with sexual offenders in denial.
As I intended to adopt a fully overt stance with the participants, the decision was
made to disclose this previous professional background to the respondents (staff
and offenders alike) but was made in the knowledge that this might influence what
my participants chose to disclose (Noaks & Wincup, 2004, p.51). This was
because my professional background placed me within the membership category
of probation officer (Baker, 2008; Sacks, Schlegloff & Jefferson, 1974). A
membership category consists of individuals sharing a specific perspective, in this
case, employment in the same organisation, the probation service. Members of
the same category will have certain values, perspectives and language in
common; in this case, these can be seen as an interest in, and practical experience of, working with offenders; an understanding of the values of the organisation and the specific language and terminology used by the organisation. This might have seemed appealing to the respondents who shared this category, the probation officers, in that the author had prior knowledge of the culture and values of the probation service and the terminology and jargon used (therefore the author would not require any explanation of terminology used, and a form of shorthand could be used in interviewing officers). However, I was also aware of the need to engage in self-reflection regarding the need to fully explain concepts and terminology to readers of my thesis who do not share this professional background. My professional experience would inevitably shape the interview in the choice of questions asked (for example, regarding the assessment and management of risk, the bureaucracy and technology of the organisation and the process of working with an offender). It may also impact upon the ways in which the data would be interpreted, in that I may make conclusions from my professional background rather than as a student researcher (Miller & Glassner, 2009; Noaks & Wincup, 2004, p116; Reiner, 1991; Reiner & Newburn, 2008; Savage, 2013). There might also be a temptation to include terms specific to the probation service, which would be understood by me and the respondents, but would require explanation to a reader who was unfamiliar with the probation service, such as those in academia who do not have specific knowledge of the probation service. Therefore, a glossary of terms and explanatory footnotes were required to be placed in the thesis to assist the reader without professional knowledge of the probation service.

It has been noted that the quality and quantity of data which can be obtained in criminological research study is influenced by the professional stance of the researcher (Brown, 1996; Noaks & Wincup, 2004; Reiner, 1991; Reiner & Newburn, 2008; Savage, 2013) and it has been contended that having insight into the professional methods, jargon and culture of the organisation can result in richer material (Reiner, 1991; Reiner & Newburn, 2008). As a result, I had initially viewed having previous experience as a professional in the field of study as being advantageous, both in terms of accessing participants and having knowledge (and professional experience) in the subject to be studied. However, there was also awareness that numerous studies, both by professional researchers and doctoral students, have previously encountered difficulties in gaining access and conducting research in the field of criminal justice (Noaks & Wincup, 2004) regardless of their knowledge and professional background.
The issue of the relative merits of a professional background when attempting to negotiate access and conduct research in the field of criminal justice has been widely considered by academics and has become known as the insider-outsider debate (Brown, 1996; Noaks and Wincup, 2004; Reiner, 1991; Reiner & Newburn, 2008; Savage, 2013). In his study of the work and organisational culture of the police, Reiner (1991) observed that the type and level of material a researcher can access will be highly dependent on their status and their relationship to the police force; and that there are four categories into which they can fall.

These can be defined as follows. Inside-insiders are criminal justice professionals (such as police or probation officers) who are conducting research which is related to their job, whilst still employed in the role. Outside-insiders are, for example, police or probation officers who conduct vocationally related research after deciding to leave or having left their professional role. Inside-outsider researchers are research professionals rather than officers and work within police forces or governmental organisations such as the Ministry of Justice; or are in research roles which have been commissioned by criminal justice organisations. Finally, outside-outsider studies have until recently constituted the bulk of police research – work conducted by academics and others who are not employed or commissioned by the police or other governmental bodies (Brown, 1996; Davies, 2000; Morgan & Hough, 2008; Reiner, 1991; Reiner & Newburn, 2008; Savage, 2013).

It has been argued that an insider-insider may have the potential to gain greater access to data (Reiner & Newburn, 2008: 355); however, even when employed and therefore accepted as a professional, there are also questions of suspicion and the level of trust towards a researcher. This is usually an issue which relates to their professional standing in the organisation (Brown 1996; Reiner, 1991; Reiner & Newburn 2008). For example, lower ranked staff may fear for their jobs if they are too open with a researcher who is also a manager; in the reverse case, a manager may not wish to divulge too much information to a lower ranked colleague. Conversely, at the other end of the scale, an outside-outsider might be viewed with suspicion by all during the process of gaining access to data, but later may also benefit from a greater degree of openness from respondents given the perceived independence of the researcher.

My own position changed during the course of the research. From being initially an outside-insider, having left a job as a qualified probation officer to become a
full-time student but later becoming an insider-insider (for reasons which were initially motivated by financial concerns as much as to influence the research), I re-entered the profession and worked as a probation officer within a prison. Interestingly, this prison was run under the auspices of a probation trust which I had unsuccessfully contacted regarding the proposed project, with a view to negotiating access. Although the job role was not in itself directly beneficial to the research, it resulted in my having inside-insider status. In addition, the fact that I was engaged in doctoral study involving issues of risk and sexual offending was of interest to my line manager. This enabled access to be negotiated with senior management, in order to conduct the questionnaire phase of my research with probation officers in the Trust’s Public Protection Teams. This was a clear benefit of my insider status.

The access was facilitated by the Senior Probation Officer in the team, who liaised directly with the Probation Trust’s Director of Public Protection on my behalf. They agreed, on the basis that one question was removed from the questionnaire; interestingly, this was regarding whether the respondents had chosen to work with sex offenders or whether this was mandatory. The choice to include this question came from the author’s professional awareness that in some Trusts (but, interestingly, not all) probation officers were able to opt out of sex offender work if they could present a valid case as to why it might adversely affect them; these could include being the parent of young children, or having personally experienced sexual abuse. Clearly the Trust did not wish to widely advertise this option to its staff. I agreed to make the amendment, as I believed that the questionnaire would still yield sufficient and important data without it; yet the request for it to be omitted can be seen as significant, signalling the power which gatekeepers can have on the data collection process, how the research process can be distorted and the focus altered, and how important questions can remain unanswered (Noaks & Wincup, 2004). As Hammersley and Atkinson have observed, negotiating access is a process in which the researcher has to be prepared to compromise in order to secure approval (1995, p.74). Furthermore, in relation to my research, it could be viewed as a potential negative of my status as a student researcher rather than a full insider, as I felt my ability to negotiate was reduced, whereas being an established, Trust-employed may have enabled me to have more influence on the outcome.
Following approval, it was agreed that the revised questionnaire would be sent by email to Senior Probation Officers who managed Public Protection Teams working with sex offenders. They were asked to forward it to the qualified probation officers in their teams. Although I received acknowledgement from all four SPOs, it is acknowledged that this was a further source of gatekeeping, in how the SPOs chose to request participation from their staff (which was by email) and the level of enthusiasm with which they did so.

Yet although the difficulties I experienced in attempting to negotiate access an inside-outsider had been overcome, there were still issues even with managerial endorsement. A total of eleven completed questionnaires were returned, which represented 28% of the 39 qualified in the four public protection teams. To some extent, the inside-outsider position (Brown, 1996; Reiner, 1991; Reiner & Newburn, 2008) may be relevant here. I was an employee of an agency supplying professional staff to criminal justice agencies and therefore was not employed directly within the Trust. I was therefore not widely known to probation officers working at other sites within the Trust. The position of probation staff within prisons is also a possible factor, as there can be a sense in which they become isolated from staff within the field offices. Overall, I was not the established individual within the trust who may have potentially received a greater level of response.

Yet, importantly, John Rico, commenting on his role as Research Manager with London Community Rehabilitation Company, and formerly London Probation Trust, has observed the complexity of obtaining information from probation staff even within his designated role. He attributes this mainly to the competing demands on staff time; importantly, requests for information are often overlooked as staff deal with a wide range of job-related tasks and requests for information (Rico, 2015). He notes from evidence obtained in his own research projects that response rates for internal research are frequently low.

**Validity and Reliability**

It has been argued that the true value of research lies in its ability to produce data which is reliable and can hold validity (Burgess, 1984; Punch, 1998, p.98; Robson, 2002). Although the primary research has been conducted using a case study approach the which is not expected to generate replicable data in the same way as more quantifiable approaches, it is still necessary to consider these issues. 

*Reliability refers to matters of consistency; the researcher should consider if the*
research instrument be used over time and with different respondents and provide consistent results. In measuring validity, the researcher must ask whether the results are defensible, that is capable of forming coherent and logical answers to the questions within the original hypotheses.

Although the research tools within this thesis have produced data which illustrates the experience of the subjects and has enabled reasoned arguments in response to the original hypotheses, it is not claimed that the questionnaires or interview schedule would be reliable, due to the small sample sizes. It cannot reasonably be argued that the data could be precisely replicated. However, in terms of validity, the data obtained could be measured against the research questions, and provided information which were relevant and useful in evaluating service provision.

**Conclusion**

Due to the complexity of gaining access to suitable research settings, the focus of the primary research has changed from the formulation of the initial hypothesis at the beginning, to the eventual collection of data; however, this is not unusual in the development of a doctoral thesis. From the intention to use two methods within one office setting and with the involvement of staff and offenders, the primary research has evolved into a project using three methods (questionnaires, interviews and observation) and two staff groups – pre- and post-qualified probation officers.

This has, however, resulted in data which has been able to contrast two types of training (The Diploma in Probation Studies and the later Diploma in Probation Practice). A further advantage has been that the thesis has been able to examine the perspectives of staff who are at different stages of their careers. Although the four studies are discrete, and were conducted using differing methods, triangulation has been possible in order to compare and contrast responses in discussing the key themes of the thesis.
CHAPTER THREE: SEX OFFENDERS IN A “RISK SOCIETY”: THEORETICAL BASIS AND PRACTICAL IMPLICATIONS

This chapter will examine the importance of risk in the assessment and management of sex offenders in denial. The contemporary probation service is risk-focused (Andrews & Bonta, 1994; Chapman & Hough, 1998; McNeill, 2006; Burke & Collett, 2011; Mair & Burke, 2012). This has mirrored a trend in society, as there is growing concern regarding national and global security (Beck, 1992, 2007; Giddens, 1990, 1991; O’Malley, 2004, 2010) which developed as a result of technological advances such as the internet and the rise in terrorist activity, and significantly increased by the bombing of the Twin Towers in New York on 11th September 2001 (Beck, 2007; O’Malley, 2004, 2010). The preoccupation with risk has significantly impacted on criminal justice agencies (Hudson, 2003; Kemshall, 2008) including the probation service (Deering, 2010; Gregory, 2011; McNeill, 2006; Mair & Burke, 2014; Nash, 2006, 2009; Nash & Williams, 2010; Prins, 2010). It can be argued that the offenders most affected have been those convicted of sex offences; and that denial furthers the impact through the punitive sanctions which are imposed on deniers.

The initial theory of the “risk society” was developed by Beck (1992) in his analysis of post-industrial German society and was subsequently used by Beck (2007) and others (Feeley & Simon, 1999; Giddens, 1991, 1992; Hudson, 2003) in considering attitudes and responses to risk in other industrialised nations, including Britain. The current study will now consider the main features of the “risk society” and its influence on criminal justice legislation; and the ways it has shaped the contemporary probation service and impacted upon the identity of the sex offender as being a major source of risk.

The Risk Society thesis
It has been argued that risk (both its existence and management) has become a dominating factor in modern post-industrialised societies (Beck, 1992; Giddens, 1991, 1992). Historically, in what Beck (1992) has termed ‘traditional’ societies, the social class system dictated access to schooling which would impact on access to employment and wealth. Society was more tightly knit, with a pattern of extended family relationships, in which members supported each other and remained geographically close. Trust was an important element of social relations at a personal level (Giddens, 1991) and in the wider society; for example, the legal system had unquestioned authority to punish those who offended without the need
to question the motivation of the perpetrator (Foucault, 1999). Religion was the dominant force in regulating behaviour by setting moral codes.

The process of industrialisation in the nineteenth century weakened these moral ties, first by introducing competition to the workplace, and second, by introducing a more formalised knowledge base in society, which resulted in greater inequality as individuals became more or less qualified, and incomes and status varied as a result (Beck, 1992; Giddens, 1991). However, Beck argues, risks were localised, with specific risks concentrated around manual employment and the lower social classes who were employed in this work (Beck, 1992, p.35). Dangers within occupations were further amplified by competition. The development of mechanised production methods created difficulties as fewer workers were required to produce goods, and individuals were forced to compete for the available employment. The established social order was replaced by a model of society which is more reflexive, less trusting and requires different systems of social control (Beck, 1992; Foucault, 1977, 1999; Giddens, 1991). Beck argued that postmodern society has moved beyond the economy as the primary means of division; that social class boundaries have been superseded by individualism.

A number of factors underpinned these changes (Beck, 1992). First, as more individuals are granted access to higher levels of education, this in turn increased competition for jobs which has resulted in greater mobility, as there is incentive to travel further for better-paid jobs and compete with their peers for them (Beck, 1992). This competition tends to create mistrust and defensiveness (Giddens, 1991). A risk society is one in which reflexivity plays a key role; as a risk society relies on scientific method to regulate it, it must adapt to ongoing change through the development of new technologies (Beck, 1992). Pre-industrial society focused on maintaining the social order by maximising security (Foucault, 2004); this was achieved through the dominance of religion, the institution of family and a belief in the power of the natural environment (Beck, 2007; Foucault, 2004). As Giddens (1991) notes, these values required a strong sense of trust in the existing social order and those who controlled it, which had been eroded (Beck 1992, 2007; Giddens, 1992; Ericson, 2006). And as post-industrial, modernist society has lost confidence in the traditional structures, it has had to develop new ways to regulate society. Creating and maintaining security has become an issue for the state as well as the individual (Beck, 1992, 2007; Ericson, 2006; Ewald, 1991, 2002; Foucault, 1977, 2004; Giddens, 1990, 1991) and there is a heightened sense that the future must be managed as much as the present (Beck, 1991; Ericson, 2006;
Ewald, 1991, 2002). Garland (2001) argues that the preoccupation with risk has created a “culture of control” in Britain since the late twentieth century. A key manifestation is the way in which convicted sex offenders are strictly controlled in the community (Harrison, 2011; Hebenton, 2011; Hebenton & Seddon, 2009; Hebenton & Thomas, 1996, 1997; Kemshall & Wood, 2007; Spencer, 2009).

Importantly for the study of sex offenders in denial, Giddens (1991) argues that a key feature of a risk society is surveillance, which is very evident in current probation practices which are seen to promote community protection, such as the use of sex offender registration, electronic information databases and licence conditions which impose residence restrictions and prohibit certain activities (Hebenton, 2008, 2011; Hebenton & Seddon, 2009; Kemshall & Wood, 2008; Nellis, 2010).

To achieve security in the postmodern world, methods have developed which not only deal with existing (and therefore real) risk but also pre-empting any perceived future risks by using systems based on scientific knowledge and technology (Beck, 1992a; Ericson, 2006; Ericson & Doyle, 2006; Giddens, 1991; O’Malley, 2010). This approach has come into favour as the positivistic approach of scientific method has come to dominance. It has led to the development of practices based on evidence collected using methods based on scientific learning and has given rise to the development of new professions to specifically focus on the prediction of risk and has caused others (including criminal justice agencies, such as the probation service) to change and refocus upon it.

The preoccupation with risk has therefore been established to fill a void caused by the increase in individualism, competition and the increasing pace of scientific and technological change. In order to maintain status positions and a sense of order there is a perceived need to control events and people who are seen to threaten the security and stability of society (Garland, 2001) and the assessment and management of risk has become the mechanism for so doing. The insurance industry developed and quickly gained status and importance by arguing the need to calculate and manage unsafe practices and regulate behaviour (Beck, 1991; Ericson & Doyle, 2006; Kemshall, 2008). Health services have an increased role in predicting future health based on the existing habits of patients, giving rise to an advance in public health initiatives (O’Malley, 2010, p.2).

In addition, risk is politicised (Beck, 1991) through (risk-based) legislation such as health and safety laws, and prohibitive and preventative measures. The approach
also requires a focus on bureaucracy and specialised technological methods, both to justify and maintain its dominance (Foucault, 1999; Garland, 2001; O’Malley, 2004). These developments fit with both the dominance of science and scientific methodologies (Beck, 1992) and also the needs of the managerial style of governance (O’Malley, 2010, p.33). For the criminal justice sector, this has created a system of actuarial justice which has led to the identification of specific groups deemed to be the greatest threat: violent and sexual offenders whose risk must be controlled and contained (Garland, 2001; O’Malley, 2010).

It can also be argued that the focus on individualism has created a need for individuals to take greater responsibility for their personal security; this, coupled with a growing distrust of political government to protect the rights of the public, has given rise to a plethora of pressure groups and a movement for social action (Mythen, 2014, p.130). This can be seen in protests against environmental issues and austerity, for example; but it also underpins the creation of Megan’s Law in the USA in 1994, which was then followed by Sarah’s Law in the United Kingdom, which seek to restrict sex offenders and protect the public by making information about convicted sex offenders accessible online. Both were initiated by public concern and reinforced by media involvement.

Denial in the risk society
Beck has argued that denial plays an important role in a risk society (1992, p.75). The reflexivity of postmodern society requires risks to be overcome in order for society to advance; the inability to do so will result in fear. Once the risk is dealt with, the fear subsides (although it will inevitably be replaced with another). There will, however, be instances in which a risk cannot be rationalised, and in this event, denial will be used to replace fear. By denying a risk, the sense of fear surrounding it can be negated.

Denial is characterised by a process Beck has called “scapegoating” (1992, p75) in which the thing that is feared is cast out from society, in order that the fear can be diminished. Although Beck did not directly discuss sexual offending, it can be

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8 In 1994, Megan’s Law introduced compulsory registration of convicted sexual offenders in the USA, and has resulted in online databases, available to view by any member of the public, of registered sex offenders in the USA. It was preceded by the rape and murder of seven-year-old Megan Kanka by Jesse Timmendequas, who had two previous convictions against children.

9 Sarah’s Law led to the Child Sex Offender Disclosure Scheme, which, after various local pilot projects, became national in 2011 in the UK. More limited than Megan’s Law, the scheme requires the police to provide disclosure to parents and agencies who may have legitimate concerns regarding a named sex offender. This followed the sexual murder of Sarah Payne by Roy Whiting, a man with previous sexual convictions.
argued that a process of scapegoating can be seen in the way in which sex offenders are viewed in modern society. A consequence of the risk society is to define what are considered to be appropriate behaviours and to control members of society who are deemed to transgress these norms (Hudson, 2003). Those who do so are treated with distrust and are often vilified; they are "the other", a group apart and beyond the comprehension and understanding of a law abiding society (Hudson, 2003, p.181). Law and order has increased in importance to contain deviance (Foucault, 1999), and, as concerns about risk have increased to cover all spheres of society (Beck, 1992; Giddens, 1991), formerly private issues such as sexuality have come to be seen in terms of the risks to wider society (Foucault, 1999; Weeks, 1989). Historically, homosexuality was viewed in this light and categorised as a criminal offence and the advent of AIDS in the 1980s created a moral panic. More recently, the issue of sexual offending against children (and, although arguably to a lesser extent, women) has become the subject matter. In the case of child sexual abuse, this has given rise to similar moral panics as those against homosexuality in the past. Currently the focus is on what has been legally defined as sexual abuse of children (those aged under 16 years). It is worth noting that this has not always been the case, for reasons such as shorter life expectancy, and because children were expected to work and assume an adult perspective at a younger age. However, whilst sexual relationships with children were a part of life historically, such behaviour is now viewed with abhorrence (Furedi, 2013). The notion of “the other” as an individual who transcends socially acceptable behaviour is currently most frequently applied to those convicted of sexual offences against children. Therefore, although the concept was not specially related to a particular type of offending behaviour, it has come to fit the image of the sex offender (Kemshall, 2008; Nash, 2006; Spencer, 2009).

Changes in the social status of the child and attitudes towards children in society are also cited as important factors in the creation of the risk society (Hebenton, 2008). Furedi (2013) asserts that since the 1970s, society's perspectives on children have changed radically; ironically, at the height of Jimmy Savile’s popularity (and abuse of children) a process was beginning whereby children were to be viewed as needing protection. So, whilst the BBC aired the programmes Top of the Pops and Jim'll Fix It, they also began Children in Need (a programme from which Furedi notes that Savile was deliberately excluded by BBC executives) and Esther Rantzen was presenting programmes which would lead to the foundation of the ChildLine service (Furedi, 2013).
Furedi traces the changing image of children in society back to the nineteenth century, when the use of child labour began to decline and children began to be seen for their emotional rather than economic value. Equally important are the recent declines in birth rates; Furedi argues that now, most children are wanted and prized. They are also perceived as needing protection, as the parent-child bond is seen as important in an age when community ties and relationships of closeness and trust between adults are diminishing. Adults make an “emotional investment in children” (2013, p.45) to give them a focus for attachment and security. Yet this also increases their need to protect their children against perceived threats and risks. Furedi notes that:

> With so much at stake it is difficult to reconcile the comfortable feeling of certainty promised by this unique relationship with the uncertainty of everyday life. Thus what is ‘at risk’ is not only the child, but a very special relationship. (Furedi, 2013, p.45)

A consequence of this has been the development of a “narrative of abuse” in which children are the ultimate victim figures and child sex offenders despised (Furedi, 2013; Hebenton, 2008; Briggs & Kennington, 2006). A “moral consensus, which is the affirmation of the moral status of the child” (Furedi, 2013, p.45) has developed. This has led to “the veneration of the innocence of childhood and a universal loathing for the child abuser. (2013, p.45). The sex offender is regarded as the “homo sacre”, an object to be reviled (Spencer, 2009).

**Risk assessment and management in the Risk Society**

The focus on managing risk requires a combined analysis of the present dangers coupled with a need to assess future risks; it therefore considers the actual and potential threats (Beck, 1992, 1992a; Feeley & Simon, 1992; Giddens, 1990, 1991). The financial insurance industry was one of the first to develop to meet the modern preoccupation with risk (Beck, 1991; Ericson, 2006; Hudson, 2003; Kemshall, 2008) and other organisations (including the probation service) have developed methods of working and actuarial tools using models from within the insurance sector (Kemshall, 2008; Williams, 2010). For example, insurance organisations will set premiums to cover an individual’s current age, health and circumstances such as employment. It will also project figures (usually requiring larger premiums) when that individual ages (which is a certainty) but also calculates according to the *possibilities* that ageing might potentially cause deterioration in their health and disruption to employment (Beck, 1992; Giddens, 1991). There is clearly a distinction to be made between what is certain to happen, and what can only be predicted as a possible future event. Similarly, the probation
service assesses risk by using an actuarial tool, OASys, and manages high risk cases through the bureaucracy of systems such as Multi Agency Public Protection Arrangements (MAPPA). Both OASys and MAPPA will be examined later in the thesis.

**Critique of the risk society thesis**

Although it provides a convincing analysis to explain the way in which modernist societies have developed (it is difficult to refute the increasing significance of technology in the contemporary world, and the decline in belief in religion and natural phenomena against the growth of scientific approaches), the risk society thesis has been critiqued for its pessimistic view that risk (real or perceived) will remain a constant feature of social life (O’Malley, 2010, p.11). This view creates the effect of “a vicious circle of fear and securitisation” (O’Malley, 2010, p.12) and furthermore, could maintain the prominence of crime as a problematic issue which far outweighs the reality of its scale and requires increasingly complex technology and bureaucratic styles of management to control the perceived threats. Therefore, risk theory suggests that reflexivity is essential, but in terms of enabling new scientific knowledge and technologies rather than creating the possibility of wider debate; it has been suggested that risk theory does not allow the prospect of any alternative other than policies and procedures for crime management based on scientific methodology (Ericson & Haggerty, 1998; O’Malley, 2010, p.12). It is also pointed out that, although technology has given rise to much development, there have also been large-scale problems caused by reliance on technology in the fields of health and engineering.

The role of reflexivity is also questioned. Much of what is termed “risk” in society might perhaps more be accurately termed “uncertainty”; as the outcomes cannot be fixed or pre-determined (as is the case with offending). O’Malley (2010) disputes whether uncertain outcomes should be dealt with using the same methods as ones which are definably risk-based; this had led to questioning whether there is a political agenda attached to risk theory, as it can be used to justify the use of cost-effective techniques and “framework prevention” (which, in the recent history of managing offenders, has leant towards programmes and group-based inputs). It may also lie behind the development of public health focussed initiatives; in the case of sexual offending, this approach has given rise to national campaigns of public safety and victim support (Dominey, 2012; O’Malley, 2010) but also (and more pro-actively) the Circles of Support service, which recruits volunteers to work with convicted sex offenders to re-integrate them into the community (Kemshall, 2008, p.74; McAlinden, 2008; Carich, Wilson,
Carich & Calder, 2010) – albeit that the service has been so far limited to offenders who largely admit their behaviour.

It has been also been argued that the risk-based approach is essentially negative in its focus, and ignores the potential of uncertainty (O’Malley, 2004, 2010). In many spheres of social life, future actions cannot be predicted based on a scientific or statistical analysis of previous or current behaviours (O’Malley, 2010). For example, the medical profession might be able to predict a propensity for future ill-health based on past illness or habits such as smoking. However, predicting recidivism is arguably more complex, as it involves a consideration of the unknowable; for example, the likelihood of an individual committing further offences will be influenced by factors such as the availability of opportunities to do so and their will to take or resist them (Finklehor, 1984; O’Malley, 2010) but also the circumstances in their life (such as being in employment, having adequate housing and relationship and family ties) and whether these can be sufficient to act as protective factors strong enough to enable desistance (Laws & Ward, 2010; McNeill, 2006; O’Malley, 2010). With these points borne in mind, this chapter will now consider how risk theory has influenced assessment and management procedures for sexual offenders and specifically those in denial.

**Defining and working with risk**

This thesis has previously noted that the perceived need to assess and manage risk has been a factor historically (Hudson, 2003; Kemshall, 2003) and has recently become an acknowledged fact of daily life. Historically, as today, people have taken risks in even such mundane tasks as eating, crossing roads, climbing stairs (Carson & Bain, 2010). Yet it is argued (Hudson, 2003; Kemshall, 2008; Prins, 2010) that in contemporary postmodern culture, far more attention is paid to the subject of risk, resulting in more awareness of what could be defined as a risk (Beck, 1992; Carson & Carson, 2010; Hudson, 2007; Nash & Williams, 2010). It has been argued that the current preoccupation with safety and risk is rooted in a deep sense of fear and insecurity, which is fuelled by the media and seen as an issue requiring government control (Furedi, 2013; Giddens, 1992; Hudson, 2010). A consequence of this has been that the perceived need to assess and manage risks has become amplified (Hudson, 2003; Kemshall, 2008) and for some, almost pathologised (Brown, 2010; Prins, 2010) to an extent that a “risk industry” (Nash, 2009) has been created. Health and safety laws abound; due to fears about litigation in the event of complications, individuals are required to sign consent forms before medical procedures are undertaken (Carson & Carson, 2010) and advised that hazardous activities are entered into at the individual’s own risk.
(Prins, 2010). There has also been a growing sense of confusion as to what risk is, or is not, and how it should be assessed and managed. To facilitate an understanding, Prins (2010) states that

Risk may be said to be the likelihood of an event occurring and danger may be said to be the degree of damage (harm) that may occur should the event take place (2010, p.22).

A risk has to be identified, and then dealt with appropriately over time (Carson, 1997; Carson & Carson, 2010; Prins 2010).

To indicate the complexity of the process, Prins (2010) has usefully summarised definitions of risk from the Royal Society (1992)\(^{10}\). Importantly, in these definitions, risk assessment and risk management are two distinct activities. In the case of offending behaviour, there have been concerns that more emphasis has been placed on the risk assessment to the detriment of risk management (Carson & Carson, 2010; Prins, 2010). In particular, although a full assessment may be completed at the outset (at the start of the supervision process), there is the possibility that over-reliance on this initial assessment may lead to important facts and changes of circumstances being overlooked (Prins, 2010). At worst, this could result in serious offending, which (with more robust risk management) might have been forestalled.

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\(^{10}\) These definitions are as follows: Risk is defined in terms of the probability ‘that a particular adverse event occurs during a stated period of time, or results from a particular challenge’ (1992: 2). A hazard is defined as the situation that in particular circumstances could lead to harm’ (1992: 3). Risk assessment is used to ‘describe the study of decisions subject to uncertain circumstances’ (1992: 3). The Royal Society working group divided risk assessment into risk estimation and risk evaluation. Risk estimation ‘includes (a) the identification of the outcomes; (b) the estimation of the magnitude of the associated consequences of those outcomes; and (c) the estimation of the probabilities of these outcomes’ (1992: 3). Risk evaluation is ‘the complex process of determining the significance or value of the identified hazards and estimated risks to those concerned with or affected by the decision (1992: 3). Risk management is ‘the making of decisions concerning risks and their subsequent implementation, and flows from risk estimation and risk evaluation’ (1992: 3) (Prins 2010: 19).
There have been cases of serious offending which have been used by the media to illustrate that greater diligence by authorities could have potentially prevented the occurrence of serious offending11. This can fuel public concern. In reporting sexual offending which came to light in 2013, following the conviction of men for offences of sexual abuse and trafficking which occurred in Oxford in the period 2004-12, the Guardian reported that:

failings by police and social services had allowed the men to groom young, vulnerable girls they met on the streets....Girl C said that her adoptive mother went to social services in 2004...She said “Mum wrote to all the key people in social services, called her own case conferences, invited agencies and got them sitting around the table, but they all just passed the parcel between them...” Victims turned to the police at least six times – four times in one year...One of the elements of the serious case review will be an investigation of the support offered to the girls by agencies including social services. (The Guardian, 15 May 2013).

While this does indicate issues in risk assessment and management practice by the agencies concerned, arguably there is also an issue of detracting from the responsibility of the offenders for their actions. Instead, the focus is firmly placed on the agencies to review their practice, and pressure on governments to take action to avoid such scenarios in the future.

Moral panic and the impact on probation work with sex offenders
The growing concern with risk has changed, and shaped, the current Probation service (Floud & Young, 1981; Kemshall, 2008; Nash, 2006; Savage & Nash, 1999). Risk became of central importance to the probation service as a consequence of conclusions reached following the “dangerousness debate” which began after the abolition of capital punishment (Floud & Young, 1981; Hudson, 2005; Nash, 1999). The government’s concern to address growing media and public interest in serious offending was simultaneously being echoed by concerns

11 Analysis of more recent high profile examples of serious offences committed by Danno Sonnex and the death of “Baby P” (Fitzgibbon 2013) reveal greater errors. Both cases involved active supervision (by London Probation Trust and Haringey Social Services respectively). Sonnex was being supervised on licence at the time that he and his co-defendant murdered two French students. Fitzgibbon (2013) observes that Sonnex himself identified (and reported to prison staff prior to his release) that he felt himself likely to kill. This information was not reflected in his supervision, as he was (wrongly) deemed to be manageable in the community at a medium risk level by a newly qualified probation officer. Further miscommunication of facts and delays in taking recall action despite concerns with his behaviour resulted in Sonnex remaining in the community and committing murder. Similarly, in the case of Baby P, a lack of communication between professionals at crucial times and a belief in the stories of Tracey Connolly and Stephen Barker hid the pattern of long-term neglect which was to lead to the death of Peter Connolly (Fitzgibbon 2013).
which were being expressed within public sector agencies such as Social Services, who were required to work with the actual and potential victims of crimes such as child abuse (Kemshall, 2003, 2008; Hudson, 2005; Morrison, 1994; Nash, 1999). However, at this stage, this debate did not result in any changes in legislation, due to a lack of agreement and counter arguments suggesting that the problem of serious offending was not as great as the media portrayed (Hudson, 2005; Nash, 1999). The concept of ‘dangerousness’ was vague and subjective, and, as a result, labelling specific individuals as dangerous because of their past behaviour, or predicting future offending on the basis of it, became problematic (Floud & Young, 1981; Hudson, 2005; Robinson & Burnett, 2003). The term “risk” was seen as more concrete and therefore more effective in discussing serious offending behaviour (Floud & Young, 1981).

However, criminal cases including that of Graham Young, a diagnosed psychopath who had murdered family members by poisoning and reoffended similarly on release (Hudson, 2003; Nash, 2006) and the cases of Peter Sutcliffe (dubbed by the media as “The Yorkshire Ripper”) and Fred and Rosemary West attracted media attention and public outrage (Nash, 2006). Anger was further fuelled by revulsion following the case of the abduction, abuse and murder of Sarah Payne by Roy Whiting (Maguire & Kemshall, 2004; Kemshall, 2003) and the release of sex offenders Robert Oliver and Sidney Cooke (Maguire & Kemshall, 2004; Nash, 2006; Thomas, 2001). Britain was in what has been termed “moral panic” on the subject of sex offenders (Cohen, 2001; Hudson, 2005; Kemshall, 2008; Nash, 2006). There was a need to contain public concern, which, following the release of Oliver and Cooke had started to escalate into vigilante attacks on often innocent suspected paedophiles in the community (Nash, 2006; Nash & Williams, 2008). There was also a need to diminish the influence of the media, which was pressuring for the introduction of laws to protect children; for example the News of the World campaign for a “Sarah’s Law” in the vein of the “Megan’s Law” in the USA (Hebenton & Thomas, 1996, 1997; Kemshall, 2003). It has been argued that the government reaction to the situation has influenced legislative responses in a way which would indicate that a concern to answer media criticism and placate the public has become more important and is vastly out of proportion to the actual extent and danger of offending:

Extreme behaviour leads to the deployment of extreme measures by governments and creates the impression that something is being done. Yet, in many ways, this complicity with a distorted picture adds to the climate of
fear and in turn leads to an endorsement of evermore severe measures with an increased expectation of safety. (Nash, 2006, p.25)

The question of how to effectively manage the risk of serious offending resulted in a number of Acts of Parliament, which came to focus on the sentencing and monitoring of serious offenders, and sex offenders in particular. This resulted in the over-inflation of a relatively small part of offending in Britain (Hudson, 2001, 2003; Kemshall, 2008, p.17). However, what has been seen as an over-reaction caused by the media and public (Kemshall, 2003; Nash, 2006), for others (Cavadino, Crow & Dignan, 2001, p.68) the criminal justice legislation of the 1990s provided coherence to what they saw as a confused system of sentencing during the period from 1979 up to the 1991 Criminal Justice Act. It has also been noted that, in addition, the 1991 Criminal Justice Act finally defined sexual and violent offenders as the groups that constituted the greatest risk (Crow, 2001). The debate switched from who constituted risk to questions of how to effectively contain the risks (Kemshall, 2008).

In 1984, the Home Office published a review of the probation service, the Statement of National Objectives and Priorities (SNOP) which would give rise to the What Works agenda and a large number of Acts of Parliament which re-shaped the work of the probation service (Crow, 2001; Mair, 2004; Nash, 2008b; Newburn, 2003; Whitehead & Statham, 2006). SNOP also played a significant role in defining ‘the dangerous’, as the Probation Service was required to outline who it considered the groups most likely to cause serious harm and outline its proposals to deal with them effectively (Nash, 2006, p.44). The legislation would also significantly impact upon the way in which the Probation Service was required to supervise sex offenders and work with other statutory agencies to monitor and manage the risk of further offending and harm (Nash, 2006; Kemshall, 2008; Whitehead & Statham, 2006). Later, at the same Conservative party conference (1993) in which Michael Howard made his famous “Prison works” speech, a female party member who had been a victim of sexual assault was applauded for criticising inconsistencies in the sentencing of sex offenders (Brown, 1993)

All were to be contributing factors behind key pieces of legislation impacting on the sentencing, supervision and surveillance of sex offenders. These were:

- The Criminal Justice Act 1991. The Act introduced bifurcation and proportionality in sentencing12; finally defining who would be classified as

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12 Bifurcation in sentencing would mean that those convicted of less serious offences would be targeted for community penalties; for which the most serious (sexual and violent) offenders would
dangerous offenders. Accordingly, those committing a classified “serious sexual or violent offence” were to be made subject to longer prison sentences and extended licence periods requiring probation service supervision until their sentence expiry date (Cavadino, Crow & Dignan, 2001, p67)

- The Sex Offender Act 1997 introduced the Sex Offender Register, to be under the management of the police but which would also have implications for joint working between police and probation officers supervising offenders subject to its provision (Hudson, 2005, p.15).
- The 1997 Crime Sentences Act reflected policy in the USA by introducing the two strikes mandatory life sentence for repeated commission of selected offences. This would be an expensive, which was infrequently used, move as judges imposed such sentences infrequently, basing decisions on their own discretion. The main impact was on the costs of imprisonment and creating longer licence periods to be managed by the probation service (Nash 2008b).
- The Criminal Justice and Court Services Act 2000 also made multi-agency working a legislative requirement and initially created Multi Agency Public Protection Panels (MAPPA). The probation service and police were designated Responsible Authorities and were required to work in partnership to manage the risks posed by violent and sexual offenders (Kemshall, 2008; Hudson, 2005, p.15).
- The Criminal Justice Act 2003 introduced the concepts of the automatic life sentence for repeat serious offenders and indeterminate sentences for public protection (known as IPP) for offenders committing a second sexual or violent offence, and for whom release from prison would be assessed by Probation and decided by the Parole Board. The Act also enshrined in law the power to predict future dangerousness based on the analysis of an individual’s previous convictions (thereby establishing it as the defining measure of risk of harm). The CJA 2003 also established the Duty to Co-operate for MAPPA which would require agencies other than police or probation to become involved if requested to do so by the responsible authorities (Nash & Walker, 2009).
- The Sexual Offenders Act 2003 revised offence categories and sentencing criteria (updating the limited scope and provision of the Sex Offender Act of 1956 and creating new offences which reflected the use of the internet as a tool for offending behaviour and the globalise potential of sexual offending such as

be given harsher penalties in the form of imprisonment and more stringent supervision on licence in the community.
trafficking and involving children in the production of internet pornography (Hudson, 2005, p.16).

The two strikes mandatory life sentence and IPP were seen as significant political interventions to control offending. Yet both have since been abolished, for the reality of these measures were vastly increased costs for prisons and probation, as judges imposed the sentences with much greater frequency than anticipated at huge expense to both agencies.

Alongside concerns regarding effective sentencing for serious offenders was a debate regarding the means by which these offenders could be best managed in the community. Extending licences had created longer periods in which the probation service was required to supervise and contain the risk (although the language now suggested was “manage” and probation officers were termed (in the main, unpopularly) Offender Managers. As Kemshall has stated, the “transition from ‘need’ to ‘risk’ has been arduous and troubled [with] contentious debates about the value and purpose of probation…and the legitimacy of ‘doing risk’ “ (Kemshall, 2008, p.53).

**The risk society and the criminal justice system**

Given their role in maintaining law and order, it was inevitable that agencies within the criminal justice system have been a key focus of the risk society. In order to meet the needs of a risk-based system, not only must criminal actions receive the punishment that society deems appropriate; this must also be in the form of a penalty which incarcerates, deters, rehabilitates or reforms the offender (Cavadino & Dignan, 2002; Garland, 1996; Newburn, 2003). For rehabilitation (arguably the stance most firmly rooted in the value base of probation) to occur, the perpetrator’s potential to offend in the future must also be explored. Foucault (2014) describes a court case in which a defendant, although he had pleaded guilty, was pressed by the judge to explain the reasons for his actions. This was a change from previous practice within feudal society or sovereign states, in which the admission of guilt would be considered sufficient to imprison, and this would suffice as punishment. For Foucault (1999, 2014), this requirement on defendants to explain their actions gave rise to psychoanalysis; and would subsequently fuel the development of other professions which sought to explain deviance in order to have greater control of it, including the probation service.
Moreover, an avowal (an admission of guilt) was required in order that a professional might be able to:

ground his practice, establish a therapeutic intervention, and open up the possibility of healing, the doctor needed the patient to formulate a discourse of truth around himself...it is easy to recognise the vast development which remains with us to this day. (Foucault, 2014, p.14)

It can also be argued that the probation service, with its early roots in the psychoanalytic tradition, developed from this requirement; and that deniers have presented a challenge for the service by their very refusal to avow, and enable their motivation for offending to be challenged by probation officers.

The “risk society” thesis has been adopted by criminologists to explain the current management of offending behaviour and there is general consensus that the interest in predicting, and attempting to manage, risks posed by offenders has developed in the twentieth century (Beck, 1992; Brown, 2010; Giddens, 1991; Garland, 2001; Hudson, 2003; Kemshall, 2003). Hudson (2003) asserts that the era of the risk society has seen a decline in effective and impartial justice. Whereas, historically, risk had been defined according to “principles of morality and justice” derived from the liberalist tradition (2003, p.4), the risk society has lost the sense of fairness and has resulted in marginalisation of certain social groups and the creation of “the other” (2003, p.203). This is a being capable of acts incomprehensible to most, and requiring confinement to retain the security of the majority.

For Hudson, there is “fear that justice is under threat in the risk society. The demand for security is undermining support for justice” (2003, p203). This manifests in activities such as vigilante behaviour and media revelations about the history of suspected offenders. Both have the potential to threaten the system of due process on which the legal system is based (Hudson, 2001; 2003).

Conversely, it has been suggested that it is an increased individualism and loss of collective behaviour which has created the “culture of control” which has become a feature of contemporary British society (Garland, 2001). This culture of control is characterised by government intervention in private life, necessitated by weakened social ties. This has been the consequence of significant economic and social changes during this period; the decline in manufacturing and growth of service industries, technological advances, greater mobility of the population and changes to the structure of the family unit. The preoccupation with risk has
therefore been established to fill a void caused by the increase in individualism; with the growth in opportunities for individuals to communicate at a global level (in particular via the internet and social media) and the ease of worldwide travel (Beck 2007) there is now a perceived need to control events and people who are seen to threaten the security and stability of society (Beck, 2007; Garland, 2001).

Risk Management in the Risk Society: what works in the contemporary probation service?
The “What Works” agenda sought to look beyond Michael Howard’s (1993) assertion that prison was the most effective means of punishment and sought to establish a definitive place for community rehabilitation as an effective means to tackle rising crime (Andrews & Bonta, 1994; Chapman & Hough, 1998; McGuire & Priestley, 1995). This required a significant investment in research into the main causes of offending, which resulted in the establishment of six key principles for reducing recidivism (Chui, 2003, p.62). Whilst much of the content of these principles is most directly related to the offending behaviour programmes being championed by the What Works agenda (in terms of the delivery of standardised, cognitive-behavioural programmes with integrity), it can be seen that the principles also impacted upon the one-to-one supervisory relationship. First, the intensity of supervision should be matched with an offender’s risk level, which is assessed using factors including the nature of the current offending and previous offence history. It was argued that the higher the risk, the greater the intensity of supervision would be required. Second, a consideration of criminogenic needs (dynamic risks factors which were capable of being changed with the correct support) was as vital as the assessment of static risks. These included a variety of social variables such as education and employment, relationships, accommodation, family and other relationships and substance misuse history. Third came the importance of responsivity, which required a match of offenders’ learning styles to the method and approach of supervision. Fourth, it was seen to be key to locate interventions within a community base; this opposed the view that prisons were the most effective siting of programmes. It was instead argued that locating interventions within the offender’s home area was significant in order to reinforce the importance of community ties. Fifth, treatment modality, using various models (such as social skills training, cognitive-behavioural training and skills-oriented problem-solving). Sixth, integrity of the programmes; it was crucial that work with offenders should be subject to – and meet – stringent quality assurance standards. This involves ensuring that the aims of interventions are linked to
theories and methods; delivered by appropriately trained staff and regularly monitored and evaluated.

In particular, points one to three impacted upon the methods that probation officers would be required to use with offenders. OASys was designed to meet the criteria of points one and two, and the supervising officer was required to design supervision sessions which responded effectively to an individual offender’s needs by using the Risk-Needs-Responsivity model (Andrews & Bonta, 1994). Assessment for programmes was central to this; and the general offending behaviour programmes were consequently less offence-specific but rigidly designed for specific risk levels. Offence-specific programmes were deemed necessary for offences involving violence (particularly domestic or sexual violence). Yet deniers would be denied the opportunity to participate in sexual offending programmes.

The use of a more structured style of working was equally encouraged for those (including deniers of sexual offences) who failed to meet the criteria for participation in a programme. The central tenet of the model is that the assessment of risk remains fundamental (and will be the main determinant of the type and intensity of any interventions); but an assessment of criminogenic needs is further required to make the process responsive to the individual. Therefore, all interventions with an offender – including one-to-one work - should directly address criminogenic need, thereby focusing on what can be changed, rather than on what cannot (such as a previous offence history) although a thorough awareness of the nature and level of the offending remains a central feature of the work (Andrews & Bonta, 1994).

It has been argued that a structured style of working which is focussed on risk is not conducive to recidivism for particular groups; the example of drugs users who are prone to relapse and consequential returns to crime, is frequently cited (McNeill, 2006). It may also be argued to be ineffective with sexual offenders, whose behaviour may be psychologically entrenched (Laws & Ward, 2013). And it could further be argued that within that group, deniers may be the least receptive to the RNR model, as their very denial requires detailed work which is often required to be longer term.
MAPPA

The increasing focus on public protection was to require close working between probation and the police which was made statute in the Criminal Justice and Court Services Act 2000 (Home Office, 2001). This introduced the responsibility of Multi Agency Public Protection Arrangements (MAPPA), which would rest with police and probation as the lead agencies (Home Office, 2001; Kemshall, 2008; Nash, 2009; Nash & Williams, 2008; Wood & Kemshall, 2010). The intentions for MAPPA were further set out in the Criminal Justice Act 2003; first, to provide an opportunity for agencies directly involved in the case to share information (Kemshall, 2008; Kemshall & Maguire, 2001; Kemshall & Wood, 2008; Nash, 2009; Nash & Williams, 2008); and second, to enable other agencies who were seen to have a key role to be formally requested to participate in the management of the case (sometimes for a specific task, such as obtaining accommodation, or for a more indefinite period, such as if child protection concerns arose (Kemshall, 2008; Nash, 2009; Nash & Walker, 2009; Wood & Kemshall, 2010). Thus the multidisciplinary risk management web could be widened as a case required.

As might be expected when professional agencies, with their own culture and remit combine, there can be a range of barriers which can affect the co-ordination and resourcing of services and issues such as clashes of professional values and confidentiality, resource allocation and confusion as to who controls the arrangements (Kemshall, 2008; Nash, 2009).

This is unsurprising, given the different remits of the police in the development of the respective services, which can be broadly explained in the “catch and convict” ethos of the police service, in contrast to the rehabilitative function of probation. If MAPPA participants enter the arena with the belief that the two agencies are working from opposing standpoints, tension is a likely outcome (Nash, 2006; Mawby & Worrall, 2011). However, it has been observed that despite this, there has been willingness for these two agencies to engage in working together (Fitzgibbon, 2012, 2013; Harrison, 2011; Kemshall & Wood, 2008; Nash, 2006; Nash & Williams, 2008), with professionals demonstrating an understanding of the aims and objectives of MAPPA and the participants’ roles within the process and striving to overcome barriers. There have also been proven results in terms of reduced recidivism, particularly for offenders subject to Level 3 MAPPA (Kemshall, 2008; Ministry of Justice, 2012) which might suggest that the approach is effective. It should be noted however, that level 3 concerns the “critical few” who are assessed as the greatest potential source of harm; and under the philosophy that
“resources follow risk” (NPS, 2008) it is unsurprising that this group will command the highest attention and resource intensity. However, this success should be balanced with the knowledge that this group does not have the highest rates of recidivism. Data from the national MAPPA statistics for 2011-12 state that of 145 MAPPA-eligible offenders charged with a serious further offence, 116 offenders were managed at Level 1; 22 at Level 2, and 7 at Level 3 (MOJ, 2012). Therefore, concerns remain regarding the effectiveness of management at levels 1 and 2 and in the provision for certain types of offender, notably sex offenders (HMIP, 2010). MAPPA also faces criticism for a lack of accountability, with meetings occurring outside the public domain (Kemshall, 2008, p.72) and offenders barred from attending meetings about their case, which can create issues for the supervisory relationship, as the primary research findings in this thesis demonstrate.

**Actuarial tools for assessing sex offender risk**

This section will outline the main risk assessment tools which are used within the probation service in work with sex offenders. The first, OASys, is a tool used to assess all offenders and, as such, it is an important risk assessment and management tool which underpins work with sex offenders. The remaining tools – Risk Matrix 2000, Static and Acute and the Active Risk Management System – are specifically used in working with sex offending.

**OASys**

The introduction of OASys would have a substantial impact on the process of risk assessment in prisons and the probation service. As Beck (1992) notes, the increase in technology to manage risks has become a feature of postmodern society; and the introduction of OASys as part of a NOMS process of streamlining and co-ordinating risk assessment and sentence planning can be seen as one way in which public managerialism (see chapter four) and risk meet. The purpose of OASys is to create a risk assessment through recording a range of static13 (past and therefore unchangeable) factors and dynamic14 risk factors which are also known as criminogenic needs (Williams, 2010). The objective is to measure risk of reoffending and (for those who have committed violent or sexual offences) to further consider the risk of causing harm (HM Prison Service, 2003). OASys was criticised within the probation service, as staff believed that their professional

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13 The static factors are age at the time of the offence; age at first recorded offence; number of previous offences under 18 years of age; number of previous offences over the age of 18.
14 Dynamic factors are education and employment; accommodation; financial management; drug misuse; alcohol misuse; relationships; thinking and behaviour; emotional well-being.
judgement and abilities in making accurate clinical assessments were being questioned; that their role was being deskilled (Kemshall, 2008) and that OASys assessments were of limited usefulness for risk assessment purposes. However, it can be argued that the latter issue is due to the information which is provided by the probation officer completing the assessment (Kemshall, 2008; Williams, 2010), as OASys calculates criminogenic need scores on the basis of the importance the data in-putter ascribes to the information provided. Risk probability is calculated on the basis of any past offending behaviour and the current offence (HM Prison Service, 2003). It is the responsibility of the member of staff to add further information which can justify anything which contradicts the actuarial assessment, as well as to provide specific facts about an individual case, and these are often the areas where errors occur. There is also a need for the OASys assessment to be regularly updated and this has been identified as a significant problem (MOJ, 2010) as the many demands on probation officer time can account for deficits in information as much as lack of training or lack of insight (Williams, 2010). Guidance on OASys use is clear that an assessment (using a combination of actuarial and clinical information) should set up the process of risk management, by setting ongoing objectives which clearly integrate and focus upon the risk factors identified in the risk assessment and provide clarity on how outcomes will be measured (HM Prison Service, 2003; MOJ, 2007).

**Risk Matrix 2000**

Given the serious risk of harm posed by sexual offending, risk assessors within the police, probation and prison services supplement their OASys assessment with further actuarial assessment (Ministry of Justice, 2010). The tool which is most commonly used by the probation service in England and Wales is Risk Matrix 2000 (Thornton, 2002) which calculates a risk of low, medium, high or very high based on static risk factors relating to historic and current sexual and violent offending. The tool requires the assessor to score factors such as age at commencement of risk, the number of court appearances for sexual offences and the total number of criminal appearances. This is followed by scoring four factors which have been found to be "aggravating": having male victims, stranger victims, non-contact sexual offences and lack of a long-term intimate relationship (long-term is defined as two years or more).

Although it is still widely used and is viewed as a cost-effective means of predicting risk (Beech, Fisher & Thornton, 2003) RM2000 has been criticised for its brevity and focus on a small range of static factors (Craig, Beech & Browne 2007; Craig,
There is also a risk of over- or under-predicting an individual's risk of harm by over-reliance on the tool. Furthermore, it has been noted that there are other dynamic risk factors which have been shown to be relevant to sexual offending, and which research has shown to be as significant as those included on RM2000. In particular, having experience of the care system; a history of behavioural difficulty in school; chronic substance misuse issues and employment instability are seen to be pertinent risk factors for sexual and general offenders (Craig, Beech & Brown, 2006; Hanson & Harris, 1998). In addition, if the tool is being used as part of an assessment of suitability for treatment, issues such as mental health and learning disability need to be considered and may impact upon static risk scores. For example, research has shown that offenders with a learning disability were more likely to be convicted if their victim was male, whilst those with female victims were less likely to appear before a court (Green, Gray & Willner, 2002; Craig, Beech & Harkins, 2009).

Static 2007 and Acute 2007
The development of the risk assessment tools Static and Acute was an attempt to address the deficits in RM200 and others. Static aims to identify possible treatment targets and Acute is intended to aid decisions relating to the community management of offenders (Craig, Beech & Harkins, 2009). Unlike RM2000, Static and Acute seeks to combine risk factors which commonly found in general offending behaviour with factors which are considered to be specific to sexual offending (Barbaree et al, 1991; Hanson & Bussiere, 1998; Hanson & Harris, 1998). Therefore, the Static tool includes sections on Cognitive Problem Solving, Significant Social Influences, Impulsive Acts, Lack of Concern for Others and Negative Emotionality/Hostility, which can be problematic for all offenders. It also features a broader range of issues relating specifically to sexual offending behaviour: Capacity for Relationship Stability looks at relationship history (retaining the two-year standard as a baseline) and whether the offender is currently in a stable relationship; Emotional Identification with children is rated for offenders with a victim under the age of 14 and considers whether the offender finds relationships with children more satisfying than adult bonds. General Social rejection/loneliness, Sex Drive/Preoccupation, Sex as Coping and Deviant Sexual Interests are potentially issues for all sexual offenders. Finally, Co-operation with Supervision assesses the likelihood of effective engagement; assessors are asked to take into account the risks of disengagement, manipulation and non-attendance (Hanson & Harris, 1998).
Acute focuses on current and recent behaviour, the definition of which is within the last month of completing the tool in order to distinguish between one-off behaviours and chronic issues. There are two sets of questions; the first including sections entitled Victim Access, Sexual Preoccupations, Hostility and Rejection of Supervision; these are items which may predict sexual recidivism (Hanson & Harris, 1998). The second set examines the first four plus Emotional Collapse, Collapse of Social Supports and Substance Abuse. High scores in these three categories may indicate potential issues with non-compliance as opposed to sexual offending.

The Static and Acute tools have been applauded for their significantly broader scope than RM2000 and the acknowledgement that historic and current issues, and static and dynamic factors, all have relevance for the purposes of risk assessment for sexual offending (Craig, Beech & Harkins, 2009). In terms of work with deniers, there would appear to be scope to use the tools to introduce discussion which may enrich the supervision process and promote the benefits of developing protective factors.

Active Risk Management System (ARMS)
However, following feedback from probation officers in the pilot projects questioning the length of the assessments, and relevance of each of the targeted areas as a predictor of risk, NOMS took the decision not to roll out Static and Acute for use in England and Wales. Instead a new tool, The Active Risk Management System (ARMS) was developed as a customised tool for use by probation and prisons in England and Wales (NOMS, 2014). ARMS incorporated some of the components of Static and Acute, but within a shorter format. A total of thirteen risk and protective factors are included in ARMS. The risk factors are the opportunity to offend; offence-related sexual interests; sexual pre-occupation; emotional congruence (this factor is only used in assessments for those who offend against children); hostile orientation to others; poor self-management; negative orientation to rules, and anti-social influences. The protective factors are: having a pro-social network; a commitment to desist; being in an intimate (adult) relationship; employment/being busy; having a commitment to citizenship / giving something back. Initial piloting of ARMS has indicated that the citizenship factor can be problematic for some officers to measure, and therefore the withdrawal of this item is to be considered. But, in general, probation officers using the tool have preferred its format and relative brevity in comparison to the Stable and Acute tools. Interestingly (in the context of comments by probation officers during the primary
research discussed later in this thesis), the NOMS report suggests that ARMS assessments are best completed as part of a home visit, as this may make the offender feel more comfortable and willing to disclose, as well as having the benefit that:

the offender’s home environment provides additional information on which to base the assessment, such as observations about personal hygiene, presence of pornography, and content of photographs on display. (NOMS, 2014, p.16)

ARMS has yet to be implemented across England and Wales as the data and recommendations from the pilot projects are still being considered. However, ARMS and its forerunners Static and Acute signal a definite turning point in the risk assessment of sexual offenders; and, arguably, the inclusion of a wider range of dynamic risk and protective factors signals a commitment to a more enriching way of working with sex offenders which will ultimately enhance work with those exhibiting denial.

Working with denial
If a risk society is one in which risk must be thoroughly understood in order to aid the process of prediction (Beck, 1991) and ultimately its control (Garland, 2001), then denial represents a specific challenge to the process. By maintaining denial, an individual remains essentially unknowable and their motives are not able to be fully understood (Foucault, 2014). This presents difficulties to agencies who rely on interpreting why events take place; in the case of the sex offender in denial, this means the probation service. If the full focus is on the offender’s denial, it will therefore reduce the work that can be completed with them; hence the stance of the Ministry of Justice on deniers attending programmes such as the SOTP. Seeking out alternative ways to work productively in the face of denial therefore becomes the challenge of an individual probation officer, as the primary research in this thesis demonstrates.

The issue of working with an offender holistically, in a manner which harks back to the social work tradition, appears pertinent here. It has been argued that there is a need for the probation service to incorporate what have been termed its “core conditions for effectiveness” (McNeill, 2006, p.52) which are:

Empathy and genuineness; the establishment of a working alliance; and using person-centred, collaborative and client-driven approaches (McNeill, 2006, p.52).

Approaching work with sex offenders in denial in this way may prove more productive and fulfilling for the probation officer, and it may ultimately lead the
offender more effectively towards desistance, but it will also challenge of the values of a system based on the assessment and management of risk. It can appear to contradict those of the probation service when it is recast as an agency for public protection, as it may also appear to deviate from a focus on risk (McNeill, 2006; Gregory, 2011). However, it is increasingly being argued that the two approaches can (and indeed must) co-exist in order to effectively work with certain groups, with sex offenders in denial constituting one such group.

An approach which is currently used in the probation service and importantly, in its work with sex offenders, is the Good Lives Model (GLM). The GLM is the underpinning theory of the SOTPs available in England and Wales; as such, the majority of complete and entrenched deniers do not benefit from the approach in the group work format. Yet it can be argued that they would benefit from the approach, as the underpinning goal of the GLM is to assist an offender to increase the positive, prosocial aspects of their life and develop a more solid base on which to develop a future which is not based on sexual offending to meet their emotional and physical needs.

The model seeks to move beyond the risk-needs-responsivity model by focusing upon an offender’s strengths and enabling them to improve their social skills whilst also addressing offending behaviour and working on cognitive skills development (Laws & Ward, 2011; Ward & Brown, 2004; Ward & Gannon, 2006; Ward, Mann & Gannon, 2007; Ward & Stewart, 2003; Ward, Polashek & Beech, 2006).

As was the case with the development of more sophisticated risk assessment tools such as Static and Acute, the GLM was an attempt to develop a treatment programme of broader scope, giving consideration of a wider range of psychological, social and economic factors. The programme initially developed as a response to risk-based programmes and approaches based on RNR and rejects the concept of risk managing an offender, by taking the approach that rehabilitation is a “value-laden process” (Laws & Ward, 2011, p.188). Given this belief, it seeks to work collaboratively and holistically with individuals to go beyond a focus on the deficits in their lives and strive to set and achieve goals to achieve “primary human goods” (Laws and Ward, 2011; Ward & Stewart, 2003); of which ten groups have been identified. Each primary human good is secured by acquiring instrumental “secondary human goods” to support it.

The primary human goods groups are: Life (that which is required for healthy living and functioning, such as food, water and physical health) with secondary goods
such as a healthy diet and the management of health concerns. *Knowledge* suggests an inherent curiosity in all individuals and a desire to acquire more knowledge to grow as a person; secondary goods are asking questions of others and participating in education or training. *Excellence in play and work* centres on the need to enjoy and excel at tasks and strive for mastery of work and leisure activities; thus secondary goods would be taking part in sport and hobbies. *Autonomy* is the desire to achieve goals without negative interference from others; instrumental means would be financial independence and work which allows a degree of self-direction. *Inner peace* refers to emotional self-regulation and competence; secondary means would be achieving a balanced lifestyle, emotional control and having positive relationships with others. *Relatedness* refers to the need to have warm and affectionate social ties with family, partners and friends. Therefore the secondary human good here would be acquiring and maintaining these ties. *Community* centres on a sense of connection to a larger social network and making a positive contribution to society; this need can be fulfilled through involvement with a political party or social support network. *Spirituality* refers to a sense of purpose and meaning to life; this can be achieved through religion, but also affiliation to a belief such as non-violence. *Happiness* refers to contentment and pleasure; achieved through a broad range of activities from sex and eating to a major achievement. Finally, *creativity* is the desire for novelty and innovation; instrumental means include parenting, playing an instrument or art (Laws & Ward; Ward & Maruna 2007). This is a long list, and every individual will rank the primary human goods in a different order of importance. Yet it is noted that at least some positive change in all areas is necessary for total balance (Laws & Ward 2011; Ward & Maruna 2007).

The GLM seeks to support individuals to achieve these primary human goods using methods which are grounded in psychology and acknowledges that individuals have barriers to change which are both internal (self-created) and external (products of society). It therefore aims to address emotional and behavioural issues which research has identified as problematic in sex offenders; not merely their offending itself but their value systems and ways of gaining emotional and sexual fulfilment. Sexual offending is frequently underpinned by unmet needs (Laws & Ward, 2011; Ward & Maruna, 2007) and abuse the perpetrators experienced as children (Carich, Wilson, Carich & Calder, 2010; NSPCC, 2013; Ryan et al,1999) which can manifest in the adult seeking to make
up for emotional deficiencies inappropriately. As Carich, Wilson, Carich & Calder (2010) put it:

The GLM proposes that rehabilitation will be most effective when offenders learn to manage their risk of reoffending within the broader goal of learning to lead a better life. A better life is one in which an individual meets his or her basic human needs in socially acceptable and personally satisfying ways…From a GLM perspective it is not sufficient simply to teach skills to reduce or manage risk factors (2010, pp.190-193)

In other words, the risk management approach alone is unsuitable in working with sex offenders as it is based on “an exclusive focus on deficits and a belief that should they be eradicated, then safety could be achieved” (Carich et al, 2010, p.190). This can lead to a “punitive confrontational approach to sex offenders” (Carich et al, 2010, p.190) which is likely to increase resistance, and will not adequately address risks or criminogenic needs.

The GLM looks to enhance an offender’s life rather than restrict or punish. It also addresses sexual offending by focussing on the following areas: first, taking responsibility and cognitive restructuring. Second, by looking at and developing empathy, both as a general concept, then victim-specific. Thirdly, it works to increase skills in regulation (coping) in the areas of sexual arousal, mood management and more generic intervention regulation skills (that is, coping in daily life). Fourth, the GLM includes change maintenance strategies which are targeted to relapse prevention and looking at the patterns and processes which can result in offending behaviour, with the aim that an individual learns to recognise and approach these in non-offending ways by developing more positive coping strategies. Fifth, interpersonal skills examine any issues and insecure or unhealthy attachments (for example, from family relationships). Sixth, needs and issues such as self-esteem and any related motivational problems are addressed as intrinsic to the development of new, healthy primary human goals (Carich, Wilson, Carich & Calder, 2010; Laws & Ward, 2011).

Exercises used within programmes based on the GLM model will seek to explore the offender’s own life; this will include experiences of both non-offending and offending; and being a victim of offending; it has been argued that working with an offender to produce a timeline of significant events in their lives can be instructive in the exploration of their sexual development and deviant behaviour (Sullivan, 2013). Methods will include the creation of a personal history, or timeline, and will consider perspective-taking to build empathy skills (through hypothetical
scenarios); using goal-setting exercises to assess needs and build self-esteem; and examining sexual behaviour in order to assist the offender to identify positive and negative aspects of their behaviour and what needs sex fulfils for them.

As resistance to change is recognised as a natural part of every individual’s process of change (Laws & Ward, 2001; Laws & Maruna, 2007), the GLM is designed to work with elements of denial as it recognises that this is a fundamental aspect of sexual offending behaviour. Historically, complete or significant denial ruled out participation. Yet it could be argued that the use of the GLM approach might be highly beneficial in exploring sexual offending and additionally as a means of promoting compliance with the probation service, as it requires the development of a relationship of trust between practitioner and the offender. This could in turn encourage the offender to engage in discussion about their life, and facilitate positive outcomes.

**Conclusion**
This chapter has examined the ways in which risk has come to hold such a dominant position in contemporary society. Commencing with a discussion of the risk society thesis of Beck, and contemporaneous work by Giddens on postmodernism, it has identified that risk now influences most spheres of social life. Fear, anxiety and denial are all important factors in this analysis. Risk has become a central concern for the probation service, and the chapter has examined risk-based legislation and risk assessment tools and management techniques which are used by the modern probation service to manage risk in sex offenders, including those in denial. The chapter concluded with a discussion on working with denial, and the importance of working holistically with offenders, addressing the whole person rather than focussing specifically on their denial. One method of achieving this can be found in the Good Lives model which underpins sex offender treatment in England and Wales. Currently, as the majority of deniers are precluded from attending SOTP, they are denied the benefit of learning from this theory. It could be argued that this is a missed opportunity to enable deniers to acquire skills and abilities which would reduce the risk of reoffending.
CHAPTER FOUR. THE PROBATION SERVICE IN ENGLAND AND WALES: HISTORICAL DEVELOPMENT, CONTEMPORARY ISSUES AND THE “PROBLEM” OF DENIAL

The previous chapter examined the ways in which risk has shaped the contemporary probation service. This chapter continues with an historical analysis of the development of the probation service, in order to demonstrate that developments over time have been crucial to the current structure. As such, the chapter will consider the impact of public policy on the role of the probation officer, from the early voluntary activities of Police Court Missionaries, to the development of the professional role of probation officer. This will include an examination of the changes in the training of probation officers; this is particularly pertinent to this thesis, which includes primary data discussing the views of probation officers trained under four different programmes.

A history of the role of the probation officer
It could be argued that the historical development of the role of probation officer provides an example of the principles of Keynesian mixed economy in action; in the early inception of probation, staff were employed by temperance societies and the Home Office; a mix of voluntary organisation and state intervention which is still on the probation agenda today (Whitehead & Statham, 2006; Gard, 2007). The roots of the service lie in philanthropy; in 1876, the first Police Court Missionary was appointed and this is often argued to be the first appearance of probation work in action (Gard, 2007). Police Court Missionaries worked with magistrates’ courts, providing advice and support to both the magistrates and individuals before the court. This was a piecemeal arrangement, with some courts encouraging the use of a Police Court Missionary, whilst others saw them as being of limited value and would use others, such as police officers, to watch over people in the community. This created an inevitable role conflict for the police; and many of the individuals they were asked to support mistrusted them, which created a barrier to the formation of an effective relationship. It was the relationship that was considered key to the new innovation of working constructively with people to encourage their desistance from crime. However, there were further tensions in that the status of the missionaries was unstable; they received low levels of remuneration and their role was without formal guidelines from the employing Temperance Societies (Gard, 2007).
The 1907 Children Act and 1907 Probation of First Offenders Act created the official role of state-employed Probation Officer. Initially, two probation officers were appointed by the Home Office to meet the requirements of the Children Act and Prevention of Crime Act which both became statute in 1907 (Gard, 2007; Garland, 1985). Their remit was to work specifically with children who appeared before London courts. They were both female, considered to be of a higher social standing to the missionaries and, as women and social superiors of those they supported, it was believed that they would be capable of working with the children and their families, in setting a moral example. Again, they were simultaneously valued by some courts and not used by others. Nevertheless, their appointment was the initial step by the Liberal government towards creating a service to support offenders which would be regulated by the state (in the form of the Home Office) and for the first time, have a means of maintaining some surveillance on those who broke the law (Gard, 2007). Although the often-quoted phrase “advise, assist and befriend” features in the 1908 Act, there was an implicit assumption that the probation officer would monitor and provide surveillance was an unspoken aspect of the role. As Garland (1985) notes, the knowledge base of probation has lain somewhat uneasily between social work and criminology from the very beginning; and this has been an issue of contention for most of the life of the profession.

It is important to note that as the focus on the assessment and management of risk grows, it remains a concern for some in the profession (Fitzgibbon, 2012; Gregory, 2011); perhaps mostly those who were trained from a social work perspective; but also for some more recent entrants who have followed the Diploma in Probation, but entered with the desire of supporting over surveillance (Deering 2010). The primary research with qualified probation officers in this thesis makes further reference and comment regarding these tensions.

The combination of police court missionaries and probation officers co-existed somewhat uneasily, until the establishment of a specified training route. At this point, the role of the probation officer came fully under the remit of the state. As the years passed, the probation officer role included new functions, such as the ‘aftercare’ (supervision) of adult prisoners sentenced to 12 months and over and the supervision of young offenders as specified in the 1948 Criminal Justice Act (Prins, 1959). However, the 1948 Act reiterated the requirement to advise, assist and befriend and probation officers continued to see their role as supporting and aiding rehabilitation; helping offenders (whom they termed “clients”) by rebuilding or creating community ties and re-establishing family relationships (Prins, 1959).
For those trained in the social work ethic, this has remained a key priority (Gregory, 2011) and interestingly, remains central within the current academic debate on desistance (Gregory, 2011; McNeil, 2006; McNeill & Burnett, 2005; Maruna, Immarigeon & LeBel, 2004; Laws & Ward, 2011).

The previous chapter has examined the role of risk in shaping the way the probation service works with sexual offenders. A further initiative which would have a major impact on the development of the modern probation service was the adoption of the new public management model within the public sector (Dunleavy, 1985; Dunleavy & Hood, 1994; Farnham & Horton, 1999; Hood, 1991; Horton & Farnham, 1999; Massey, 2001; Osbourne, 2007; Pollitt, 1990; Rouse, 1999).

Broadly defined, managerialism is a system of running an organisation (private or public) based on business principles; an approach which has been successfully used within the private manufacturing sector (Dunleavy, 1985; Osbourne, 2007; Pollitt, 1990; Rouse, 1990). Based on the economic need to compete effectively with other organisations manufacturing the same product, the key themes are to maximise efficiency and productivity whilst remaining cost-effective (Farnham & Horton, 1999; Massey, 2001; Osbourne, 2007; Pollitt, 1990). A number of principles have been developed to streamline managerialism in the public sector, such as “value added-ness” (Rouse, 1999), efficient management practices (Farnham & Horton, 1999) and the introduction of performance targets (Rouse, 1999). It is an effective model in sectors which rely on specific products but is arguably problematic to translate to public sector agencies whose “product” is people: and, most crucially, individuals who are often unwilling to comply with requirements or restrictions or who are less able individuals (Pollitt, 1990; Rouse, 1999; Trotter, 1999). These issues and themes will be explored more fully in this chapter, and critiqued in the context of the efficacy of the model for translation to the public sector; and, specifically, the work of the probation service in England and Wales.

The development of public management in Britain: theoretical and political roots and the process of implementation

The twentieth century has seen significant changes in the provision of welfare in Britain. The 1930s through to the post-World War II period saw “a shift in economic thinking…and also led to a demand for more equality and acceptance of greater collectivism” (Horton and Farnham, 1999, p.6). World War II had left the country in a difficult financial state and many wounded ex-servicemen and their families, as well as bereaved women and children, required support. Much of the country’s
industrial base was nationalised in the war years as a means of controlling production and distributing wealth (Hughes, 2003; Massey & Pyper, 2005; Talbot, 2001).

In short, the austerity of the wartime years had created a need for the state to play a greater role in managing the financial state of the nation, whilst also taking greater responsibility for the care of its citizens. Taking as its approach the public administration model (Horton & Farnham, 1999, p.5; Hood, 1991; Hughes, 2003; Massey, 2001; Savage, 1990) the 1942 Beveridge Report laid the foundations for provisions of services for health, pensions, education and housing; creating a philosophy of “cradle to grave” support for those requiring it. Similarly, the management of crime and disorder was also to come under the remit of the public sector (Dunn & Smith, 1990; Horton & Farnham, 1999). The post-war adoption of the public administration model followed the approach that the British government had taken toward the economy during the wartime period of 1914-18 and 1939-45; these were of necessity periods of austerity in which goods and services were distributed on the basis of need and fairness to all (Hughes, 2003; Massey & Pyper, 2005). As Rouse (1999) points out, this point in history set out “the distinctive public sector values” which are based on striving for fairness and equality; emphasising the importance of the themes of community and citizenship and maintaining justice and democracy. Public administration aims to achieve this through adherence to the theory of economic management posited by John Maynard Keynes (1936) which argued that central government should take a central role in matters pertaining to the economy, welfare and corporatism (Dunleavy, 1985; Massey & Pyper, 2005). Given the poor health of the post-war economy, there was party consensus that the way forward at that time was to continue the public administration approach, based on a shared political commitment to the economy and the welfare of the nation (Massey & Pyper, 2005; Worthington, 1999). Despite growing dissent from the Conservative Party, the consensus approach remained largely unchallenged (Hughes, 2003) until the 1970s when there were increasing concerns from politicians and academics about the feasibility of nationalised industry and pressure to develop the mixed economy (Dunleavy, 1985; Savage & Robbins, 1990).

Managerialism and Modernisation in the British public sector
The election victory of Margaret Thatcher in 1979 was to give rise to a comprehensive revision of state involvement in industry and services. Thatcher was an advocate of the private sector, with its ethos of efficient management practices, increasing use of new technology and more flexible production
processes to compete more effectively (Farnham & Horton, 1999; Hood, 1991; Harrop, 1999; Talbot, 2001). Processes such as performance monitoring, the imposition of targets and a greater reliance on technology to drive work practices were (sometimes forcibly) imposed by “macho styles of management” (Farnham & Horton 1999, p.42) and were not always appreciated or welcomed by workforces used to established traditions. As a result of this dissent, employers developed new strategies or incentives linked to the achievement of improved business performance, such as promotion, bonuses or staff privileges (Farnham and Horton, 1999).

It has been argued that there were three main periods during the 1980s in which managerialism was implemented. Firstly, spending was controlled more tightly through the imposition of spending limits and cuts to the staff expenditure budget. Secondly, decentralisation of management responsibilities through devolved budgets and greater responsibility being given to individual managers. Thirdly, the increased rationalisation of management, through the introduction of objectives and performance management systems (Farnham & Horton, 1999; Pollitt, 1990). Over time, all state-regulated departments have been made subject to these changes. The criminal justice sector was in fact one of the last to go through the process but change was inevitable (Nash, 2006; Raine & Wilson, 1996).

**Critique of New Public Management**  
The Thatcher administration’s application of the principles of public management has remained unchallenged by successive governments (Ahmad & Broussine, 2010) - including those of Labour governments, who have in fact continued further along the path of managerialism (Ahmad & Broussine, 2010; Massey, 2001). However, there is substantial criticism of the model, and contention as to the efficacy of managerialism as the means to organise the public sector (Ahmad & Broussine, 2010; Farnham & Horton, 1999; Pollitt, 1990). For example, Pollitt has argued that the approach constitutes:

> A set of beliefs and practices, at the core of which burns the seldom-tested assumption that better management will prove an effective solvent for a wide range of economic and social ills (Pollitt 1990, p.1).

Rouse (1999, p.78) has pointed out a number of difficulties in adapting the performance and quality measures inherent in the managerial model to public services such as probation. He points out that the key concepts of the managerial model – value for money, economy, efficiency and effectiveness – are all challenged when applied to a service which has a ‘customer base’ who are
“involuntary clients” (Trotter, 1999; Stacey, 2012). Sex offenders in denial could be considered to be such a group, as their refusal or inability to discuss their offending behaviour can be problematic for the probation service. The concept of adding value is challenged in such a service, due to the requirement of a smooth process of input, activity and output (Rouse, 1999, p.77). The relationship between the offender, a probation officer and the activities intended to prevent reoffending may not run smoothly or produce a positive outcome, as an offender may choose to reoffend regardless of the work put in by the probation officer in an attempt to avoid the negative outcome of a new offence.

Rouse argues that offenders who do not willingly enter into the process of probation, do not engage therein or do not provide a successful output (in that they may reoffend) make the adoption of this model within the criminal justice system extremely problematic. The situation is further complicated by the multiplicity of stakeholders (Lawton, 1999; Rouse, 1999, p.78), that is, agencies who have an interest of some kind in the service being provided. For the probation service, this can be offenders, courts, victims and the public, all who will have a distinct relationship with the service and require different outcomes. As Rouse observes:

This presents an extremely rich and diverse notion of performance and quality in the public domain, one which involves different values over both service outcomes and the process by which they are achieved (Rouse 1999, p.78).

Indeed, the issue of accountability is a vexed question within the public sector. Being fully accountable has two main strands. First, to provide explanations when systems go wrong and second, to be willing to rectify the errors which have occurred by the use of properly defined sanctions, which includes establishing and upholding grievance procedures and using them to take appropriate action (Massey & Pyper, 2005). Public administration was seen to fail in those terms; but public management will equally encounter difficulties due to the complexity not only of the relationship between public sector services and their users, but also in terms of the differing requirements of the stakeholders involved. For similar reasons, the appropriateness of using performance targets within the criminal justice sector has also been questioned (Hood, 1994; Nash, 2009)

The modernisation agenda
The Labour government of Tony Blair which took power in 1997 remained firm in their intentions to implement further reforms in the public services (Ahmed & Broussine, 2010; Burke & Collett, 2011; Mair & Burke, 2013; Hughes, 2003;
Massey, 2001; Massey & Pyper, 2005). Although whilst in opposition, the Labour Party did not outwardly oppose the notion of a managerial approach to the public sector, it was critical of the wholesale importation of private sector values into the public sector (Ahmed & Broussine, 2010; Massey, 2001). Instead, they proposed a mixed economy, of private and voluntary sector providers working within the public sector framework. Therefore, when the Labour Party regained political control in 1997, their approach did not roll back any of the measures taken by Thatcher or her successor John Major, but made amendments more in line with party policy (Farnham & Horton, 1999; Massey, 2001; Ahmad & Broussine, 2010). Thus, New Labour adhered to the argument that a mixed economy approach was the most effective means of managing the public sector; however their approach was based not on principles of economics but of citizenship. The key message was that society benefits when its members take greater responsibility — and, it was argued, this was more achievable when government takes a less controlling approach to welfare. During his time as Prime Minister, John Major had sought to emphasise that citizens had to take greater responsibility in return for the right to have access to public services. To this end, he introduced the concept of the Citizen’s Charter for a range of public services. (Massey, 2001; Ahmad & Broussine, 2010).

Building on the theme of citizenship, the Labour Party of Tony Blair (and later Gordon Brown) introduced the process of the modernisation and reform of public services. However, rather than focus on profit, he sought to promote the notions of collaboration and consensus. The modernisation agenda proposed that changes to working methods would be necessary to rationalise the public services, and introduced the language of “service delivery” and the rights and responsibilities of the people (Ahmad & Broussine, 2010).

Although the modernisation approach was intended to repair the relationship between public services staff and central government, and workers appreciated the acknowledgement that they had valuable knowledge and skills and a vital role to play, there was criticism. The modernisation agenda required more input from centralised government, giving the impression that accountability was synonymous with surveillance. Although centralised control, national targets and performance measures provided welcome clarity for some, others saw them as limiting and at worst controlling; the focus on top-down management and bureaucratic structures led to a feeling that staff were being de-professionalised
and their skills undervalued. In addition, in terms of the work/resources balance, there was a sense that the government’s true agenda was to get more from staff with a smaller budget outlay and as part of this, to facilitate the introduction of scientific methods of working (Ahmad & Broussine, 2010; Giddens, 1998). Furthermore, the issue of the less able “involuntary client” (Trotter, 1999) remained, causing inevitable difficulty in implementing policy change for agencies such as the probation service.

The modernisation agenda would ultimately lead to services being contracted out to firstly the voluntary sector and then increasingly the private sector. It would also lead to extensive reorganisation of the probation service (Burke & Collett, 2011; McKnight, 2009; Mair & Burke, 2013; Robinson & Raynor, 2006).

Implementing public management and modernisation: The experience of the probation service
Paradoxically, given the government’s aim to reduce public expenditure, placing criminal justice on the political agenda initially resulted in increasing budgets, particularly for the police and to provide more prison places (as the prevailing view of the Conservative government at the time was that “prison works”). At this stage, Probation did not benefit financially, as the focus was on punishment in preference to rehabilitation (Farnham & Horton, 1999; Savage, 1990). Serious offenders (including sexual offenders) would be likely to receive longer periods in custody, often to the detriment of rehabilitation.

During the years of the Thatcher government, 1979-1990, the overriding belief, as articulated by Michael Howard in 1993, was that (the more costly option of) prison worked. In other words, punishment not rehabilitation was being emphasised and, as a result, there was little concrete change for the Probation Service to take on board, or much requirement for working methods to be altered. In terms of the economic, efficient and effective management of serious offending by violent and sexual offenders during this period, the onus was on the police to detect them, the courts to convict and the prison service to develop strategies to tackle their offending. Thus, the Prison Service began to introduce new psychology-based sex offender treatment programmes, to be delivered during custodial sentences (Morrison, 1994; Whitehead & Statham, 2006). This development would prove unhelpful in working with deniers, who were to be viewed as unsuitable for such treatment due to their very denial.
The probation service was made subject to a process of consultation with the Home Office, to consider how services in the community could be made less costly and more effective (Nash, 2009; Whitehead & Statham 2006). This process was to eventually have a legislative impact in the government of John Major and beyond, commencing with the 1991 Criminal Justice Act, which introduced more stringent sentencing both for imprisonment and punishment in the community (Whitehead & Statham, 2006). The message for the probation service was that it had to toughen up its working practices in order to survive as an agency; the response of the Association of Chief Probation Officers, a paper entitled More Demanding than Prison (ACOP 1988) has been seen as an attempt at rebranding the probation service in an attempt to ensure it survived as an agency (Nash 2008a). Yet despite this, a subsequent Home Office Green paper, Strengthening Punishment in the Community, further suggested that community sentences could no longer be a “soft option” (Home Office, 1992, p.11). The shift towards risk management as a priority was becoming clear.

Simultaneously, researchers were highlighting the social policy issues inherent in the lives of offenders, observing that there are distinct difficulties inherent in engaging and motivating offenders; as a group, offenders tend to be more disadvantaged in terms of wealth, employment, education and health (Home Office, 2005). This research indicated the duality inherent in the work of the probation service; meeting the government’s focus on risk management whilst seeking to address rehabilitation by giving attention to the social deprivation which many offenders faced (Burke & Collett, 2011; Mair, 2013). This debate has continued within desistance literature which stresses the need to build a positive working relationship between probation officer and offender; and it can be argued that focussing on management rather than supervision is counterintuitive in creating such a relationship. Thus a tension between the focus on risk management, and the process of rehabilitation can be identified.

**Re-organisation and change in the probation service**

As agencies within the criminal justice system were included in the public management ethos; for the probation service, this has manifested in several significant reorganisations within a short period. To illustrate, the author of this thesis was initially employed by a county-boundaried Probation Service which was funded by central government in 2000, began training as a probation officer with the National Probation Service in 2002 and just before leaving in 2009, was employed by a Probation Trust with county boundaries. Furthermore, the 2013 White Paper Transforming Rehabilitation indicated further change as the abolition
Denying the Deniers?

of the trusts has been proposed; with work with low and medium risk offenders tendered out to private sector and voluntary organisations, and high risk work with violent and sexual offenders to remain within the public sector.

These historic changes of name have in fact represented substantial shifts in the way the organisation was structured and managed, which in turn impacted on service delivery. Under the old “welfarist” system, a Probation Service was a unit in itself, with services organised according to county boundaries (and closely linked to County Council service provision), albeit overseen by central government, at that time under the jurisdiction of the Home Office). It was broadly responsible for devising its own approach to supervising offenders within national guidelines, but had more autonomy regarding the content of supervision and approach to working with offenders. A National Service meant more control over services, which were made more uniform across England and Wales with standardised technology and bureaucracy. But this was an era of many changes, and the concept of Probation Trusts promised a return to autonomy but with the addition of contracting to pass the responsibility for certain services to voluntary and charitable organisations. It was expected that by April 2008, 30% of probation services would be contracted out to the voluntary sector (Travis, 2006).

The National Probation Service for England and Wales 2001

The creation of a National Probation Service for England and Wales (NPS) was a major structural change for the probation service, which represented a major step towards both managerialism and modernisation (Burke & Collett, 2011). The implementation of the NPS in 2001 required a more uniform approach, geared towards the growing What Works agenda (Chapman & Hough, 1998; Kemshall, 2008) and to meeting the growing preoccupation with the risk culture (Hudson, 2007). National Standards for the provision of sentence plans and reviews, which had been introduced in the 1990s, were further developed and integrated into the work of the probation service. A computerised risk management tool, OASys, was rolled out for use by all probation officers required to assess and manage offenders. Smaller local units within the NPS were known as “areas” and to ensure effective performance, managers were appointed at senior and middle management levels to facilitate communication and oversee the day to day running of the service. Finally, following evidence from the “What Works” debate (Chapman & Hough, 1998) the NPS introduced nationally accredited programmes for offenders in the community, which were rolled out across the probation areas of England and Wales. These programmes were designed with a cognitive behavioural approach as the basis, were stringently tested and evaluated to
maximise effective practice, ensured consistency of treatment and (backed by one to one supervision) were argued to be the most cost-effective and efficient method to manage specific groups of offenders (Chapman & Hough, 1998). This included sex offenders – or at least those who were prepared to admit at least partial culpability for their offending behaviour. Those exhibiting a high level of denial were to create further challenges, which will be discussed later in this thesis.

The National Offender Management Service (NOMS)

Further reorganisation in 2004 was to place probation within the framework of the National Offender Management Service (Burke & Collett, 2011; Mair & Burke, 2013; McKnight, 2009; Robinson & Burnett, 2007; Robinson & Raynor, 2006). In addition to probation, NOMS oversaw the management and administration of the Prison service, thus finally distancing probation from social work. From the outset, there was concern that the balance of power was in favour of the prison service. The first and third Directors of NOMS, Martin Narey and Phil Wheatley, were former directors from the prison service; and there was an imbalance of power between the two agencies in other senior roles, with more emphasis on prison experience. This was seen to be to the detriment of Probation (McKnight, 2009).

Furthermore, NOMS divided Probation into offender management and interventions, along purchaser and provider divides, a move which was seen to diminish the role and influence of the probation service within NOMS (Mair & Burke, 2012; McKnight, 2009).

The rationale for situating probation and prisons within the same agency was to provide a more seamless service for offenders who would serve their sentence in both custody and the community. However, following the recommendations of the Carter review (2003) it was decided that all offenders, whether or not sentenced to a term of imprisonment, should be subject to the process of End to End Offender Management, which was in effect, a multi-agency approach to sentence planning which aimed to clearly define, and enable sequencing of, the interventions to be used with the offender. It would set out who would be involved, in what ways, and the agreed timescales for action and completion (Robinson & Burnett, 2007).

Amongst the myriad of change in structure, there were two issues which particularly concerned many probation staff and, to some extent, those receiving the service. First, the customary use of the term ‘client’ was replaced by ‘offender’; causing concern that the individual was to be wholly defined by their offending behaviour. Secondly, there was confusion and concern about role definition as the title ‘probation officer’ was reframed as ‘offender manager’, intended to signal
that the probation officer was a broker of services, with the role of co-ordinating contributions by providers of internal services (such as programmes) and services contributed by outside agencies (Dominey, 2012; Robinson & Burnett, 2007). In looking at deniers of sexual offending, it can be seen that there was a conundrum; following guidance from the Ministry of Justice, this group was disallowed from attending sex offender treatment programmes, whether or not probation officers felt they might benefit. The primary research in this thesis indicates that probation officers may feel they would indeed do so, which suggests dissonance between the judgement of the risk assessment and what was available in practice.

From the modernisation agenda to Transforming Rehabilitation: further change and uncertainty for the probation service

When Tony Blair was succeeded by Gordon Brown as prime minister, yet more change occurred in the form of the 2007 Offender Management Act, with the dismantling of the NPS and the creation of Probation Trusts. This signalled the possibility of greater autonomy for individual trusts. Following the model rolled out in the NHS in the 1990s, it was anticipated that Probation Trusts would contract out parts of its work to the private or voluntary sectors (Dominey, 2012). Some did; London Probation Trust controversially put its unpaid work service to tender, with private company Serco winning the bid; Hampshire Probation Trust’s Approved Premises were tendered out to the privately run G4S.

The White Paper Transforming Rehabilitation (Ministry of Justice, 2013) heralded significant change for the probation service in England and Wales. It indicated that the supervision of low and medium risk offenders will be tendered out to agencies from either the public or voluntary sectors, with high risk work remaining under the remit of central government and the probation service. Under the Offender Management and Rehabilitation Act 2014, this was realised as a 70:30 split, with a national probation service (NPS) retaining the 30% of high risk offenders, and the 70% majority of work with low and medium risk offenders being put out to tender for delivery by private and voluntary sector organisations in the form of Community Rehabilitation Companies (CRCs). Centralised control of all sex offender cases has been retained by the NPS (Ministry of Justice, 2013) and working practices for this offender group remain in accordance with existing MAPPA guidance. Yet, as NPS employees moved into Civil Service employment, there were changes in work practices and uncertainty regarding future conditions. The culture of “initiative confusion’ and ‘change fatigue” which was identified by Robinson & Burnett (2007, p.318) appears set to continue in the immediate future.
It has been observed that, as a professional body, the probation service has been resilient in the face of changes to the professional ethos (McKnight, 2009; McWilliams, 1986, 1987; Nash, 2006, 2009; Nash & Williams, 2009; Nellis, 2010), new technology in the form of OASys (Kemshall, 2008; Williams, 2010), the introduction of MAPPA (Kemshall, 2008, p.66; Nash, 2009), and the demands following the creation of NOMS (McKnight, 2009; Robinson & Burnett, 2007). Yet it has equally been noted that the responses of probation staff, have ranged from feelings of denial or resignation and passive acceptance, to viewing change positively. It has been argued that these responses may reflect the reasons that individuals chose to join the service; and those who were experiencing the greatest divide between their underpinning values and those of the modern service were having to cope with significant contradictions during the changes and develop coping strategies in order to be able to continue in their work role (Deering, 2010; Robinson & Burnett, 2007). This is an important point in the context of historical organisational change, but also with regard to the supervision of offenders; as Nash (2006) has observed, probation staff have to deal with difficult individuals and details of cases on a daily basis. Sex offenders, and arguably especially those exhibiting denial, present a difficult challenge which may require the probation officer to question their own beliefs, attitudes and ethics.

The history of Probation Officer training
In terms of training, no specific learning was in place for probation officers until 1930, when it was allied to social work training and would remain so until 1996. Initially grounded in a psychoanalytic tradition (Prins, 1954; Whitehead & Statham, 2006), the later training took a client-centred approach which taught students ‘a value base which accords with the principles of phronesis [forming a reflective relationship with clients] and the ethic of care’ (Gregory, 2011, p.65).

Probation Officer training was first formalised by the Home Office in 1930, with a curriculum based on the study of the social sciences (Knight, 2002) and, during the 1950s, universities also began to offer courses leading to qualification (Knight, 2002). Then from 1975 probation training was placed firmly in the social work tradition, with the earliest qualification being a specialised route in the Certificate of Qualification in Social Work (CQSW). This qualification was in turn replaced in 1991 by the Diploma in Social Work (DipSW) which again had a specialist route for probation officers (Nellis, 2001).
The siting of probation training within social work has been both applauded and, later, when it was removed from this arena, lamented (Gregory, 2001). The social work route enabled future probation officers to gain training rooted in the psychoanalytic tradition, and since the development of the CQSW in 1975, have also incorporated the work of Carl Rogers (1961) who advocated the "person-centred" approach. This entailed working holistically with individuals, who would be viewed as being clients, rather than offenders. Students would be trained to carry out detailed assessments such as Social Inquiry Reports, and practices such as home visiting and spending time with each client was considered valuable (Gregory, 2011). In the interview section of the primary data in this thesis, one participant trained under the CQSW also pointed out the benefits of these values (page 163 of the thesis).

As the modernisation agenda was developed in the probation service and the knowledge base and practice of the service changed from welfare to risk, there were also a series of developments within the training of probation officers. In 1996, the probation officer route was removed the Diploma in Social Work, officially marking the profession’s departure from its social work roots (Fitzgibbon, 2004, 2013; Knight & Stout, 2009; Nellis, 2003). It was stated that a new qualification, the Diploma in Probation Studies, would accept the first trainees in 1998 and would focus probation within the risk management agenda (Bailey, Knight & Williams, 2007; Deering, 2010; Nellis, 2003, 2010; Fitzgibbon, 2007, 2011, 2012). This was initially seen as a move towards professionalisation, as the Diploma in Probation Studies, which had a “legal/criminological/research framework…much more in line with probation as a correctional service” (Annison, Eadie & Knight, 2008, p.261). It has also been criticised for having a “technical-rational” value base which does not promote reflection in practitioners or develop skills in client-centred practice (Gregory, 2011; McNeill & Burnett, 2005).

Indeed, the two-year training programme placed took the focus away from welfare issues and emphasised public protection and managing risk (Bailey, Knight & Williams, 2007; Knight, 2002). To achieve the Diploma, trainees had to undertake an integrated degree of Probation Studies and an NVQ at Level 4 (Nellis, 2003). Trainees were registered as full-time students with a designated academic provider and completed work placements within probation offices, in which they undertook work such as case management and report writing under the supervision of a Practice Development Assessor (PDA). Trainees were not required to have prior experience of working in probation, or any specific degree.
As a result, the academic content commenced with an introductory unit in criminological theory; but progressed to units on managing dangerous offenders and managing offending behaviour, including coverage of high risk work with domestic violence, sexual offending and mentally disordered offenders, at least on a theoretical basis. Whether they would have access to such cases during their training was at the discretion of the employing probation area, and resulted in issues for the trainees contemplating post-qualification employment and the prospect of managing the perpetrators of offences which they had only experienced theoretically, or work with high risk offenders. This was a major issue for the trainees in the primary research in this study, as sex offenders were a group which trainees were often unable to work with until they had completed their training.

Probation training was again restructured into the current model, the Probation Qualifying Framework (PQF) leading to the Diploma in Probation Practice (DPP), which admitted the first candidates in 2010. This has two strands: a fast track Graduate Diploma of 15 months’ duration for those already holding an undergraduate or master’s degree with a minimum of 50% criminology, criminal justice, community justice or police studies. Those who apply for this route will be employed as Probation Service Officers until qualification. The second strand comprises of a longer 27-month training period leading to a degree in Community Justice for existing Probation Service Officer (PSO) grade staff who do not hold an undergraduate degree (Ministry of Justice, 2013; University of Portsmouth, 2013).

In their evaluation, based on the experience of teaching learners in both the Diploma in Probation Studies and Diploma in Probation Practice, Skinner & Goldhill (2011) note that one positive has been the prior experience of working in the service that the PSO participants bring to the programme. For graduates, being in possession of a degree with at least fifty percent criminology content also equips them with a valuable knowledge base. All participants can therefore immediately bring skills to the programme. For Skinner and Goldhill, this facilitated a greater level of interaction with tutors than they had seen with the TPOs on the Diploma in Probation Studies. But the shorter programmes may have impacted negatively, with significant mastery of procedures and administration to the detriment of “professional artistry [and]…an ability to think through the intricacies of risk assessment and management” (2011: 49).
The loss of the PDA role, central to the DipPS, but absent from the DipPP, is seen as problematic (Skinner & Goldhill 2011). Through the PDA, TPOs would have access to a protected caseload, as the PDA would assume an overall management role for the cases whilst the trainees completed the day-to-day work on the cases. This enabled TPOs to gain significant experience of probation practice; although, as the primary data from TPOs in this thesis demonstrates, this experience did not necessarily include working with sex offenders, as employing Trusts were still able to prohibit such work until post-qualification.

**Issues of morale and job satisfaction**

As the training has gained more of a focus on risk and moved further from the field of social work, so the role of the probation officer has changed (Deering, 2010) to become increasingly focussed on managing an individual’s opportunity to access opportunities to offend. The role has necessarily involved aspects of surveillance and restriction, which can be viewed as opposing the traditional stance of advising, assisting and befriending (Kemshall, 2008; Nash, 2006; Nash & Williams, 2010) and the values of care and reflective practice (Gregory, 2011). This has proved problematic for staff whose primary motivations in entering the profession were motivated by the “humanitarian concerns” (Burnett and McNeill, 2005) of wishing to support offenders to achieve desistance from crime (Deering, 2010; Gregory, 2011; McNeill & Burnett, 2005). It is of particular interest that research has shown that not only the longstanding officers with older social work qualifications, but also many who trained under the Diploma in Probation Studies report feelings of dissatisfaction and stress (Annison, Eadie & Knight, 2008; Deering, 2010). There are two potential reasons for this. The first relates to feeling under-trained and lacking in confidence to perform a job and this can be seen in this thesis in respect of undertaking work with sex offenders (Briggs & Kennington, 2006). The second reason for stress has been related to the reasons for undertaking the training and wishing to work in the role; for a substantial number trainees and qualified staff, this was a desire to assist and support offenders rather than the high level of monitoring which the risk-based nature of the role increasingly requires (Annison, Eadie & Knight, 2008; Deering, 2010; Fitzgibbon, 2013).

**Conclusion**

This chapter has examined the historical development of the role of the probation service from its beginnings in the work of Police Court Missionaries in the late nineteenth century, to its current status as a risk-focussed agency. It has considered how successive governments have impacted on the organisation and working methods within the probation service. In particular, there have been a
number of key changes in the twenty-first century which have seen substantial shifts in the organisation of the probation service. Probation officer training has also undergone change, moving from its origins in social work to a risk-based approach. The views of both qualified probation officers and those in training will be discussed in the primary data to follow later in this thesis. The literature review in this chapter has indicated issues with morale and motivation caused by both the focus on risk, and frequent organisational change, which have potential to impact on work with offenders.
CHAPTER FIVE. DENIAL

In his discussion of the process of avowal (confession) in criminal justice, Foucault (2014) has suggested that in the post-modern era, avowal has assumed a new importance. Where previously, an admission of guilt was required in order to assert the power of the sovereign in its judicial function, it has now assumed the dual functions of punishment and rehabilitation (Foucault, 2014, p.224). Avowal is also a means to control an ever-present threat of danger from crime (2014, p.218). In Foucault’s analysis, the key function of the judiciary and other agencies (which would include the probation service) is to protect society from the threat, by incarcerating and giving treatment to those who commit serious crime. Accordingly, in the modern criminal justice system, the simple establishment of guilt is not sufficient; the perpetrator of serious crimes must explain his crimes and avow in order to be helped and cured. Avowal has assumed a place in the discourse of power and, by admitting and explaining a crime, the perpetrator can be seen as consenting to engage in treatment, or to put it another way, consenting to be punished as the justice system sees fit. Without the avowal, the offender remains an unknown quantity to the judicial system, and additionally remains a persistent threat to society (Foucault, 2014).

Yet the attitudes of the public towards sexual offending, which are amplified by the media, are fearful and condemning and the penalties imposed are severe. The families of a convicted sex offender also face censure and the perpetrators risk losing their social status in terms of their employment and the respect of society. They are isolated by exclusion (Kemshall, 2008; Spencer, 2009). Given this, it is arguably understandable that research has indicated that denial is a key issue for professionals working with sex offenders.

The extent of denial
In considering the extent of denial, statistics on convictions in Crown Courts in England and Wales state that in 2011, of 7061 defendants brought to trial for sexual offences 1,639 (23.2%) entered a plea of not guilty but were found guilty after trial (Ministry of Justice, 2013). It has been stated that 54-87% of convicted sex offenders are in complete or partial denial during some of, or throughout, their sentences (Barbaree, 1991; Brown, Walker, Gannon & Keown, 2013; Maletzky 1991). Barbaree (1991) sampled sex offenders in custody and found that 98% exhibited degrees of partial or complete denial; with 54% of those convicted of rape, and 66% of child sex offenders being in complete denial at the time of the
study. In other studies, complete denial has been observed in 30% of sex offenders; a figure that has remained constant in studies which cover twenty years of research (Craissati, 2015; Kennedy & Grubin, 1992). Partial deniers have been found to account for a further third of sex offenders (Craissati, 2015; Marshall, 1994). Taking both partial and complete deniers into account, denial can be seen to represent a significant and enduring issue, which might be expected to have an important impact on the ways it is addressed by professionals, including those in probation.

It has been suggested that for a sex offender, denial enables him to justify his behaviour and maintain a positive self-image, feel psychologically comfortable and lessen feelings of guilt and remorse towards the victim (Brown, Walker, Gannon and McKeown, 2013; Cohen, 2001). Moreover, denial has also been seen to be a normal cognitive reaction to maintain self-esteem and manage the cognitive dissonance between the maintenance of a positive self-image and the offending behaviour (Brown, Walker, Gannon & Keown, 2013; Cohen, 2001; Yates, 2009); and, as such, it is a factor which can be managed and changed as part of the rehabilitation process.

This chapter will examine explanations of the functions of denial through a consideration of theories of denial from criminology, sociology and psychology. It will discuss the ways in which denial has been addressed by the Ministry of Justice and in sex offender treatment programmes. The chapter will conclude by considering approaches which may assist probation officers to work with deniers; and examine recent developments both from within the probation service and external agencies.

This will begin with the sociological perspectives of Stanley Cohen, Eviatar Zerubavel and Frank Furedi, whose work touches upon sexual abuse and denial; followed by psychological theories which relate specifically to the study of denial in sexual offenders.

**Stanley Cohen: States of Denial**

Denial has been described as a complex state (Cohen, 2001; Zerubavel, 2006) which is adopted to protect the deniers themselves, others known to them and can sometimes extend to protect whole societies, by covering up or ignoring issues (Cohen, 2001).

Stanley Cohen (2001) has offered a comprehensive study of states of denial, which he observes can have psychological and societal dimensions. Although his
thesis is not focused solely on sex offending, it contains valuable definitions and arguments which can be related to denial of sexual offending behaviour.

Firstly, it is useful to consider exactly what Cohen means by denial. He states that it is a multi-faceted concept, which can range from complete denial, to the denial of facts, harm and impact on the victim and society. He posits that denial occurs when an event has occurred which has caused the individuals, organisation or society (such as a nation or nations) to feel so disturbed that they cannot fully acknowledge it or feel the need for it to be “repressed, disavowed, pushed aside or reinterpreted. Or the information registers well enough, but its implications – cognitive, emotional or moral – are evaded, neutralised or rationalised away” (Cohen, 2001, p. 1).

As will be seen when theories specifically related to denial are discussed later in this section, much of this definition can be seen to be pertinent to offenders’ accounts and rationalisations of sexual offending behaviour.

For Cohen, “states of denial are assertions that something did not happen, does not exist, is not true or is not known about” (2001, p.3). He asserts that within this broad definition, denial can range from being factual (the speaker simply did not know about the events which had occurred, and they can provide evidence and proof, which can be checked and verified if the denial is reasonable). This might be the case if an individual accused of abuse can in fact prove that he was not present, and is therefore innocent of the charge. Secondly is the denial which is deliberately intended as deception – the speaker is lying. This would be the case for the accused individual who could not access proof of his innocence and is lying in an attempt to evade conviction (or discussion of his offence post-conviction). Thirdly, however, is a more complex consideration, that the denial “may be neither a matter of telling the truth nor intentionally telling a lie. The statement is not wholly deliberate and the status of ‘knowledge’ about the truth is not wholly clear” (Cohen, 2001, p.8). To illustrate the latter, Cohen cites the example of a mother’s denial of her partner’s abuse of their child; she may not be concealing the truth but may be traumatised or shocked to the point where the truth cannot be completely and correctly recalled. This may equally be true for an offender themselves; as Becker-Blease and Freyd (2007) note, trauma and memory loss can be a reaction for the offender themselves. In addition to the trauma of their own actions in committing a sexual offence, a high number of perpetrators were themselves abused in childhood; research has indicated that 60% of perpetrators had themselves been
previously sexually abused (Cohen, McGeoch & Gans, 2002; NSPCC, 2013). In cases of denial, it could be argued therefore that an offender may not wish to discuss details of their own offending, or that which they experienced as a victim.

Cohen’s thesis draws upon his research with delinquent youth offending. As such it is not a theory of denial relating specifically or wholly to sexual offending; however, it can be seen as an appropriate framework to begin to discuss denial as a phenomenon in sexual crime. Indeed, Cohen’s work uses some examples of sexual offending behaviour to explain his concepts. In his spectrum of reactions, Cohen suggests that five “techniques” are available to the denier:

*Denial of responsibility:* At its simplest, this refers to the delinquent stating “I didn’t mean to do it”, but as Cohen notes, denial of responsibility is usually couched in more complex terms, although at their core, all denials of responsibility involve blaming an external factor, or an internal but uncontrollable force on the psyche such as mental illness. The denial of responsibility can be a claim that that the action was an accident; or that forces beyond the person’s control (such as drug use, peer pressure or “blacking out”).

As Cohen observes, sexual offending creates significant denial, due to its extreme impact upon the victim, and because it generates such repugnance in the community, that:

sex offenders typically offer (and judges prefer) fully non-responsible accounts: cortical breakdown (“Can’t remember a thing”), inner impulse (a sudden urge, the animal theory of sexuality) and under-socialisation (misreading the cues). Except for the occasional post-modern de Sade, courts seldom hear aesthetic or ideological accounts that accept full responsibility (2001, p.60).

*Denial of injury:* Cohen describes the denial of injury as "a form of act adjustment or resignation" (2001: 60) which is an attempt to minimise the effects of his behaviour. The offender is admitting that he committed the act, but is denying that he has caused harm to others through his actions. A reference to sexual offending behaviour is not given here, although Cohen’s examples in which vandalism is reframed as “mischief – and after all, the owners of the property can afford it” (Cohen, 2001, p.61) and gang fights as “private quarrels” (2001, p.61) illustrate the minimisation processes which are taking place. The sex offender might argue that
his victim gained pleasure from the sexual activity; or deny that any harm was caused to the victim.

Denial of the victim: Here, the perpetrator justifies through blaming the victim, who will be seen as having provoked the offence – “he hit me first” (Cohen, 2001, p.61) is some way, and therefore the perpetrator justifies in terms of the offence as punishment, and the victim as deserving the consequences. The sex offender will argue that the victim encouraged the abuse, for example by being provocative in their dress or behaviour, thereby negating their own culpability.

Condemnation of the condemners: In which the behaviour of others is focussed on in order to deflect attention from one’s own; those criticising (or punishing) are viewed “as “hypocrites or disguised deviants…the police are corrupt and brutal, teachers unfair and discriminatory” (Cohen, 2001, p.61). Cohen adds, “By attacking others, the wrongfulness of your own behaviour can be more easily repressed or lost to view” (2001, p.61). Thus, the sex offender might state that he was coerced into a guilty plea, or that he was found guilty due to inept legal representation or because the legal system is biased against those accused of sexual offending.

Appeal to higher loyalties: This links to Cohen’s work on sub cultural theory and states that the offender will argue that his loyalty to his peer group will be stronger than that to the state, and that if this more pressing demand involves breaking the law, it becomes inevitable. This may occur if an offender is a part of a sex offender ring or involved in a group of traffickers, for example.

In summary, according to Cohen, offenders deny and minimise their behaviour to protect themselves; to deflect attention onto others, or to defend group loyalties. For Cohen, “denial of responsibility is the master account” (2001, p.60) which can be applied to petty and more serious types of offending. Denial of injury and denial of the victim can also be observed in sexual offending behaviour and the condemnation approach will be familiar to criminal justice workers (including probation staff with the job of challenging a sex offender’s version of events).

However, as Cohen observes, it can be argued that the more serious the offence, the more extreme the thinking process is likely to become. Invoking the work of Freud (“splitting the ego”) Cohen argues that, in the case of justification of extreme
offending (including sexual offences) the perpetrator may engage in a process of “deviance disavowal” (2001, p.62) which is defined as a means of splitting his psychological self, thereby stating that his actions are atypical or out of character.

For Cohen, this can be an effective strategy for a sex offender to adopt, as they will adopt a stance of denial if they cannot justify their behaviour, or it is “too odious to normalise” (2001, p.62). Denial enables an offender to retain their social status by admitting to certain facts but denying elements which he cannot explain. Cohen distinguishes between admitters who will define forcible sex as rape; and deniers, who will offer less violent accounts and refute the label of rape. Cohen argues that, in denying, the offender is offering a version of events which moves blame onto their victim in some way.

Making a point which is particularly poignant and pertinent to a study of the supervision of sex offenders by probation officers, Cohen further encourages a consideration of the importance of professionals’ role in defining and possibly assisting to create offenders accounts. He asks the reader to consider the following:

Is offering such denials purely Machiavellian, a cynical manipulation …a mere tactical manoeuvre to appease authority and get off the moral hook – or is this what the offender really thinks? A moderate reply is empirical: it may sometimes be one, sometimes the other, or a mixture of both. Accounts range from the true, consistent and totally believed, to ad hoc and ad lib improvisations or carefully calculated deception. Offenders unaware of their motives offer accounts suggested to them by psychiatrists, defence lawyers and criminologists. A more radical reply is that this question is beside the point: in Goffman’s aphorism, “There are no true stories or false stories, only good stories and bad stories”. (2001, p.63)

This illustrates the complexity of denial and its functions – to protect the status of self and others, to deflect blame, and sometimes to deceive. It suggests that at times the denial is informed by the versions of the offending constructed by others, including professionals within the justice system; a key point which will be addressed by the author’s primary research later in this thesis.

The work of Cohen offers explanations as to the reasons an offender may choose to deny; he also suggests that this denial may not be wholly conscious, but ultimately questions whether this is of primary importance. For Cohen, “denials draw on cultural vocabularies to be credible (2001, p.64). This entails an examination of firstly, the social norms which are deemed important enough to be
laws and also a consideration of the processes in which individuals, organisations and societies can collude in order to persevere these norms, and attempt to cover up their violation. Cohen argues that the academic study of denial involves the analysis of versions of events within the social and cultural context in which they are given. Certain behaviours can be deemed acceptable in some cultures but rejected by others; thus the offender will offer an account which is likely to best enable him to maintain acceptability in his society. Accounts will also differ historically, as attitudes change. For example, sexual offending legislation has altered and expanded in Britain; the Sexual Offences Act 1956 contained fewer offences and lower penalties than the 2003 Act of the same name. This reflects a changing perspective to sexual offending (in particular offences against children) as well as new opportunities, such as internet-related offences.

It is not uncommon for family, friends, associates and colleagues to react with denial to the news that someone they knew and trusted has committed sexual offences (Goode, 2010; Gilgun, 2012). It can be seen as a natural reaction borne of shock and fear, and disbelief that someone familiar is capable of such indefensible acts (Gilgun, 2012). It is also in the perpetrator’s interests to maintain a positive self-image, and public image. When illusions are shattered, relationships may end, and careers can be damaged or lost forever (Goode, 2010). Arguably, the more the perpetrator stands to lose, the greater will be his efforts to retain his image.

A current example is that of the (continuing) arrests of well-established presenters, actors and popular entertainers being charged with historic sex offences in Britain. This began in when 2012, a major news story was that allegations of sexual abuse had been made against the late Jimmy Savile, who had died in the previous year. Over time, it became clear that Savile had engaged in the abuse of mainly teenage girls (but with some younger girl and boy victims) for several decades. During this time, Savile was also a prominent figure in radio and television broadcasting; and additionally, raised large sums of money for children’s charities, and was a regular fundraiser for (and visitor to) Stoke Mandeville Hospital. The “moral outrage” (Furedi, 2013) which was caused by the allegations changed Savile’s public persona from one of fundraising hero to child abusing monster. Yet at the time when the offences were taking place, he was accepted, by the British public and it appears, the BBC, as a legitimate entertainer and was given his own series (Jim’ll Fix It) which provided him with access to carry out abuse. Events then unfolded,
revealing a substantial culture of abuse; Stuart Hall, presenter of *It’s a Knockout*, has been convicted of 14 counts of indecent assault against underage females and other high profile personalities have been arrested and charged. All involved were well liked and trusted to have access to children.

It can be argued that the cases of Savile and his contemporaries give credence to Cohen’s argument. Savile was questioned on a number of occasions by the police, but his accounts of his actions, and his denial of any wrongdoing, were consistently accepted (or there was insufficient evidence to charge). Savile’s public persona of philanthropy appeared to be sufficient to keep him above the law. A further point to consider is that laws against child abuse have been tightened significantly since the era of Savile’s offending; different norms were in operation which, if not condoning the behaviour, there were not sufficient legal powers to condemn it (Furedi 2013). For example, on one occasion whilst on camera, Savile touched one teenager’s bottom during an appearance on *Top of the Pops*. Speaking about this now, she commented that she had felt it was pointless to complain, as her word (as a teenager) would not have been credited against Savile’s (Furedi, 2013). However, as Furedi (2013) notes, in fact, the BBC was not being evasive; in the 1970s, there were not the harassment policies or legal requirements to report alleged abuse that exist now. That notwithstanding, the BBC’s stance in relation to the Savile matter can be seen as an example of collusion and cover up (two devices which are central to enabling sex offenders to remain undetected (Cohen 2001) or unchallenged) and how an organisation and society can assist an individual to remain in denial.

**Eviatar Zerubavel: Denial as Social action**
Concurring with Cohen, Zerubavel (2006) asserts that viewing denial from a sociological perspective enables an understanding that denial requires more than one person to be an effective strategy; the denier themselves, and at least one other to hear the denial and make a response to it. This response will be largely determined by the hearer’s perception as to the appropriateness of the topic as one for discussion. If it is deemed inappropriate, the likely response will be silence. Thus, Zerubavel introduces the concept of “co-denial” (2006, p.47) and argues that remaining silent in response to denial is the means whereby the untruth can thrive. This consideration adds an interesting dimension to the decision by NOMS to exclude deniers from group work, as this places the onus on one probation officer to elicit an admission from the offender, in addition to denying the denier the
opportunity to reflect upon, and perhaps reconsider, his denial in a group setting. Group work could be considered to be a challenge to the offender (and that denying enables him to avoid it), but it could also provide an opportunity to explore the offending with peers, which might seem less threatening than a one-to-one meeting with a probation officer (McAlinden 2008, p.63).

Zerubavel argues that silence is a strategy which serves to protect both parties, as “by being discreet we actually help others avoid embarrassing us.” (2006: 49). Both the denier and those privy to the denial are able to save face and maintain their social status. Zerubavel observes that at the root of denial is a complex mix of “fear, pain, shame and embarrassment” (2006, p.8). These emotions can be powerful barriers to positive change and can serve to perpetuate a negative situation. The topic of shame and guilt has particular relevance to a discussion of denial of sexual offending, and therefore this will be revisited later in this chapter.

According to this theory, denial also requires the subject matter to be considered a social taboo. As with the social norms defined by Cohen, for Zerubavel, a society’s choice of taboo subjects, and an individual’s response to the presence of a taboo are both learned behaviours. Therefore, in order to be in a position to challenge a taboo subject (and avoid the feelings of pain, shame and embarrassment which can result in doing so), an individual will have to re-learn their responses. To illustrate, Zerubavel cites an example of medical professionals working in gynaecology, who replace the conventional societal view of sexual organs with medical definitions, to de-sexualise these parts of the anatomy and be able to discuss them scientifically and without embarrassment in order to heal illness. Following this line of thinking, then, it is reasonable to conclude that when faced with the task of supervising perpetrators of sexual abuse, workers within the criminal justice system must overcome their own thoughts of sexual offending as taboo (a topic not deemed appropriate for discussion) with a view that the abuse should be discussed freely, yet with mindfulness to the seriousness of the subject. This is, of course, the approach adopted by facilitators of sex offender treatment programmes (Calder, 1999). Likening difficult topics to “elephants in the room”, Zerubavel concludes that:

Ironically, it is precisely the effort to collectively deny their ubiquitous presence that makes “elephants” so big. As soon as we acknowledge it they almost magically begin to shrink. And only then….can we finally get the proverbial elephant out of the room. (2006, p.87).
Psychological theories of denial in sexual offending behaviour
So far, the author has considered sociological theories of denial, which have used typologies and made links with issues of taboo and shame. The discussion will now look more directly at these concepts in relation the work of authors who have focussed specifically on denial of sex offending. Most are derived from the field of psychology with a focus on the self.

Leberg (1997) defines denial as a state in which an offender is insistent that he did not commit the offence and provides justifications which are intended to persuade others of his innocence, or attempt to minimise or distort the extent of the behaviour. As Watt (1989) has observed:

The single most powerful characteristic in child sex offenders is their capacity for denial. They deny their abuse not only to others but to themselves. They deny the true number of their offences, the number of children they have abused, and the true ages of the children abused (abuse of older children is more socially and legally acceptable). They minimise their offences in a multiplicity of ways. As if it was a one off, a coincidence, an accident; it just happened. They put the responsibility onto the children; she wanted it too; she really seduced me; these three year olds can be really provocative” (Watt 1989, quoted in Calder, 1999, p.129)

These statements will not be unheard of to a probation officer supervising sex offenders. They are problematic in themselves, as they are indicative of an unwillingness or inability to take responsibility for serious offending behaviour. The challenge for the probation officer is how to work with this stance; and arguably, without appropriate training, this is problematic at best, and insurmountable at worst.

As Cooper (2005) observes, denial of sexual offending is a more complex phenomenon than denial of non-sexual offending. Echoing the contentions of Cohen (2001), Cooper argues that this can be a reflection of the stigma attached to sexual offending, and posits that if an offence is not acknowledged (by the offender and those around him) the offender can maintain the pretence that it did not happen. This can protect against loss of social status, rejection by family and friends, and personal feelings of shame and guilt. Given the negative experiences which sex offenders can be subjected to in custodial environments, denial may also be an attempt at self-protection at the pre-sentence stage or following imprisonment to avoid negative reactions from fellow prisoners or staff (Blagden, Winder, Thorne & Gregson, 2011).
Importantly, Cooper (2005) also argues that it can be possible to establish the reasons behind an offender’s denial by establishing their primary motivation. If one can understand what drives the behaviour, measures can be taken to block the opportunity to engage in particular behaviours. The work of Finkelhor (1984) is instructive here. His research identified three functional components which can motivate sexual offending. Firstly, emotional congruence (that is, having the belief that sexual contact with children is a desirable, appropriate and achievable means to satisfy profound emotional needs). Second, sexual arousal (the child represents a source of sexual gratification for the offender). Thirdly, there is what Finklehor termed “blockage” (alternative sources of sexual gratification are not available or are less attractive). Calder (1999) argues that these three categories encompass the range of sexual offenders from paedophiles to aggressors who wish to degrade their victims. They also indicate that in order to offend, an individual has to overcome internal inhibitors - that is, their own prosocial thinking so that they can permit themselves to offend - and external inhibitors - in that they need to identify a victim and justify offending against them (Finklehor, 1984). In so doing, they can avoid admitting responsibility and/or deny harm and justify what they themselves realise is abusive behaviour. (Schneider & Wright, 2004, p.5)

Concurring with Cooper (2005), Calder (1999) states that if work can be undertaken with an offender to establish which category most fits their behaviour, it can be claimed that progress has been made in identifying the source of their denial.

As Calder observes, “denial is a spectrum and not a single state” (1999; 133). It is possible for an offender to alternate between types of denial, change the focus of the denial or leave the spectrum entirely (by admitting to their offence (accepting guilt).

In an approach similar to that of Cohen (2001), Laflen and Sturm (1994) identified four stages of denial, all of which are strategies which an offender is using to protect himself. First, complete denial. Laflen and Sturm argue that this stage protects against rejection by others, and allows the offender to maintain a prosocial image. Second, minimisation allows the offender to avoid admitting that their behaviour is deviant and problematic, and that professional help is required to avoid reoffending. Third, denial of responsibility, in which the offender admits that something happened, but maintains that it was not to the extent or as harmful as the victim states. Laflen and Sturm argue that this is a defence against feelings of shame. Fourthly, full admission, with acceptance and genuine remorse, enables
the offender to accept their offending behaviour and its inherent cognitive distortions and (with professional support) make plans to avoid relapse and further offending.

Calder (1999, p.130) has created a “multi-dimensional typology of denial”: The following is an adaptation of Calder’s typology with the addition of suggested statements which an offender might use:

*Complete denial of responsibility*

*Attack* (intimidating the victim, witnesses and professionals)

*Denial of facts* (It wasn’t me; I was tricked; the victim wanted it)

*Denial of awareness* (I can’t remember; I was drunk or on drugs)

*Denial of responsibility*

- Psychological (I’m a decent man; a family man)
- Behavioural (If my partner hadn’t left me it wouldn’t have happened)
- Denial of impact (she didn’t mind; she enjoyed it)

*Denial of Intrusiveness* (I masturbated but there was no intercourse)

- Harm (It didn’t hurt her; it was love)
- Seriousness (It wasn’t important; it won’t happen again)

*Denial of frequency* (It only happened once)

*Denial of fantasy or grooming* (It wasn’t planned; it disgusts me; it’s not “me”)

*Denial of deviant sexual arousal/inappropriate sexualisation of non-sexual behaviours* (ignores the sexual nature of the offence but admits to offending).

Using this typology, it can be seen, therefore, that denial of sex offending can take many forms and range from partial acceptance of guilt to complete denial (Laflen and Sturm, 1984; Calder, 1999). An offender may operate at different points on the spectrum simultaneously, or over time. Calder (1999) argues that if the denial is multi-dimensional, so is the reasoning behind it. The important point to note is that by listening to an offender’s spoken words, the worker can identify where they are on the spectrum, and tailor their approach to working with the offender accordingly. For example, if an offender denies awareness through alcohol misuse, the worker could question him on his pattern of alcohol use in order to establish this as an excuse or alternatively as a criminogenic need. If the offender denies responsibility from a behavioural perspective, it would be instructive to question him about the circumstances of his life at the time; if the denial appears to be coming from a psychological perspective, the worker would be advised to look at the basis for his image of self-worth; in other words, to examine what is important to him and what he stands to lose by taking responsibility.

It may appear as if those in complete denial offer nothing constructive to work with; however, in this typology, complete denial represents an initial phase, during which
developing trust may gradually shift to a more sophisticated state of denial (Calder, 1999, p.131).

Through the analysis of psychological theory, it has been identified that offenders can deny because they do not see their actions as criminal; to justify in order to protect themselves against loss of social status (and be protected by others, such as family members); because they feel extreme guilt; or because they are “highly traumatised” (Becker-Blease & Freyd, 2007) with resulting memory impairment which can cause them either to dissociate or to have difficulty in retrieving factual information. They suggest that this can be as a result of a need to blot out the details of the offending itself, or as a result of their historical memory of being victims of sexual abuse themselves, which has resurfaced into their consciousness as a result of their own offending (Becker-Blease & Freyd, 2007).

There also remains the issue of how to work with offenders who are complete deniers. Following the Cycle of Change model (Prochaska & Di Clemente, 1982), complete deniers can be described as being in the pre-contemplation stage, and requiring motivational work to move them on so that cognitive work can commence (Briggs, Doyle, Gooch & Kennington 1998). It is precisely this phase that can challenge the supervision process, and the supervising officer. Offenders may remain entrenched in denial, possibly throughout their period of supervision. It is the probation officer’s task to work with the offender during this phase, and there is a likelihood that this could result in supervision becoming a monitoring exercise alone (for example, checking whether licence conditions are being adhered to). This is, of course, valid activity. However, it is the thesis author’s contention that it may be possible that supervision could contribute to the process of breaking down denial, with more awareness about different techniques that might help reduce resistance. Some of these will be discussed later in this chapter.

**Holding beliefs regarding sexual offending as non-deviant behaviour**

Although there is little research into the issue, it has been acknowledged that denial may be a reaction for offenders who hold implicit views which do not view sexual offending as deviant (Harkins et al, 2015; Harkins, Beech & Goodwill, 2010). It has been suggested that this stance stems from cognitive distortions which enable their ability to legitimise the view that children are sexual beings (Brown, Walker, Gannon & Keown, 2013; Ward, 2000; Ward & Keenan, 1999). Holding such a belief enables offending as it can “skew offenders’ offence-related interpretations resulting in erroneous conclusions and subsequent decision making” (Brown, Walker, Gannon & Keown, 2013, p.277). A small minority of
offenders will remain problematic for this reason. However, this is a complex variable (Harkins, Beech and Goodwill (2010) which can also result in them reoffending at lower rates; as Goode (2010) has noted, the awareness of sexual preference may enable men to develop strategies which enable them to satisfy their sexual desires without offending through fantasy, or practical support from agencies; such as the Lucy Faithful Stop it Now scheme is a case in point (Kemshall, 2008, p.78).

There are further debates which may indicate that denial is problematic when offenders essentially view their behaviour as acceptable. It has been noted that there is a multiplicity of explanations for, and definitions of, deviant sexual behaviour (Harrison, McCartan & Manning, 2010). One theory is that it forms a part of male sexuality but that it is rejected by wider society. In this vein, Brown (2010) posits that the vilification of the sex offender is a product of the risk society which is rooted in the conceptualisation of masculinity:

> Sex offenders become suitable targets not because they are in some way ‘beyond the pale’ but because they are connected with ‘ordinary’ men across a seamless and continuous field of sexual regulation…they function as the magnifying model of all the little irregularities of male sexuality, irregularities that are targeted in …regulation that grids the space of men’s sexuality, not in disciplinary terms but in the reconfigured logic of security…[which] invokes in the ordinary man practices of self- regulation that seek to protect him and those around him against nothing more (or less) than himself (Brown, 2010, p.51).

This suggests that fundamentally, sex offenders have the same desires and preoccupations common to all males. Brown’s claims find support from the field of socio-biology. In seeking to rationalise paedophilic behaviour, the following explanations have been offered by sociologist Sarah Goode:

> The two dimensional model of embryonic brain masculinisation and brain defeminisation can both suggest why some men might find children sexually attractive…when the levels of masculinisation and defeminisation are slightly skewed, homosexuality, paedophilia (to either males or females) or transsexualism will result. (Goode, 2010, p.17)

According to this logic, it is argued that “[Paedophiles] are the ‘by-products of the inevitable biological variation around a selected central tendency.” (Feierman, 1990, 559). Furthermore, clinical studies, in which a sample of men describing themselves as heterosexual and attracted to adult women were shown images and tapes of adult women and children aged under twelve years old, have concluded from looking at the responses of ‘normal’ men in the general adult male population, that between 17 and 58 per cent of a sample of men did not consider themselves
as ‘paedophile’ did however appear to be capable of being aroused by images of young children under twelve years of age (Goode, 2010, p.19)

The claim being made here is that paedophilia (as with any other non-heterosexual preference) is caused by pre-birth brain chemistry rather than being a choice. It is also argued that it is on the same spectrum as heterosexuality, and that the preference for smaller and more feminine beings is also a facet of heterosexuality, as males traditionally prefer smaller, physically weaker, adult female partners (Feierman, 1990; Goode, 2010). Contemporary society is morally attuned to the heterosexual adult relationship as being the preferential, accepted norm (Brown, 2010; Foucault, 1999; Weeks, 1989). The consequence is to respond to men with a sexual preference outside this norm with repugnance and a sense of fear. This disgust and fear, and the sense of responsibility felt by the ‘ordinary man’ to maintain a safe and secure environment for women and children manifests in the calls for ostracism and punishment and laws which respond by confirming that the sex offender is a risk that must be contained and restrained (Brown, 2010).

The Probation Service working with Sex Offenders and Denial: Research, issues and responses

This section will examine the research findings of inspections and studies which have examined the approach of the probation service in dealing with sexual offenders and the issue of denial.

There is a great deal of information and research made available to programme staff working with sex offenders in treatment programmes within the probation service; however it is contended in this thesis that this learning is not made widely available to probation officers working in offender management roles. Firstly, then, this discussion will look how this position arose from the perspective of the Ministry of Justice (2010) followed by views from the Inspectorate of Probation (2010) and studies which have elicited the issues and concerns of probation officers working in the offender management role. The rest of the chapter can therefore be seen in the light of what information may be usefully made available to those whose role is to supervise sex offenders in denial, and thus currently excluded from the majority of programme provision.

The Ministry of Justice position on the management of sex offenders

In 2010, the Ministry of Justice issued a statement regarding denial of sexual offending which set down the agency’s position regarding the treatment of offenders. This statement is the guidance to which NOMS expects probation
services to adhere in the assessment of an individual offender’s suitability to undertake a sexual offending treatment programme. In the statement, it is acknowledged that minimisation or partial denial is common in sex offenders, and it is stated that they may still be deemed suitable for accredited programmes such as SOTP (2010, p.18). However, it goes on to say that offenders “who deny categorically any sexual offending or any sexual component to their offending” (2010, p.18) must be assessed as “not ready” (2010, p.18) and therefore unsuitable for programme work due to the use of “collaborative risk assessment whereby the staff work with the offender to determine his or her risk factors and treatment strategies” (2010, p.18). According to the Ministry of Justice, this is “impossible when the offender does not accept that he committed an offence” (2010, p.18).

Only one treatment programme in the community, the Community Sex Offender Treatment Programme (C-SOTP) would consider taking a limited number of complete deniers. In 2010, the C-SOTP programme was provided in fifteen probation trusts in England and Wales, with twenty-eight other trusts using programmes precluding complete deniers (Harrison, 2011, p.108). It would appear, therefore, that there is a significant element of regional variation to provision; if an offender lives in an area delivering this programme he may be able to participate. If his area delivers another programme, he will not. The statement goes on to say that complete deniers being assessed in prison should be considered to be suitable, but other offenders showing a greater level of culpability will take precedence for programme places (Ministry of Justice, 2010).

This presents a complex picture regarding treatment provision for sex offenders in denial. There are contradictions in this statement, seemingly based on whether an offender is in custody or in the community; and if in the community, there are further regional variations which will affect access to treatment on a programme.

The HMIP perspective
Whilst it has been observed that as an offending group, the reoffending rates of sex offenders are comparatively low compared with other offender groups, the level of harm which reoffending by the individuals can cause is without doubt considerable so that it has received significant attention in recent years (HMIP, 2010; Kemshall, 2008; McAlinden, 2008). Issues surrounding the effectiveness of supervision of sex offenders, and those in denial in particular (as a group seen as
harder to manage) have been under the scrutiny of Her Majesty’s Inspectorate of Probation. A report published in 2006 raised problems with the engagement with offenders in denial as a major concern. This was reiterated in a report published in 2010, which found that “almost half of the offenders convicted of a sexual offence were not required to attend a Sex Offender Treatment Programme” (2010, p6). It also noted that “many” of the qualified probation officers interviewed expressed the view that they did not have access to adequate training to work with denial and that their managers did not support them with the work they had to undertake with sex offenders who did not attend a group work programme, and this was particularly problematic in relation to those in denial, as it impacted on the quality, quantity and ultimate effectiveness of the probation officers’ work with deniers (HMIP, 2010).

The report further elaborated that the paradox of offenders (including deniers) who were excluded from programmes was that they tended to present with additional issues which make their cases more difficult to manage; in effect, they are those who are arguably most in need of well-structured supervision which focusses on their distorted thinking and beliefs. Yet despite this, there was “significant concern” (HMIP, 2010, p.34) about the effective management of the dynamic factors affecting risk of harm in these cases; in addition, there appeared to be limited provision in terms of addressing criminogenic needs; factors linked to risk but not directly seen as pertaining to the commission of a further offence. Significantly less time was being spent with these cases than those attending an SOTP, who typically received over 200 hours’ of structured work over 12-24 months of attendance. Of greatest concern was that, whilst deniers have been identified as challenging, with rigid and distorted ways of thinking and behaving, there were omissions in “teaching the link between thoughts, feelings and actions” (HMIP, 2010, p.35). Some probation officers had told the inspection team that they did not see this as being required of them when conducting one-to-one supervision with offenders deemed unsuitable for attendance at a treatment programme.

Their conclusion was that staff generally appeared to lack the knowledge and skills necessary to deliver work of this nature and it was apparent that offender managers needed more support, guidance and resource materials to work with sex offenders across the board. The gap was particularly acute in working with offenders excluded from SOTPs, as 61% of the probation officers interviewed considered that they did not have enough knowledge about working with sexual
offenders, and 42% believed that they had not received sufficient or adequate training to work effectively with sex offenders. Furthermore “two-thirds felt insufficiently trained to work with offenders in denial” (2010, p.51) and “more recently qualified offender managers felt the trainee probation officer scheme had not equipped them to manage sexual offenders”. (2010, p.51)

The report acknowledged that sex offenders who were not eligible for the SOTP were often excluded due to “complex characteristics” including denial; however this created a tautological situation in which the very issues which result in their exclusion are deemed to contribute to their being assessed as a high risk; yet the issues remain largely unaddressed. The authors expressed concerns regarding the effective management of the dynamic factors affecting risk of harm in these cases. It is noted that a SOTP provides over 200 hours of structured intervention; whilst those excluded frequently receive only a fraction of this time in one-to-one supervision.

The resource implications of working with such difficult and demanding cases needed exploration; for many trusts, there was simply no training provision. Where training was available, the researchers recognised that the issue of workload often appeared to impact on the officers’ ability to attend specific training or support forums. However the report applauded the provision of these, pointing to two trusts which had implemented forums in which experienced facilitators of the SOTP met with offender managers to offer advice and support regarding sex offender cases. It was not clear whether these included discussion regarding denial, however. Two trusts also provided a two-day training event for sex offender work “beyond that provided for pre-programme work” (HMIP, 2010, p.52) and also made programme staff available to assist probation officers who were managing programme-excluded cases. As a result, offender managers demonstrated a higher level of confidence in managing sexual offenders.

However, resource implications may prohibit even those staff provided with sufficient training and support to feel unwilling to enter into detailed discussions in supervision with sex offenders. In the piloting to a new tool to measure stable and acute risk factors for sex offenders (Ministry of Justice, 2010) the difficulties of creating and maintaining open communication between supervising probation officers and offenders in denial were raised. Officers were concerned that in attempting to discuss intimate details of offending with individuals, broaching
topics such as “sexual preoccupation, sex drive and sex as coping and sexual interests” (MOJ, 2011, p.28) particularly during the early stages of supervision, could jeopardise or even prevent building a relationship of professional trust or provoke an angry reaction from the offender. As one probation officer stated:

'We're bringing a lot of these things up... talking about their offending and then all of a sudden we go, "Right thanks very much, see you then" and they're left without any monitoring or... anything there to stop them then [going] out and re-offending because we've just left them.' (2010, p.28)

Furthermore, many felt concerned when attempting to discuss intimate details of offending with individuals in denial as discussing intimate sexual details could increase feelings of hostility towards the supervision process and might ultimately cause the professional relationship to deteriorate and even break down completely. As one probation officer stated:

'I don't think with a denier you'd want to approach things like sexual preoccupation, sex drive and... sex as coping and sexual interests at the beginning and possibly not ever because there are ways of working with denial but that's likely to shut it down and, you know, you'd never get it opened up... they're entrenched in their denial and that would make them very angry and you'd never pull them out of it, well you'd have a lot of difficulty. It would definitely have a negative effect.' (2011, p.28)

Although the HMIP investigation was risk-focussed, it pointed out the strong link between managing risks and looking at factors which may not be so obviously risk-based, but in fact could play a key role in stabilising an offender's life so that they might remain offence-free. Therefore, in addition to the limitations of the offence-focussed work, the HMIP report observed that there appeared to be limited provision in terms of addressing such criminogenic needs as housing and employment, training and education. Given the restrictions placed on many sex offenders as to where they can live and work, these are in fact vital areas to address which have a significant impact on the offender’s potential to cause further harm.

The report recommended that the resource implications of working with such difficult and demanding cases needed exploration. Although the researchers recognised that the issue of workload impacted on the officers’ ability to attend specific training or support forums, they applauded the provision of these, pointing to two trusts which had implemented forums in which experienced facilitators of
the SOTP met with offender managers to offer advice and support regarding sex offender cases. It was not clear whether these included discussion regarding denial, however. The report singled out of particular note one Trust which provided “valuable day-to-day support and advice in the management of sexual offenders” (2010, p.52) and additionally delivered regional training events giving guidance on working with offenders in denial and delivering one to one offence focussed work within supervision sessions.

**Stresses of the job? Effects on staff working with sexual offenders**

In addition to the findings of the HMIP inspection (2010), other research has acknowledged that working with sex offenders can be stressful (Briggs & Kennington, 2006; Erooga, 1994; Mothersole, 2000) given the constant issue of sex and sexuality which must be addressed. Erooga (1994) notes that this can create fears of contamination and raise the possibility of identification for workers of both sexes. For male workers, the issue of identification can be related to the work of Brown (2010) in terms of the power relations inherent in masculinity; but in addition there are risks of hostile feelings towards the offender due to the nature of the offending, which can attract feelings of revulsion in both sexes. For female staff, Erooga (1994) argues that some may relate the work with sexually abusive clients to personal experiences of abuse, creating a sense of victimisation, or alternatively, feeling shame and guilt about sexual power relations in society in general (Briggs & Kennington, 2006, p.46). In the author's opinion, this might equally apply to a male worker given that males may also experience abuse. These previous experiences can impact on the ability to communicate effectively in terms of being able to fully address sexual issues, or treat the offender with an appropriate level of respect and professionalism. It can also cause significant stress to the staff member (Briggs & Kennington, 2006; Erooga, 1994) who may feel unable or unwilling to disclose concerns to other staff members (Briggs & Kennington, 2006; Morrison, 1990).

Workers on treatment programmes have reported concerns regarding sexual arousal; firstly, that discussing sexual matters may arouse the client, or (more rarely) arouse the worker; secondly, that their own attitudes to their partner have changed and their interest in sex has decreased. Thirdly, there is a fear of becoming part of the offender’s fantasies, or fears for their children from men in wider society which can caused increased protectiveness (Briggs & Kennington, 2006; Mothersole, 2000). Clarke (2004) suggests that concerns of this nature are
more likely early in a career, as staff learn to adapt their thinking and behaviour with offenders with time and experience and additionally become more adept in discussing concerns with line managers and seeking the support of counsellors if required. However, Briggs and Kennington also note that the issue should be seen as an organisational responsibility, and argue for the importance of clear organisational policies for staff under pressure from work of this nature. This might include allowing staff to opt out of work with sex offenders (which can be a moot point within the probation service as discussed on page 38 of the thesis) or offering access to counselling and support; but is most likely to be an issue of robust staff selection strategies and providing sufficient training and development opportunities (Briggs & Kennington, 2006) which is a central theme in this thesis.

**Specified activity interventions** for deniers

The Good Lives Model was used as the basis for two one-to-one programmes developed by London Probation Trust and West Midlands Probation Trust. The programmes are for delivery by offender managers (probation officers supervising cases) to offenders who have been assessed as unsuitable for group work programmes. This is to include those deemed unsuitable due to their level of denial. The London Probation Trust (LPT) programme manual includes a lengthy section on working with deniers in its introductory section which offers useful insights into managing denial. It stresses that denial is a common reaction among sex offenders, but it is also “a normal human behaviour” which can act as a defence mechanism at times or stress or when faced with admitting something of which they are ashamed, or which will affect the opinion of others, or reduce their status in some way. It defines a continuum of denial consisting of four phases (categorical denial; minimisation of seriousness; denial of responsibility; full admission) but acknowledges the fluidity of the continuum.

The manual then offers advice to probation officers to be aware that progress with some offenders will be slow; that any movement away from categorical denial is a progression; and the importance of avoiding a confrontational style which “is likely to lead to more firmly entrenched denial and hinder the possibility of any progress being made”. Rather, workers are encouraged to use the manual in order to provide the offender with “a new way of understanding himself so that he can take responsibility for his behaviour”. Staff are encouraged to view offenders as having

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15 A Specified Activity is a requirement which can be imposed by a Court as part of a Community Order.
an inherent sense of fairness and the ability to recognise their behaviour as wrong. Importantly, the manual states:

> Be aware that “I can’t remember” may mean “you [the worker] are not ready to hear”. This may be motivated by a fear of the worker’s shock or rejection if the man is honest. (LPT 2011, p.10)

And there is specific advice on working with complete denial which can avoid circular arguments or stalemates:

> Focus on safe behaviours and lifestyle changes that will ensure that the offender never gets accused again. For example “How did it happen that you got accused? What led to you being accused?” (lifestyle, attitudes, behaviour, interactions with the victim). “How do you know it won’t happen again if you don’t know why it happened?” “If I had said to you a month before the offence you are going to be accused of a sexual offence what would you have done differently?” “How can we make sure you are in control?” “If we could turn the clock back at what point, before the behaviour that led you to being accused, would you stop the clock and do things differently?” (LPT 2011, p.11)

The manual then provides further, more general, information about questioning styles (motivational interviewing; the importance of rewarding admissions and building rapport; using third person or hypothetical examples rather than request personal information if this will result in confrontation; using “naïve questions” to elicit further information; promoting dissonance (the “old me” and “new me”) or rephrasing as a tool to elicit further information or clarification). The manual also lists a typology of denial (similar in form to Calder 1999) and the likely statements an offender might make to recognise that specific state. Finally in the introduction the manual considers how to effectively work with resistance and differentiates this from denial:

> There is a distinction between denial, resistance and non-co-operation. Both denial and resistance may be seen as normal and expected parts of the change process and can reflect the motivational stages of the cycle of change (2011, p.13)

WMPT does not provide such detailed guidance on the issue of denial in *Facing Forwards*, but in the introduction to the programme states the importance of remaining confident in dealing with the manual (and the offender); to be “open and transparent” (2011, p.2), “genuinely curious and non-judgemental” (2011, p.3) and responsive and positive in discussing details of the sexual offending as it “is essential that a safe environment is created from the start” (2011, p.2).
In terms of programme content, the two are very similar, using exercises from the *Good Lives Model* including the development of a life history, using a timeline to identify key stages which might have influenced cognitive development and led to offending behaviour; discussions of previous offending (with the option to make these hypothetical); current relationships (including partners, family, friends, professionals, pets) which are positive or negative; types of “risky thinking” and the development of a plan for an offence-free lifestyle.

The theoretical content on sexual offending in both programmes centres upon Finkelhor’s model (1984), which was discussed earlier in the thesis. This is used directly in an exercise as a framework for the participant to explore their offence, or consider how they could avoid reoffending.

All the interventions discussed above have as a central focus the importance of building a positive professional working relationship with an offender and, in addition, the development of the offender’s abilities to show empathy. However, it appears that the empathy skills of the probation officer are also required. In being required to work openly and constructively with sex offenders, probation practitioners may need to call into question their own values and beliefs; as previous research indicates, this is a challenging task which appears to be compounded by the other demands on time within the modern probation service.

**The “problem” of denial?**
Denial of sexual offending is viewed as an important issue by the probation service, and there appears to be a very real dilemma as to how it can be addressed. However, the importance of denial as a predictor of future risk has been disputed:

> Denial and minimisation of the offending behaviour has long been viewed as such a crucial factor to future risk of recidivism….Research, however, has failed to demonstrate a link between denial or admittance and risk of recidivism (Cortoni, 2009, p.45).

As this suggests, there have been numerous studies in this area and the results have been inconclusive (Thornton & Knight, 2007; Rich, 2013). It has been noted that complete deniers who did attend a treatment programme did not have noticeably higher recidivism rates than treated admitters. In addition, deniers who had attended a programme were significantly less likely to reoffend than admitters or deniers who did not receive any programme intervention (Marshall, Thornton,
Additionally, whilst it has been observed that there was a link between denial and higher levels of recidivism for high risk sex offenders (Langton, Barbaree, Harkins, Arenovich, McNamee & Peacock, 2008; Schneider & Wright, 2004), other studies have refuted this evidence (Hanson & Bussiere, 1998; Lund, 2000; Hanson & Morton-Bourgon, 2005; Nunes, Hanson, Firestone, Moulden, Greenberg & Bradford, 2007; Worling & Langstrom, 2006) and stated that there is no proven link between the presence of denial and an increase in risk of further recidivism. The inconsistency in the literature has prompted debate as to whether denial has any relevance as a risk factor (Levenson, 2011; Thornton & Knight, 2007).

It has also been argued that denial can act as a protective factor for some offenders, in that its presence can lessen the likelihood of further sexual offending as it has created a defensive barrier which the offender could not maintain were they to be caught reoffending (Harkins, Beech & Goodwill, 2010; Levenson, 2011; Winn, 1996).

Given the lack of consensus in the research, one might reasonably ask why the issue of denial is taken to be so problematic by the probation service (particularly as the Ministry of Justice position appears somewhat ambivalent on the subject (Ministry of Justice, 2010). This, however, appears to be a somewhat redundant question, as the issue is so pervasive that (as the primary research later in this thesis will demonstrate) denial has the power to raise an offender’s risk level. As supervising deniers can cause such concern to probation officers, it is clearly also an issue that requires further study to ascertain what might offer a solution to the problem of denial.

There are recent indications that the Ministry of Justice is reconsidering its stance on denial by acknowledging the inconsistencies revealed in the literature and questioning its importance as a risk factor. This is to be reflected in new programmes which NOMS is due to roll out in the near future (Harkins, Howard, Barnett, Wakeling & Miles 2015; Wakeling, 2013; Williams, 2013).

However, at the time of conducting the primary research for this thesis, it appeared that denial of sexual offences could significantly impact upon what services a sex offender can expect to receive from the probation service. Complete denial could potentially preclude offenders from programmes and support services; it can lead
to more restrictive conditions and ultimately it can result in longer periods in custody or on licence. For offenders, therefore, it would appear that to deny is not advantageous. Yet, seemingly counter-intuitively, denial is extremely common in sexual offending behaviour (Schneider & Wright, 2004; Ministry of Justice, 2010).

**The Problem of Denial for the probation service**

As discussed earlier, offenders in complete denial of sexual offending are currently ineligible for SOTP, but it remains the remit for the probation service to reduce the risk of harm these individuals pose. It is therefore the probation officer’s task to manage individuals who are perceived (by the media which then influences public opinion) with fear and animosity (Goode, 2010; Hudson, 2005; Kemshall, 2008).

It is a major contention of this thesis that the focus on the RNR model of intervention, public protection and surveillance of sex offenders has resulted in there being relatively little guidance made available to probation officers on how to work effectively with deniers using rehabilitative methods; and that this deficiency can lead to lack of officer confidence. This has been borne out by previous research (for example Fitzgibbon, 2009) and was highlighted as being an area of need of improvement in a report by HM Inspectorate of Probation (2010) which recommended that staff training and development in working with sex offenders generally, and those denying part of the whole of their behaviour, was reviewed and updated as a matter of urgency.

It has already been noted (Kemshall, 2008; Nash, 2009) that supervising officers also bring their own beliefs and values to the risk management process, which will influence their responses to offenders. Bumby and Maddox’s (1999) study of judges’ difficulties sentencing sex offenders, in balancing the “legal and technical…personal and emotional…and…public scrutiny and public pressure” seem equally pertinent to the dilemmas probation officers can face during the supervision process. As Morrison (1994) has noted, professionals working with sex offenders can risk feeling over-responsible for the outcomes of their work because of the propensity of this type of offender to manipulate and deny their own involvement or responsibility.

Currently, in the absence of an established and effective tool (that is, one which has been evaluated over time and fully accredited) to rehabilitate deniers, monitoring and surveillance appear to be the favoured method of controlling the offending behaviour of deniers (Nash & Williams, 2008). These will be co-ordinated through Multi Agency Public Protection Arrangements (MAPPA)
(Kemshall, 2008, p.66; Nash and Walker, 2009) as discussed in the previous chapter. For deniers, the main personnel in the MAPPA will be the police (who will monitor in accordance with the Sex Offender Register) and Probation, who will supervise the offender in accordance with their licence. It is the latter relationship which can be a potential strength of MAPPA; but, due to the conflicts of professional cultures which can arise in joint working, can also be fraught with concern and difficulty for the probation officer (Kemshall & Wood, 2001, 2008; Mawby & Worall, 2011; Nash, 2009; Nash & Williams, 2008).

Aside from the demands of MAPPA, the probation officer is also required to undertake one-to-one work with the offender, which again may be problematic (HMIP, 2010). In the following section, a number of approaches will be discussed which may offer insights into effective working with deniers. It has been suggested that sex offenders exhibit low self-esteem, difficulties in showing empathy and poor coping mechanisms. The following sections discuss these issues and present strategies to work with offenders who exhibit these cognitive deficits.

Understanding empathy
During the development of sex offender treatment programmes, it has been argued that sex offenders have in general lower than average skills in empathy than non-offenders, and that this deficit enables them to offend (Murphy, Abel & Becker, 1980). This has resulted in the teaching of empathy skills forming a central aspect of sex offender treatment programmes (Brown, Walker, Gannon & Keown, 2013; Marshall, 1996). However, more recent studies have challenged this view, arguing that the capacity to empathise varies situationally for sex offenders and non-offenders alike. For sex offenders, this can manifest as instances of being less empathic towards their own victim than those of others; or more empathic towards victims of non-sexual crimes than sexual victims. From this perspective, it can be identified that empathy can act as a cognitive distortion which enables the justification of offending behaviour or offence-supportive beliefs which may manifest in denial.

Tackling empathy deficits continues to be viewed as central to sex offender treatment and arguably it is an important skill for probation officers to employ in one-to-one supervision with those excluded from treatment programmes, often due to entrenched denial. It is therefore worthwhile to examine some ways in which cognitive distortions in empathy can present, and how they might be identified and tackled.
Understanding Shame and Guilt
It has been argued that an understanding of the roles played by the emotions of shame and guilt are a key factor for effective work with sex offenders in denial.

Shame is a common feature of sex offending behaviour; and as McAlinden (2008) notes, it is frequently a stage for offenders to pass through in order to accept their actions. Furthermore, it is considered to be strongly linked to denial as it is indicative of a reluctance to accept responsibility for the offending behaviour. Whilst in the state of shame, an offender will be considered unsuitable for treatment, and those working with the individual will have to break through the feelings of shame.

Expressions of shame often involve the offender taking a passive stance in relation to the offending behaviour; they may admit the offence occurred, but that it was due to their circumstances, or the behaviour of the victim. Conversely, when guilt is expressed, it is seen as a sign that the offender is taking responsibility, and is approaching suitability for treatment. It is active acceptance. As has been noted previously, denial can manifest in a range of behaviours at the time of the offence and attitudes subsequent to it (Calder, 1999) and according to the psychological study of the motivations for sexual offending, an understanding of an offender’s position on the typology of denial (Calder, 1999) is instructive in assisting to identify how they might view their offence in terms of adopting a position of feeling shame or feeling guilt for their actions. As Calder has noted, what an offender is saying about his offence can indicate how entrenched the denial may be. It has been argued (Calder, 1999; Proeve & Howells, 2006; Serran & Marshall 2006) that the greater the level of denial, the more shame the offender feels; conversely, the greater degree to which the offender admits their actions and motives indicates acceptance, and an admission of guilt. Addressing shame is central to the approach taken in treatment programmes such as the SOTP. It is argued that this is a preliminary, passive stance:

With regard to victim empathy, Roys (1997) argued that shame inhibits empathy, as its focus on self-worth dulls the person’s capacity to experience other emotions…victim empathy interventions in sexual offender treatment might trigger a feeling of personal threat, which leads to the emotion of shame (Proeve & Howells, 2006, p.125).

In contrast, the experience of guilt leads to an examination by the offender of the effects of the offence on the victim, reparative action, increased ability to identify

**Understanding Attachment**

It has been argued that an understanding of an offender’s style of cognitive attachment can be a useful basis for determining an effective way of working with an individual, and the approach is increasingly advocated in the treatment of sex offenders (Ansbro, 2008; Baim & Guthrie, 2013). The theory derives from the field of psychology, originally from the work of John Bowlby (1979) who researched responses of children admitted to hospital and their subsequent styles of bonding with their parents. Bowlby’s work has been extended to consider how childhood attachment to parents might influence an individual forming relationships in adulthood (Ainsworth, 1985). Three “attachment styles” have been identified – secure, ambivalent and avoidant. A secure attachment is the ideal; in simple terms, this can be seen when a child cries and a parent picks it up and comforts it appropriately. The avoidantly-attached may have experienced unavailable parents who did not respond to their crying; whilst the ambivalently-attached will have experienced a mixed response of being heard and being ignored. It has been argued that early childhood attachment patterns affect chemical balances in the brain which will be retained and require training to assist an individual to learn alternative responses. The positive childhood experiences of those with a secure attachment base will (unconsciously) assist to reduce anxiety at stressful times. However, those who did not receive positive childhood attachment will have to self-manage; for individuals with avoidant attachment, this may manifest as withdrawal from others at times of stress whilst the ambivalently-attached have a tendency to anger more easily (Ainsworth, 1985; Ansbro, 2008).

It has been argued that ambivalent and avoidant attachment styles are commonly found in sexual offenders (Craissati, 2008) with ambivalent offenders seeking relationships with vulnerable females or children to satisfy a perceived need to be in control. An avoidant attachment has been identified as more prevalent in offenders convicted of rape and sexually aggressive offences. It has been argued that:

Insecure patterns may result in excessive dependency on professionals, an expectation of rejection with associated selective attention to perceived rejections or slights, or conversely dismissive, non-compliant attitudes in which the offender resorts to habitual strategies or secret or manipulative behaviours for survival.
Anticipating and understanding these core features of an offender will inform the management plan (Craissati, 2008, p.32).

**Understanding coping and mood**
Denial can be viewed as strongly linked to sex offenders’ (in)capacity to cope emotionally with the stress of their actions (Brown, Walker, Gannon & Keown, 2013; Serren & Marshall, 2006) and as a consequence they will be highly resistant to attempts to address their behaviour as they will be required to challenge difficult issues and rationalise their offending behaviour. Denial (or anger or withdrawal) can provide a means to cope, but might also be strategies which enable them to be excluded from treatment or result in their dropping out of treatment; research has highlighted a high correlation between treatment programme attrition rates and reoffending (Serren & Marshall 2006). Research has also examined the relationship between the “occurrence” (offence) and its relationship to the offender’s coping strategies and responses to mood. It has been argue that it “is the inability of sexual offenders to cope with high risk situations (e.g. interpersonal conflicts and negative mood states) that put them at risk to reoffend” (Serren & Marshall 2006, p.110), and that a greater understanding of an offender’s likely emotional reaction to a stressful situation might reduce the likelihood of their reoffending, by assisting them to reframe their responses. Specific coping strategies can typically be high risk activities such as alcohol and drug misuse (in themselves disinhibitors) and deviant sexual activity.

**Mindfulness training for offenders**
Research has indicated that sex offenders are more likely to have poor emotional management and coping skills (Serren & Marshall, 2006, p.112). Therefore, it has been suggested that recidivism may be reduced by lowering the stress levels of offenders. Mindfulness practice has been used in Eastern cultures for centuries, and has grown in popularity as a technique used in the west since the first mindfulness training programmes were developed in the USA in the 1970s. It has been defined as:

> learning how to pay attention in the present moment without evaluation or judgement; it’s using your conscious awareness and directing your attention to observe and only observe. We want to create a new relationship between the ‘old brain/mind’, with its sensing, feeling, desires, archetypes and ‘me wants’ and the ‘new brain/mind’ of self-awareness and reasoning. (Gilbert, 2009, p.221)
Now, in the UK, mindfulness is well-established as technique available through private therapists to the general public to deal with anxiety disorders. Given its success, Mindfulness All Party Parliamentary Group (MAPPG) was established to investigate the potential of mindfulness in the NHS, schools and criminal justice settings. This research has indicated that mindfulness in combination with cognitive behavioural approaches could be an effective tool to use with offenders to improve poor self-regulation and negative affectivity, which have been identified as common traits in offenders (MAPPG, 2015, p.55). A number of recommendations were made following the first report by the MAPPG, and pilot projects using mindfulness techniques with prisoners convicted of violent offending are to be implemented (Booth 2015).

Research has also been developed in the potential of using mindfulness training with sex offenders (Gillespie, Mitchell, Fisher & Beech, 2012). Drawing on research on developing more compassion in society (Gilbert, 2009) and the experience of Fisher in working with sex offenders in psychiatric services and with mindfulness techniques in the health service (Gillespie, Mitchell, Fisher and Beech, 2012). The project for this research recruited convicted sex offenders to pilot the use of computer programmes which are based on the technique of mindfulness. A key indicator of stress can be shallow breathing, which can in fact heighten negative emotions further (Gilbert, 2009, p.224) the programmes require the offender to control the speed of a moving image (such as a butterfly’s wings or the speed of a person climbing stairs) through regulating the pace of their breath. Such mindful techniques assist the offender to slow their rate of breathing, which promotes relaxation and self-regulation. The intention is that promoting calmness will assist individuals to make better, non-offending choices. As participation in these programmes would not be dependent on admissions of guilt therefore the strategy could prove useful for work with deniers.

**The NOTA Individualised Treatment Resource**

Following concerns regarding the unavailability of treatment for sexual offenders in some regions, or for those deemed ineligible for programmes, the National Organisation for the Treatment of Abusers (NOTA) is currently developing a resource for delivery on a one-to-one basis (Briggs, 2015). It is aimed at probation staff and other agencies working with sex offenders in the United Kingdom. The resource also draws upon compassion-based theory (Gilbert, 2009) as well as the work of psychologists with experience of working with sexual offenders in health
care settings. As with *Facing Forwards* and the LPT on-to-one programme, NOTA have used the principles and techniques of the *Good Lives Model*, including life history, victim empathy and development of non-offending goals for the future.

Although it is not specifically a tool for working with denial, the use of the holistic approach inherent in the Good Lives Model may prove effective in building self-esteem and enabling the development of a prosocial, non-offending lifestyle.

**Conclusion**

This chapter has examined the concept of denial from the sociological perspectives of Cohen and Zerubavel; and discussed Furedi’s analysis of the impact of the sexual abuse perpetrated by Jimmy Savile and other celebrities. All of these authors make valuable contributions to an understanding of denial and, specifically, why denial appears to be such a common feature of sexual offending and attempts by the probation service to work with perpetrators. The chapter then explored psychological theories of denial in sexual offenders; and strategies to address denial. NOMS have identified denial as problematic, with the response of excluding complete and substantial deniers from sex offender treatment programmes. This stance has been challenged by inspection reports and recommendations made which focus on improving training and support for probation officers tasked with one-to-one work with sex offenders. The chapter concluded with an examination of existing theory which could be employed in work with deniers and current and developing resources which, although not denial-specific, could be used productively in work with deniers.
CHAPTER SIX: PERSPECTIVES OF PRE-QUALIFIED STAFF

This chapter will consider the training and support to work with sex offenders and in particular to deal with the issue of denial, which is made available to probation officers in training. Data was obtained from two distinct studies of separate groups; first a questionnaire-based study of Trainee Probation Officers (TPO) on the Diploma in Probation Studies (DipPS) in 2011, and second, an observation of a group following the Diploma in Probation Practice (DipPP) in 2012.

As the two studies used different methods, they are not directly comparable, but provide specific perspectives on the research questions. The TPO data presents a retrospective view directly from the trainees; it asked them to consider how the training met their perceived needs; the author was not in a position to verify the accuracy of the responses, and there were some inconsistencies in the data. Conversely, attending the workshop enabled the author to directly observe the training for those following the DipPP; this was advantageous in allowing a direct evaluation of the content and the responses of the participants. It should be borne in mind, however, that the observation did not seek to evaluate provision with the participants, as it was not a forum for critical evaluation of their programme.

TPO QUESTIONNAIRE DATA

Training

The trainees were asked what training courses (from those provided by the Probation Trust that employed them) they had been able to access and attend as TPOs to prepare and assist them to work with sex offenders.

The rationale for asking this question was that the author (from her own experience as a trainee and later a qualified probation officer) was aware that there are variations in the amount of training which is made available to trainee probation officers in terms of working with sex offenders. This has also been corroborated in an inspection of probation work with sex offenders (HMIP 2010).

In addition, Probation Trusts were able to decide whether or not TPOs would be permitted to work with sex offenders prior to qualification. This would affect their access to training courses such as SOTP Case Manager training and RM2000, but could also preclude them from attending awareness training.
Of the twenty-three respondents, eight respondents (35%) reported having attended an introductory-level workshop on this offender group (with titles such as *Sex Offender Awareness* or *Introduction to working with sex offenders*) during their time as a TPO. Such training is designed to provide an overview of the issues probation officers can face in working with this offender group. However, some respondents expressed reservations regarding the depth of the training and suitability for their needs:

Initial training was provided which centred on the local programme delivery. [It] was one day [in length] and did not really deliver how to work with sex offenders in detail (*TPO4*)

One respondent also commented that the timing of their training was an issue for them:

This has been arranged for September 2010, that is when I have qualified and in my opinion [this is] too late. (*TPO2*)

Of the eleven trainees (48%) who stated that they had not been able to access training on working with sex offenders, the reason that was given was that their employing areas had stipulated that trainees should not be permitted to work with the sex offender group until post-qualification. They made following comments:

I applied to attend the Probation Service Officer (PSO grade) sex offender training when I first started, but was told I needed the full training. It was then stated that as TPOs in our area cannot join the Public Protection Team until they have two years’ experience, we would not need the full sex offender training as TPOs. I disagreed with this and expressed my concerns about joining an outside area and not being prepared. The training is now due to be arranged for September, although this is not yet confirmed. I do not think it includes training on RM2000. Initial training was provided which centred on the local [SOTP] programme delivery (*TPO3*).

The area stipulates that we do not have any involvement, including training, with sex offender work until we qualify. (*TPO9*)

I have been advised that it is not suitable owing to restricted caseload and that priority should be given to those supervising sex offenders rather than TPOs. (*TPO6*)

These comments indicate that there is an inherent difference in the training of the TPOs which can impact on the ability, and levels of confidence, to work with sex offenders post-qualification. This issue will be discussed more fully in the next chapter as it is indicative of a potential source of inequality for those training to be a probation officer.
One trainee commented that input had been provided in their one-to-one supervision and but was critical of other training events:

I have had no formal training yet, but the subject has been covered during supervision with my PDA. It has also been mentioned during other training such as Public Protection but I have had no dedicated training.  (TPO12)

There may well be an issue of subjectivity in these responses, in that one person’s definition of adequate may not hold true for other respondents.

Four respondents (17%) commented that they had been placed on courses shortly after qualification. One of them expressed dissatisfaction with this, stating that “in my opinion [this is] too late”.

Finally, one commented on an issue which could affect both trainees and qualified staff; that SOTP case manager training provision tended to be “very few and far between”. This issue had also been raised in the HMIP inspection (HMIP 2010)

**University provision of learning on sex offenders**

As the Diploma in Probation Studies combined a university degree\(^{16}\) (in Community Justice Studies) with professional skills training\(^{17}\) the trainees were asked what the university had provided in terms of academic learning regarding sex offender theory to underpin their professional practice. Thirteen respondents reported that sex offending had been covered to some extent in the university syllabus, with 10 claiming that they had not studied this area. (This is of concern, as content on “dangerous” and high risk offenders is in fact mandatory on the TPO programme.) One stated that they had received “a good overview of the theory related to working with sexual offenders” and others elaborated more fully by referencing work they had completed. Two respondents recalled using the work of Finklehor (1984) and six stated that there was a requirement to include a risk management plan and release plan for a sex offender in one of the mandatory essays. One noted that “the risk elements did consider [the] Finklehor model, victim access, grooming, as part of a general understanding of risk management”. This focus can perhaps be best understood in the light of the current focus on risk, which NOMS (and the universities as contracted providers for NOMS) prioritise above issues such as effective engagement and motivation of offenders. The other reported more positively that, overall, the training had provided:

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\(^{16}\) BA (Hons) Community Justice Studies

\(^{17}\) NVQ 4 in Community Justice
The opportunity to research legislation, effective practice and strategies to tackle offending behaviour. Also some assignments offered risk management exercises. University work did cover working with sex offenders in some of the workshops and lectures at the winter school. (TPO4)

Other respondents were more critical of the amount of coverage or felt it was minimal. As one put it briefly in answer to the question “[it was] not [covered] that I can think of, apart from lectures at study school”. Another indicated concerns that this area of offending was not a compulsory part of the syllabus, because “as this was not my optional choice I did not cover it in great detail”.

Three respondents provided more specific details regarding the work they had covered, but there were indications (and some reservations) of a lack of focus on sex offending:

I do not recall any specific material, although there was a dangerousness essay and risk management plan that we had to complete which involved considering sex offenders and the management of these offenders. However, this did not include any specific material on actually working with this specific group. We did have workshops but I don’t think any of them actually focused on sex offenders in particular either. (TPO20)

I am unable to recall any information which covered working with sex offenders, there was one question I did regarding Rape and Human Rights. (TPO6)

There was input regarding high risk and risk management cases, and some of this applied to working with sex offenders, but I do not recall any specific sex offender input. (TPO9)

There were mixed feelings from the respondents regarding the level of coverage of sexual offending within the university syllabus. A key concern was the apparently optional nature of studying sex offenders; TPOs could elect to study this group in greater depth rather than being required to do so. The issue of subjective judgement appears to be relevant in this section. While some respondents saw the requirement to create a risk management plan for a sex offender as being limited in terms of learning, the literature review (page refs) has discussed the importance of this work; that risk assessment and the creation of a risk management plan is central to the work of a probation officer and guides the course of supervision. Therefore, the inclusion of this exercise within the syllabus may be seen as being of critical importance. In addition, issues implicit in dangerousness are also central to the management of sex offenders. In sum, responses may indicate a need for respondents to apply and develop their learning
through gaining practical experience by working on sex offender cases. As the interviews with qualified probation officers in this thesis indicate, confidence and skills are acquired over time working with offenders rather than being learned in a two-year training programme.

**Experience**

An integral part of the Diploma in Probation Studies is for TPOs to gain experience of working directly with a range of offenders by holding small caseloads. In order to complete an NVQ unit on working with a sexual or violent offender who has been assessed (using OASys assessments completed by qualified staff) as high risk and MAPPA involvement, trainees are expected to have some involvement with at least one high risk case, usually co-working the case with a qualified colleague. Sex offender cases are frequently assessed as high risk; however, many probation areas do not permit trainees to work with this offender group until after qualification. Given this known discrepancy between areas, and I wished to obtain a clearer picture of the number of trusts which might allow trainees access to working with sex offenders (for example, through co-working a case with a qualified colleague). Therefore, the trainees were asked whether they had been given any opportunity to supervise sex offenders as part of their TPO caseload; and if so, whether the offenders admitted or denied their sex offence. Thirteen respondents stated that they had not been able to work in any way with sex offender cases at all. However (and this presented an anomaly in some trainees perceptions rather than an error in the author's mathematics) in the accompanying qualitative data which was provided, a total of thirteen respondents did state that they had been allowed to work with this offender group, either through co-working cases held by qualified officers or writing pre-sentence reports or parole reports. Although co-working a case, and involvement in the preparation of a report will require the TPO to engage in risk assessment practice, the comment perhaps indicates that some trainees felt that co-working did not signify ownership, or a sense of responsibility, in the way that outright allocation might have done.

In terms of being able to access work with sex offenders, one respondent's comment intimated that being allowed to undertake work of this nature owed more to the persuasiveness of her PDA than local policy:

> I was allowed to co-work (shadow) a case, but this was because |I had a good practice supervisor. *(TPO11)*

Two other respondents also appeared to have been able to overcome local policy issues:
TPOs in my area do not hold sex offender or domestic violence perpetrator cases until certain in-house training completed. I did complete IDAP training so held DV cases but we cannot access sex offender training as TPOs in this area. [However] I did co-work a couple of cases. (TPO13)

My area does not permit working with sex offenders as a TPO but I did co-write a PAROM (Parole Assessment Report by an Offender Manager) with my supervisor on a sex offender in denial to gain experience. (TPO7)

The overriding concern was the lack of opportunity to gain practical experience during their time as a TPO, with 13 respondents (57%) raising this particular issue. There was criticism of the decision by some probation areas to prevent trainees from undertaking work with sex offenders, either through co-working with qualified officers, writing reports or observing experienced colleagues. There was a strongly expressed view that such work should be mandatory, given the complexity of working with this group of offenders. Respondents questioned the lack of direct experience which they had received, and suggested that this was a failure of their programme. The level of concern ranges from wanting to feel more experienced and confident, to fearing potentially serious outcomes as a result of the limited (or for some, complete lack of) experience made available by the Probation Trusts during the TPO programme:

It should be mandatory to supervise sex offenders as a TPO whilst closely supported...No sex offender supervision, then suddenly you’re qualified and off you go?! Very scary. Feels like Serious Further Offences waiting to happen. (TPO23)

One respondent explicitly raised the issue of training and the need to integrate this with direct experience:

There should have been formal training in year two, and more co-worked cases with the public protection team to give the opportunity for discussion. (TPO15)

The TPOs offered the following suggestions as to how their training might have been improved. In terms of training, not all had been able to access basic (or introductory) input on working with sex offenders. It was also felt that TPOs should be able to attend SOTP context training (although others acknowledged the scarcity of this training even for qualified officers). One, who had been placed on SOTP case manager training and RM2000 assessor training shortly before the end of the TPO programme in order to prepare them for their post-qualifying role in a public protection team, commented that in their view:
The training we receive post-qualifying should have been part of the TPO programme. There should be a specific section of the training designated to this type of work, and we should then be allowed to manage cases immediately on completion of the training (where possible) so that the training is fresh in our minds as we begin to put it into practice.  *(TPO9)*

Whilst others felt that the DipPS programme would have benefited from more input from the university with regard to theoretical issues underpinning sex offending:

More academic direction from the university on this key area would have been particularly beneficial. Leaving such an important area of study and research to “optional” choice appears misguided.  *(TPO19)*

There was also a view that both the academic and vocational aspects required revision. In particular, those TPOs prohibited from working with sex offenders felt that their training was poorer; but also the difficulties in obtaining places on in-house training courses were noted as being problematic:

[I would have liked to have] more theoretical input from the university; specifically on sex offenders. But also, practical support and the opportunity to work with such offenders, around the beginning of year two of the training, to build up skills and confidence. Also specifically in-depth training in working with sex offenders – we only received a sex offender awareness course but not structured training in actually working with and managing such offenders.  *(TPO20)*

**Tackling Denial**

Given that the issue of tackling denial in sex offenders has been identified as problematic by the Ministry of Justice and Her Majesty's Inspectorate of Probation on numerous occasions (Ministry of Justice 2010; HMIP 2010), the author wished to examine the learning and training opportunities which may be provided at TPO level. The questionnaire asked what had been provided to assist them to approach working with denial in sex offenders. Seven respondents (30%) stated that denial had been covered through “in-house probation training” provided by the employing area. One respondent noted that the training they had received had “touched on this issue and we looked at levels of denial”. Another had attended “[SOTP] context and interviewing skills [which] in particular focused upon these issues and ways to address them”. A third respondent stated that this had been covered by wider consortium provision (an event provided for trainees spanning a number of trusts). They noted more detailed coverage:
In the consortium event we looked at interviewing techniques to challenge denial. Also there was work using scenarios to challenge denial. Also looked at how denial can further lead to justification of the behaviours and increase risk if left unchallenged. (TPO20)

However, five respondents (21%) suggested that they had not received any input on denial at all, or was “briefly mentioned”, or that it had been “minimal”. Two stated that discussion had been based on the Finklehor model (1984). As two respondents put it:

[There was] not much work really on sex offenders, so not really much work on working with sex offenders in denial. (TPO3)

Not in my opinion in any detail that could make working with offenders in denial any less challenging. (TPO4)

Of the respondents who were able to complete work with sex offenders, eight TPOs (61%) were allocated cases in denial and of these, five (38%) worked with offenders who admitted their behaviour (one of these being a female offender who was ineligible for SOTP due to her gender, and therefore required one-to-one supervision). Two were also able to co-write pre-sentence reports on sex offenders who were exhibiting complete or partial denial. Of those who had co-worked on cases, there were a range of issues concerning denial:

One admitted the offence but denied having any further problems. The other two cases flatly denied sexually assaulting their partners. (TPO20)

I worked with three offenders in total and all had admitted to their offences. However, two did minimise their responsibility by stressing the role of alcohol and the other appears to be not fully acknowledging the reasons for his offending. (TPO2)

I am co-working two cases convicted of sex offences; however this has not happened until relatively recently. Both admit their offences, although one has a small element of denial (this has been OK to work with). (TPO19)

Yes – as a co-worked case obviously. The offender did not deny offence but justified and minimised his behaviours. (TPO15).

Co-working and support

The TPOs were asked to consider what level and type of support they had been offered or given by qualified (probation officer level) colleagues, the Senior Probation Officer (SPO) and their Practice Development Assessor (PDA).

The role of the PDA is to ensure that the trainee covers the content of the Diploma in Probation Studies and is able to achieve the criteria required to obtain the NVQ in Community Justice. This includes gaining experience in working with at least one offender who is subject to MAPPA procedures. Thus the PDA’s role is to liaise
with the TPO’s office base to access training opportunities. The PDA should be aware of the individual trainee’s learning and development requirements and seek out opportunities in the workplace to meet these needs.

It should be noted that any support which probation officers and the SPO gave to TPOs would be offered as a supplement to their own existing workload and commitments. There are no specific guidelines as to the level or type of support which can (or should) be offered to trainees. Typically, however, TPOs in their second year will expect to access experience in working with higher risk offenders, and this will often be as part of a co-working arrangement with qualified officers, in which the probation officer will assume overall responsibility for the case and the TPO will, in negotiation with the PO and SPO, undertake specific tasks. This could be in the form of shadowing a qualified probation officer in writing a pre-sentence report, or being more actively involved, by assisting with a specific case. Again this might typically take the form of observing a probation officer in supervision appointments, but there were instances in which the TPOs reported undertaking direct supervision with the offender themselves, with the guidance of the probation officer and with support from the Practice Development Assessor.

It will be seen from the data below that there is considerable variation nationally regarding the appropriate involvement of TPOs in sex offender casework. Some Probation Trusts did not allow TPOs to work with sex offender cases at all whilst others will encourage and support co-working.

a. Support from Qualified Probation Officers

All of the thirteen TPO respondents who had accessed work with sex offenders acknowledged that the support they had received from qualified probation officers had been supportive and beneficial. Therefore, not surprisingly, their comments regarding the support provided by qualified probation officers were generally positive. In particular, one stated that “They [probation officers] have been my predominant source of support and are always willing to answer any questions and offer advice”. Additionally, one TPO who was not permitted to work with sex offenders acknowledged that, despite this, they had received: the probation officers’ “full support and offers to shadow and co work once [I am] qualified”.

Respondents provided more detailed information on why they were satisfied with the level of support from their qualified colleagues:

I am working in a MAPPA unit where colleagues are very happy to advise and provide support. (TPO2)
I have co-worked all [the] sex offender cases [allocated] – this is particularly useful in being able to challenge during interviews and also when completing risk assessments. (TPO5)

I worked as Offender Supervisor [on sex offender cases] so I could bounce ideas off the qualified POs. (TPO16)

[A] Non-Qualified Officer co-worked [the cases with the TPO], identified resources for undertaking work, allowed [the] opportunity for discussion and [make] comments [and give] feedback; and to check out any actions in terms of MAPPA and RMOs were correct and appropriate. (TPO15)

One respondent praised qualified colleagues' supported in dealing with the issue of denial:

[They provided] lots of help on denial and I was given a programme (on DVD) that can be used for deniers. (TPO16)

The positive nature of these responses suggests that – despite the demands of their work – qualified probation staff are willing to share their learning and experience with unqualified colleagues. However, some comments highlighted some limitations of the support which could be offered:

I work closely with another PO in the office with one of the sex offenders I have on my caseload. But I also have another offender where the sex offence is a past offence and I receive little support with this apart from when I ask for help. (TPO20)

The co-working process has been supportive so far, although [there has been] little practical advice on working with sex offenders (really [TPOs] should have been trained for this). (TPO14)

I have worked with probation officers] shadowing them and receiving feedback on my own work with them, although not in great depth. (TPO4)

I have had informal discussions on difficulties faced in working with sex offenders but no direct support has been required as [I am] not working with a sex offender. (TPO6)

**b. Support from SPOs**

The author requested information about the level and type of support the trainees had received from the Senior Probation Officer managing the team in which they were based. Perhaps unsurprisingly, given the role of the SPO generally, the trainees reported fairly minimal levels of contact and support from the SPO other than provision of information regarding MAPPA policy and procedures, or countersigning reports. A typical comment was that there was “not much interaction” between the TPO and the SPO.
However, it was noted that in general, SPOs were helpful and supportive if asked for advice. One respondent noted that their SPO was “more open to the idea of letting TPOs work with sex offenders” than some of the other staff in the organisation, although it was not clear as to whether this had assisted them to access sex offender cases during the training.

c. Support from Practice Development Assessor (PDA)

Skinner and Goldhill (2013) have argued that the role of the PDA was a major strength for the Diploma in PS, providing effective line management and a solid source of knowledge and experience for the TPOs (2013, p.51). In their role as direct line manager to the TPO, the PDA was central to ensuring that the trainee received the training and support they required to complete their programme. The PDA would liaise with the SPO regarding case allocation. As the PDA had to be a qualified probation officer of some experience, another aspect of the role was to share their knowledge with the trainee. Yet despite these intentions for the PDA, the TPO respondents in fact had varying levels of satisfaction with the reality of this arrangement and their overall experience with their PDA.

Four respondents (17%) explicitly reported a low level of satisfaction, difficulties in accessing their PDA due to other commitments, and not feeling adequately supported in gaining experience of working with sex offenders. There was concern from three trainees that their PDA did not challenge the decision that TPOs were not permitted to work with sex offenders and three commented strongly on this issue:

she bowed to local office guidance [not to allow trainees to work with sex offenders]. (TPO15)

[My PDA does not] believe that TPOs should work with sex offenders until qualified and been in practice for at least a year and up-to-date on training. (TPO6)

My PDA would not allow any work of any kind with a sex offender during my training and this is something that I feel very strongly should have been allowed, particularly considering the fact that as soon as I was qualified, I was given a sex offender case (and a denier). (TPO18)

However, seven TPOs (30%) reported being very satisfied with their involvement with the PDA; in particular, the sharing of the latter’s knowledge and experience, and their contribution to the trainee’s experience of sex offender working during the training programme. Four trainees stated that their PDAs had a significant amount of experience of working with sex offenders and were able and willing to relate their experiences and knowledge of risk management and decision-making
from which the TPOs could benefit from. One PDA appeared to be particularly willing to work outside the time constraints of her role to support the trainee:

My PDA is very knowledgeable and experienced in working with sex offenders and is willing to undertake training with TPOs on work with sex offenders in her own time. *(TPO5)*

It is noteworthy that none of the TPOs spoke of working with other agencies, such as the police. This might be have been due to their subsidiary involvement, such as shadowing a case or the Offender Supervisor role, which may have reduced their interaction with the police.

**The need for additional support**
The respondents were asked to comment on what additional support they felt might have equipped them to feel more confident to work with this offender group. Two respondents stated that they felt comfortable with what had been provided, with one simply commenting “none” to this question and another making the point that:

It is difficult as there is so much training as a TPO so for me it is better to leave it until after qualification. My experience has been very supportive and I have now been allocated two cases. *(TPO7)*

However, twenty-one of the twenty-three respondents (91%) believed that their training in working with sex offenders should have been more comprehensive and that they should have been provided with more experience or - in areas where TPOs were not permitted to work with sex offenders at all - some experience.

**Confidence**
The questionnaire then asked respondents how confident they would feel about being allocated sex offender cases on qualification, given the level of knowledge and skills they had been able to acquire during their training. Just four (17%) felt that they would be confident:

Yes, as I will not be working with them until I have completed training – that’s the agreement in the area. *(TPO21)*

The work I have undertaken has assisted in the preparation for working with sex offenders; however as everyone is different I am sure that there will be challenging situations in the future, but I am confident that staff will be able to assist. *(TPO19)*

I have completed all the training offered by my area and have the option to work with the sex offender resource team as well as support from my colleagues. *(TPO7)*
Perhaps reflecting the emphasis placed on creating risk management plans within the university syllabus, one of the four TPOs expressing confidence stated that:

Yes, [I am confident] about nearly most aspects of managing a sex offender case – I feel most confident about risk management planning. \(TPO11\)

There was not a requirement for trainees to have studied criminology or worked with offenders in any capacity before embarking on the DipPS programme. However, the research highlighted that there was considerable benefit in terms of confidence for those TPOs who had previously worked as a PSO, or with offenders in some capacity. This was illustrated by one respondent, who had previous work experience with sex offenders. Two TPOs stated that they felt confident, but that this was due to their work experience prior to commencing as a TPO:

Yes, I am confident [but] not as a result of this training though; my previous experience of working with sex offenders in a therapeutic environment taught me well. I would not feel comfortable at all given this training [without the previous work experience]. \(TPO15\)

This respondent also expressed concerns that work with sex offenders was becoming limited to public protection teams, with the result that some probation officers would perhaps not experience this type of work for some time into the future.

I have previous experience and training; however have been shocked at the lack of TPO training, especially interactions with sex offenders, denial etc. Our area has a policy that TPOs don’t get allocated sex offender cases! I am a bit concerned regarding the practical side, legislation etc. I would not have felt at all confident otherwise [without the work experience gained before becoming a TPO]. \(TPO23\).

However, 83% of respondents expressed concerns regarding their level of confidence and were critical regarding the training provision during their two years as a TPO. The main reasons cited for this were insufficient training (cited by 6 respondents) and experience (cited by 10 respondents). As one put it:

I have not been allowed to observe or co-work any sex offender cases – I wouldn’t know where to start if I were allocated a case when qualified. \(TPO17\)

The limitations of the training and experiential opportunities available to trainees caused significant concerns. One TPO pointed out that the lack of opportunity to work with sex offenders during the training was a definitive negative, as they had not had the opportunity to develop confidence and gain what they considered to be “essential skills” to work with sex offenders. This TPO stated moreover, that:
I know I have interviewing skills but also understand there can be specific issues in working with sex offenders, especially if there are concerns regarding manipulation and denial. (TPO20)

These concerns regarding the ability to cope when working with sex offenders who were exhibiting denial were echoed by other TPOs, and there was similar anxieties expressed by other TPOs. There was also concern that the TPOs had not been able to access information on the content of the SOTP; but this could equally concern qualified probation officers who had not yet attended the SOTP case manager training. One TPO, who had friends who worked as SOTP facilitators had been able to gain knowledge about the programme informally through them; yet for them, acquiring this knowledge had engendered feelings of vulnerability in terms of their own skills and ability to work with sex offenders.

I do not feel I am anywhere close to this and do have concerns that some practice is not supported by effective supervision with those with the skills required. (TPO4)

The decision to withhold work with sex offenders until the TPOs had qualified was criticised, as it appeared to some that this would create a burden of further training for them later. The post-qualification phase appeared to be a cause of concern for the TPOs, as it was widely believed that once qualified, they would be unable to access the types of support which are available to them as a TPO, such as co-working a complex or high risk case with a qualified colleague, or discussing issues and concerns with a PDA. These beliefs had resulted in feelings of vulnerability; one of the respondents offered the following insights:

We did not hold sex offender cases as trainees. Since qualification in October 2009 I have now completed all the in-house training to manage sex offenders. I have yet to be allocated a case and hold nearly all domestic violence perpetrator cases. I do not feel confident as I have not used my training and put anything into practice. Colleagues now view me as a competent qualified officer so it will be a step back when/if I am allocated sex offender cases as it will all be very new to me and I will need to rely on my colleagues a lot. I am also not offered co-working although I asked for this as part of my self-development in my appraisal. My colleagues are offering these opportunities to the almost qualified Cohort 11 trainees perhaps under the assumption I ought to have gained this experience already despite not being offered it. (TPO13)

Another commented that delaying training on sex offending created a great deal of work for the TPOs post-qualification, which could cause difficulties; in this respondent's view it would be more effectively incorporated into the DIPS programme:
We are told by our area that we are not to work with sex offenders until after we qualify; we must then complete a further five separate training courses specific to this type of offending before we can start to work with these cases. We are also constantly being told that this work is a 'specialism'. We are made to feel that, without much more training and experience, we are not qualified to do this work, even after we qualify. The training we receive post-qualifying should have been part of the TPO programme. There should be a specific section of the training designated to this type of work, and we should then be allowed to manage cases immediately on completion of this training (where possible) so that the training is fresh in our minds as we begin to put it into practice. (TPO9).

The belief that supervising sex offenders is a specialism presents an interesting issue. Working as an SOTP programme facilitator does require attendance at training to deliver the programme; and it is in much greater depth than the training offered to probation officers working in offender management roles. In reality, any qualified probation officer working in a generic fieldwork team, or a public protection team, may hold sex offenders on their caseloads. Whilst it is expected that probation officers holding the cases should have attended the SOTP case managers training, it is arguable whether this work would be viewed as a specialism to the case holders.

**Conclusion**

This research has demonstrated that TPOs within two cohorts of the Dip PS programme felt varying degrees of concern regarding work with sex offenders and the issue of denial. Particular areas which appear to be problematic were accessing training and having the opportunity to work with qualified colleagues on real-life cases. There appeared to be significant differences in the provision across probation trusts; with some permitting co-working but the majority seeming to disallow TPOs this opportunity until post-qualification. There was also an impact in terms of the amount of training which the employing trusts would supply for their TPOs. This regional variation suggests that TPOs received very different experiences dependent on the area in which they worked. It also appears that experience made for greater confidence in undertaking this work post-qualification; an issue which arose again within the observation of a Diploma in Probation Practice (Dip PP) which forms the second part of this chapter.
This observation took place in 2012, two years after the previous study of TPOs. In the intervening period, the training had changed from the DipPS to the Diploma in Probation Studies.

Training
The event was entitled “Public Protection: understanding and responding to sexual offending”. There were three stated aims. First, to explore the nature of sexual offending and identified risk factors; second, to highlight useful models for understanding sexual offending; and third, to consider particular practice issues related to working with different types of sex offenders.

The stated learning outcomes were for the participants to be able to first, discuss different aspects of sexual offending and recognise specific practice issues; second, to identify risk factors associated with sexual offending and how these can be managed; and third, to recognise the complexity of this type of work and the particular challenges posed by sex offenders.

Discussion of theories of sexual offending behaviour
As the theoretical underpinning to the session, the tutor used the pathways model (Ward and Siegert 2002), the four-stage motivational model (Finklehor (1984) and the cycle of offending (Wolf 1984, 1985). This was followed by a case study exercise, using a hypothetical case and the theory to identify the key risk issues in a sex offender’s behaviour and propose an approach to the management of the case.

To facilitate an awareness of the diversity of sexual offending, different types of sexual offences and offender were then explored. The tutor focussed on internet offending as a contrast to contact offences; rape as a specific offence; and female offenders.

There was a discussion of stable and acute risk factors and how these might be usefully and effectively addressed in the supervision of sex offenders.

The training examined the issue of cognitive distortion – ways in which an offender may “deny, minimise, justify and rationalise their behaviour” (Murphy 1990). This linked into a lengthy discussion of denial (detailed below). The theoretical basis
was an examination of typologies of denial (for example Calder 1999) and the impact of denial on the management of risk (Roberts and Baim 1999).

The group members recognised that denial constituted an important facet of sexual offending behaviour and could be a barrier in the supervision relationship. They identified that this could rise from their own feelings and beliefs about sex offending and its perpetrators and that these emotions were the result of cultural and societal mores which impacted upon their perceptions.

**Tackling denial**

The training day provided a forum to discuss concerns regarding the case management of sex offenders. The trainees raised a significant number of wide-ranging issues which they felt might potentially impact on their ability to communicate effectively with the offender. These were:

- **Fear of unintentional collusion.** The participants demonstrated awareness that manipulation can be a trait in sex offenders, and they wished to avoid becoming enmeshed in an individual’s minimising behaviour or to be seen to be encouraging this or denial.
- **How to effectively manage the expectations which they may have as supervising officers and the sex offender may have regarding the professional relationship.**
- **Efficiency of resources:** the trainees were aware that differing resources are available, both in terms of their geographical area and according to the degree of responsibility the offender demonstrates. They were also aware that although there is an overriding principle in the probation service culture that “resources follow risk” (Andrews and Bonta 1994) but there were concerns that this principle might be affected by an offender’s willingness to comply.
- **Disclosure issues.** Given that housing and employment can frequently be key areas to address in reducing risk in sex offenders cases, the participants discussed their concerns regarding how to effectively risk assess and discuss the offence with outside agencies such as housing associations, Job Centre and potential employers.
- **The management of their own feelings and reactions to the nature of sex offending.** The participants demonstrated awareness of the importance of developing resilience to cope with potential intensity when working with sex offenders (Clarke 2011) and the ability to deal with discussions of a sexual
nature. There was some recognition that the sensitive nature of this type of offending behaviour can result in difficulties in discussing the specific offences. They acknowledged that their willingness to undertake work with sex offenders could be affected by their own life stage and personal circumstances. For example, if they were parents of children themselves, whether this could lead to difficulties engaging with offenders with child victims; or (regardless of the age of the victim) whether there could be an impact on their own attitudes to sex and sexuality, which might impact on their relationships with partners. The workshop participants who were parents raised the issue that there was potential for them to become over-protective of their children and suspicious of the wider community.

- It has been observed that work with sex offenders can be a lengthy process (Laws and Ward 2011). The participants noted that they would need to remain realistic about what their time-limited involvement could achieve with the offender, and that remaining realistic was a crucial factor.

- There was concern regarding work with sex offenders with serious mental health issues and those with learning difficulties. The trainees considered that both groups would require additional support (albeit that they were unclear what might be required or available). With the latter there could be a need to consider the use of language, and to adapt their approach in discussing the offence.

- Dealing with language more generally – using sexual terminology could be problematic for either the probation officer and sex offender (or both). For example, there could be a risk of the officer or the offender feeling inhibited and embarrassed at discussing sex offences, and this could impact upon the progress of offending behaviour work or feed into potential collusion if the offender wished to avoid discussing their offence.

- Working with ethnic minority sex offenders whose native cultures might take very different attitudes towards sex and gender relationships. The group were concerned that there may be tensions between what they, as supervising officers (operating in accordance with the criminal laws of the United Kingdom) personally believed and what they were required to convey as professionals, and the belief system of the offender.

- The trainees expressed concern about how to appropriately react if the sex offender appeared to be becoming aroused when discussing sexual issues or their offence.
How to raise victim issues without appearing to blame or judge the offender; it was noted that this could be an issue when working with an offender in denial.

How to effectively challenge obvious lies being told by the offender; and coping with defensive behaviour from the sex offender if his behaviour was challenged.

How to create an environment of trust in which the offender felt safe to discuss the offence and be honest about themselves.

How to work with manipulative behaviour and staying aware of the potential for the officer being subjected to grooming behaviour by the sex offender, as this is likely to have become a means of coping for the offender when they find themselves in difficult situations.

Dealing with minimisation – keeping the understanding that this can be an inherent aspect of sex offending and is not necessarily indicative of the presence of denial.

Finally, how to deal with complete denial of the offending, whilst still effectively managing the case. This concern focussed on how the trainees could make their supervision of the offender a worthwhile process which moved the offender forward while ensuring that the protection of the public remained at the forefront. The trainees were aware of the importance of retaining a focus on public protection, through monitoring and use of The MAPPA framework. However, they were also keen to explore strategies to manage the case in their supervision of the offender on a one-to-one basis.

**Supervision of sex offenders in denial**

There was a discussion regarding whether sexual offenders may have an innate sexual attraction to children rather than adults. This might have two potential consequences. Firstly, that these offenders may have an extreme struggle (or complete inability) to view their preference as criminal behaviour. There is also the inherent difficulty that, in reconciling themselves to this, they will have to relearn their sexual behaviour (or live non-sexual lives) in order to avoid reoffending in the future. The issues of shame and guilt feature here, as they did in a discussion of the gains and losses offenders face in disclosing their offending behaviour. For some, the shame they feel might preclude full disclosure for many years. As the group noted, this can render an often relatively short period of supervision into a frustrating exercise in which it seems that little positive progress can be made.
The group were asked to brainstorm ways in which they might tackle denial within supervision. They favoured an approach that would be non-confrontational and potentially be an effective means to enable the development of a relationship of trust rather than concentrating on an attempt to break down an offender’s denial. The group felt that taking the latter approach could create more barriers between the supervising officer and the offender.

One possible approach the group suggested was to make the enquiry “What’s your story?” This would involve asking the sex offender to talk about themselves; to divulge information that they felt comfortable to share about their life, past and present, and their plans for the future. This approach could lead to the development of a timeline to pinpoint key events which have influenced an offender’s thinking and offending behaviour (Sullivan, 2013).

The group discussed the use of hypothetical scenarios which could explore facets of offending behaviour, in a less judgemental manner; again, reducing the potential for conflict. (There is the possibility that they have gained this awareness through the availability of one-to-one work such as the London Probation Trust or Facing Forwards programmes which have been discussed earlier in the thesis.

The participants were interested in the exploration of the typology approach; in particular, by taking note of the language an offender may use, and fitting this with the possible stage on the typology (Calder, 1999). They considered that this might be an approach they could use in order to more directly challenge an offender.

**Conclusion**

This chapter has examined the findings of two studies of pre-qualified probation officers. The studies span two discrete training programmes: the Diploma in Probation Studies and Diploma in Probation Practice.

The study of TPOs following the Dip PS indicated that trainees feel considerable anxiety regarding post-qualification work with sex offenders and the issue of denial. This stemmed in part from a decision by the some Probation Trusts to preclude TPOs from working with sex offender cases during their training. Another issue for the TPOs was a lack of structured input by either the university or employing Probation Trust; although there was a lack of clarity regarding the precise amount of training received, there was consensus that it appeared insufficient. By contrast, those following the Diploma in Probation Practice received a one-day workshop on sex offending, which also covered the topic of
denial in depth. There appeared to be knowledge and understanding of key issues, but there was still disparity in the level of practical experience amongst the officers in training, with some still unable to access direct work with sex offender cases. The issues raised in this chapter will be explored further in chapter nine.
CHAPTER SEVEN: PERSPECTIVES OF QUALIFIED STAFF 1
QUESTIONNAIRE DATA FROM PROBATION OFFICERS

The research with trainee probation officers in the previous chapter has indicated that there appears to be a link between the amount of experience an individual has in working with sex offenders, and the degree of confidence they feel in tackling such cases. The author wished to examine the relevance of these questions to probation officers who were more established in their careers, and therefore asked respondents to provide information on their initial training, post-qualification training and their experience in working with sex offenders in denial.

Training
The training of probation officers underwent a major change when the qualification moved from the social work tradition and the Certificate of Qualification in Social Work (CQSW) or later, the Diploma in Social Work (DipSW), to the Diploma in Probation Studies. There has been considerable debate regarding the way in which risk has come to dominate the profession and its training (Deering, 2010; Gregory, 2011; Skinner & Goldhill, 2013) and the impact on the way staff will work with offenders. Effects include the level of comfort which officers feel in challenging, moving beyond the risk agenda, and how they choose to interact with individuals. In this study, all but one of the questionnaire respondents (who had qualified in 1998 and would therefore hold the Diploma in Social Work) had qualified since 2000 and held the Diploma in Probation Studies (page ref).

There were variations in the specialist training on sex offender work which the probation officers in this study had attended; this variation has also been observed nationally (HMIP, 2010). Following their successful qualification, Probation Trusts employing new probation officers were expected to provide further training on the subject of working with sex offenders, in order to enable probation officers to work with offenders who are assessed as suitable for SOTP, but also to increase confidence and competence in working with denial. These training programmes tended to be designed and delivered by members of staff from SOTP teams; thus the availability of training could be irregular, as they were governed by the work commitments of the programme facilitators. The Lucy Faithful Foundation, a voluntary agency which offers support to offenders, their families and victims, may make its training available to probation staff, and offers courses on working with sex offending and more specific work with deniers.
There can be significant differences in the training which staff can access, as they may not themselves be able to commit to training when it is scheduled, may not be aware of it, or may choose not to participate. From her professional experience, the author is aware that completing the SOTP Case Manager training is deemed essential prior to working with individuals assessed as suitable to undertake the programme; and RM2000 assessor status was required prior to completing these assessments at PSR stage. Such courses are booked by SPOs as being mandatory training. Additional training, such as that on denial, was discretionary and probation officers would search the training database themselves in order to ascertain availability of other courses, and apply themselves. The questionnaire data indicated that there are significant differences in the level of training they had received to work with sex offender cases (Table 6.1).

<table>
<thead>
<tr>
<th>Name of training event</th>
<th>No. attended</th>
</tr>
</thead>
<tbody>
<tr>
<td>SOGP Case Manager Training:</td>
<td>8</td>
</tr>
<tr>
<td>Risk Matrix 2000:</td>
<td>10</td>
</tr>
<tr>
<td>Introduction to Working with Sex Offenders</td>
<td>4</td>
</tr>
<tr>
<td>SOTP Induction training</td>
<td>1</td>
</tr>
<tr>
<td>TPO Awareness training</td>
<td>1</td>
</tr>
<tr>
<td>Facing Forwards case manager training</td>
<td>1</td>
</tr>
<tr>
<td>Lucy Faithful Foundation Working with Denial</td>
<td>3</td>
</tr>
<tr>
<td>Working with Denial</td>
<td>1</td>
</tr>
<tr>
<td>Unspecified courses</td>
<td>1</td>
</tr>
</tbody>
</table>

*Table 6.1 Training received to work with sex offenders*

All but one of the questionnaire respondents (91%) had attended training in the use of Risk Matrix 2000; the other being a probation officer who had been working with sex offenders for 6 months, and reported being on a waiting list to attend this training. Eight respondents (73%) reported having attended the three-day TV-SOGP Case Managers training course. This was a surprising finding, given that it is considered to be mandatory training for probation officers in order that they may hold cases of participants on an SOTP. One respondent recorded attendance at “SOTP induction training” rather than the full three-day event. Four respondents (36%) reported attendance at short courses (designed and delivered by the Probation Trust) which provided an “introduction” to working with sex offenders. One respondent listed TPO sex offender awareness training – which was received
prior to qualification. Finally, one listed “short courses” but did not specify titles or content.

**Specific Training to work with sex offenders in denial**
The amount of training to work with the issue of denial also varied considerably. Seven respondents (64%) stated that they had not attended any training which focused specifically on issues relating to denial. Four (36%) had attended courses, with three (27%) participating in an event entitled *Working with Denial* which is run by the charity Lucy Faithful Foundation. One respondent had attended an event organised by a different Probation Trust which was titled *Working with Denial*. These courses typically include content on Finkelhor (1984) and typologies of denial (Calder 1999).

**Experience**
The probation officers were asked how many sex offenders they currently held on their caseload in total and then to provide the number of these that they considered to be in complete denial. The highest number of sex offenders on one caseload was 25 and the lowest was one. The average number was 11. The information provided by the 11 officers indicated that, between them in total, they hold 131 sex offender cases, and have assessed 42 of this number to be in complete denial; this equates to just over 32% of the offenders and indicates that complete denial may be a significant issue with this offender group. This also supports the assertion that denial represents a significant issue for probation officers in the management of sex offenders, with a considerable proportion of offenders exhibiting denial (Barbaree, 1991; Brown, Walker, Gannon & Keown, 2013; Craissati, 2015; Maletzky, 1991). This can still be argued to be a substantial proportion, as individual officers reported 85% of their caseload as deniers, and two (PO6 and PO8) reporting that a third of their allocated offenders were in denial. The respondent stating the highest number of offenders in denial (PO9) also reported the shortest length of time working with this offender group; although this officer had been qualified since 2007, they had only 6 months’ experience in sex offender work; this may support the research question that deniers are disproportionately allocated to newer staff members, in the belief that they are pure MAPPA cases, with no requirement to attend programmes. PO9 later stated that they had as yet not attended the SOTP case managers’ training and so could not be allocated those attending a programme.
Table 6.2 considers the data relating to this sample: firstly, it examines the amount of time each respondent has worked with sex offenders against the number they hold on their caseload. There did not appear to be a positive correlation between length of time working with the group and the number of cases each respondent was allocated.

Previous research has indicated that between 54-87% of convicted sex offenders are in complete or partial denial (Barbaree, 1991; Brown, Walker, Gannon & Keown, 2013; Maletzky, 1991). In the data for this study, the mean figure for cases in denial was 51 (38%) and some of the reported numbers of deniers on caseloads may appear to be very low. There may be reasons for this in that first, the questionnaire did not ask for information regarding the numbers of violent offenders the officers were supervising. This may explain some of the lower figures, as an officer in a Public Protection Team may not specialise solely in holding sex offender cases. Second, the total work hours of each officer was not requested; this could be a factor as a part-time officer will have lower caseload numbers than a full-time equivalent staff member.
Table 6.2 Participants’ date of qualification and subsequent experience working with sex offenders and deniers

<table>
<thead>
<tr>
<th>PO No</th>
<th>Year qualified</th>
<th>Years of SO cases</th>
<th>Total SO cases</th>
<th>Total Deniers</th>
<th>% Denial</th>
</tr>
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<tbody>
<tr>
<td>PO1</td>
<td>1998</td>
<td>10</td>
<td>21</td>
<td>6</td>
<td>28.5</td>
</tr>
<tr>
<td>PO2</td>
<td>2001</td>
<td>7</td>
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<td>4</td>
<td>19</td>
</tr>
<tr>
<td>PO3</td>
<td>2004</td>
<td>7</td>
<td>10</td>
<td>5</td>
<td>50</td>
</tr>
<tr>
<td>PO4</td>
<td>2004</td>
<td>8</td>
<td>25</td>
<td>8</td>
<td>20</td>
</tr>
<tr>
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<td>2004</td>
<td>8</td>
<td>7</td>
<td>6</td>
<td>86</td>
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<td>2004</td>
<td>8</td>
<td>12</td>
<td>4</td>
<td>33.33</td>
</tr>
<tr>
<td>PO7</td>
<td>2006</td>
<td>6</td>
<td>5</td>
<td>1</td>
<td>20</td>
</tr>
<tr>
<td>PO8</td>
<td>2006</td>
<td>4</td>
<td>6</td>
<td>2</td>
<td>33.33</td>
</tr>
<tr>
<td>PO9</td>
<td>2007</td>
<td>0.5</td>
<td>7</td>
<td>6</td>
<td>85</td>
</tr>
<tr>
<td>PO10</td>
<td>2007</td>
<td>4</td>
<td>8</td>
<td>1</td>
<td>12.5</td>
</tr>
<tr>
<td>PO11</td>
<td>2008</td>
<td>3</td>
<td>15</td>
<td>8</td>
<td>53</td>
</tr>
<tr>
<td>Total nos.</td>
<td></td>
<td></td>
<td>137</td>
<td>51</td>
<td>38</td>
</tr>
</tbody>
</table>
Supervision versus risk?
It has been suggested that in order to work effectively and enable an offender to make positive changes, the probation service must move beyond the risk paradigm and towards the creation of professional relationships which are characterised by trust, warmth and empathy, and enable individuals to develop skills and positive ties to the community (McNeill, 2007; Burke & Collett, 2011; Mair & Burke, 2012). Laws and Ward (2011) argue that this is particularly important in working with sex offenders whose behaviour may be entrenched and is highly complex; and denial creates further challenges. Yet, given the nature of the offending, these cases are also bound up with the risk agenda. The author wanted to consider how a consideration of risk had impacted on the respondents’ work with deniers; but also consider the impact of other criminogenic needs on their ways of working. In order to consider the ways in which the respondents had approached specific cases of sex offenders in denial, they were asked to consider one specific case of a sex offender in denial on their caseload currently or in the past.

a. Release date
The author was aware from her professional experience as a probation officer that two common reasons for refusal of early release given by the Parole Board are, first, an offender’s lack of engagement with offending behaviour work during the custodial sentence; and second, denial of the offending behaviour. These two issues are frequently linked, as denial can preclude programme attendance; and as a consequence, an offender in denial may remain in custody until their Non Parole Date (NPD) which is the latest date that an offender can be legally held in the custodial environment. To consider whether this was the experience of the respondents in working with deniers, they were asked if the offender had been released before their NPD. One respondent had chosen to look at an offender who had received a Community Order and therefore this question was not applicable. However, the other ten respondents (91%) reported that their cases had remained in custody until the NPD. When asked for the reasons that the offender was not granted earlier release on parole, seven (64%) reported that no offending behaviour work had been completed. One said that this had been due to a “significant level of denial” whilst two reported that the offender was in complete denial. One respondent noted that “Parole was denied because the offender did not accept responsibility for the offences”,
indicating the significance that denial can hold not only for assessments in their agency but also for other agencies who have a pivotal role in decisions regarding release, such as the Parole Board. Only one case was unable to participate due to the length of sentence (as opposed to other factors) and the respondent stated that the offender “received a CJA determinate sentence [with a set release date]” and this may therefore have prohibited his attendance on a programme. It could be argued that this case could be seen as a *judicial decision to deny access to programmes,* rather than the offender’s denial, or a full assessment of risk being the factors leading to the lack of offending behaviour work.

One respondent noted that the offender’s beliefs displayed particular facets, such as blaming their victim. This is a significant factor on the typology of denial of Calder (1999) and is also cited as a strategy of denial by Cohen (2001). In the case of this offender, it manifested in the following way:

He continues to hold attitudes which support offending behaviour – that is, he places emphasis on the victim’s actions rather than his own. *(POQ2)*

Behaviour such as this can be a useful indicator in relation to the nature of this offender’s denial, as his attitude represents a specific stance on the continuum of denial (Calder, 1999) which the probation officer could use as a tool to explore the offender’s denial – *if* they have the knowledge and skills to do so.

b. Issues in risk assessment

Laws and Ward (2011) have acknowledged that the factors which can influence an offender’s potential risk of harm to others are wide-ranging. Although attitudes and thinking skills can have a significant role, issues in the offender’s personal circumstances, known as criminogenic needs or dynamic risk factors (Andrews & Bonta, 1994), may have an important role in determining current and future risk; for example difficulties in obtaining or maintaining housing or work, substance abuse and relationships. In acknowledgement of this, the questionnaire asked for information regarding their assessment of risk (with reference to the same case) and to give details regarding the factors which had led them to assess the case as being a high risk of harm (Table 6.3).
The respondents raised a number of important issues in their answers: Six respondents identified that the offender they discussed exhibited problematic thinking and behaviour. This could include rigid thinking, impulsiveness and a reduced ability to consider other people’s perspectives which could impact on their victim empathy.

The offenders’ attitudes towards complying with their sentence was also a problematic area. Issues which were raised included the offender challenging licence conditions and other requirements (such as sex offender registration). This can cause major issues for compliance. Difficulties with attitudes could create potential problems in recognising risky situations; with sex offenders, a history of grooming behaviour will be a particular risk factor. One respondent noted that the offender became “aggressively defensive” when they attempted to discuss their offending with them.

In working with sex offenders in general, accommodation issues can result if an exclusion zone is imposed as a licence condition which could prevent the offender from returning to his former home. This could result from the denier casting blame onto the victim for his offending, or wishing to maintain his innocence to family, neighbours and peers in the community. It was further noted that family members and associates may refuse to accept an offender’s guilt, raising the risk of collusion. Issues with relationships can create potential difficulties if the offender attempts to begin a new relationship with existing attitudes still in place; one offender presented a high risk in terms of targeting vulnerable females with young children. Or, as with one offender, if
their victim was a partner, their attitude to this individual may prevent them moving forward. Substance misuse issues can act as disinhibitors for an offender, raising the risk of further offending. Drugs or alcohol may also be used as a means to attract future victims or to minimise their (the offender’s) behaviour (Calder, 1999; Cohen, 2001).

It is significant that five respondents explicitly referenced denial, with three others citing a lack of, or minimised, responsibility as key issues for the offender. This suggests that denial continued to be viewed as a significant risk factor by a significant number of the probation officers, at a time when NOMS were still encouraging them to do so.

c. Assessing the level of risk of harm

The respondents had been asked about the level of risk of harm which had been assigned to their specified offender. The results were nine cases at high risk; two at medium risk of harm and none at low risk.¹⁸

<table>
<thead>
<tr>
<th>Assessed Level of Risk of Harm</th>
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<tbody>
<tr>
<td>High</td>
<td>9</td>
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<tr>
<td>Medium</td>
<td>2</td>
</tr>
<tr>
<td>Low</td>
<td>0</td>
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*Table 6.4 Assessed level of risk of harm*

The respondents were then asked whether they considered that the risk of harm posed by the offender was affected by the offender’s level of denial, and to provide an explanation for their judgement. Nine respondents stated that denial had been a factor in their assessment and that it would affect their approach to managing the case. Five respondents explicitly referenced denial as a reason that the offender could not access SOTP, and viewed this as limiting the work which could be done with the case. One noted the difficulty that the offender they manage “becomes angry when challenged” (*POQ4*). However, one respondent appeared rather ambivalent regarding denial:

¹⁸ This is to be expected as the OASys risk assessment tool indicates that offenders with a current or historic sexual or violent offence must be considered medium risk as the minimum.
Although I do not consider that the risk is increased by his denial – the same measures (licence conditions, SOPO, SOR, living arrangements, MAPPA disclosures) are in place regardless of his denial – it certainly does not decrease it and therefore has an impact. *(POQ11)*

Others linked the denial to the effect it may have on other areas of the offender’s life, and how this may further limit work:

Yes… [denial] made it difficult to manage the risk as he was in denial that there were any concerns or issues with regards to his relationships and attitudes towards restrictions and so on. *(POQ7)*

Yes, because it prevents the offender taking full responsibility which in turn reduces the amount of effective work which can be completed in supervision. *(POQ4)*

But one noted the importance of other criminogenic needs which impacted on their overall assessment which required equal attention:

Denial is a factor, but so are other issues such as where he lives and his chosen activities. *(POQ8)*

Two respondents were faced with a different issue, which highlights a further facet of denial. This was “the fact that he [the offender] views his actions as legal and justified” *(POQ5)* or as the other put it “The offender does not consider that his actions were criminal or inappropriate” *(POQ3)*. The denial in these cases therefore was about the offender disputing that his actions had been criminal, and that they should be punished for them. It should be noted that such statements by deniers of sexual offences would be seen as complex; more so than denial of other types of offending. This reflects not only the seriousness of the offending, but also social, governmental and media reactions to sex offenders.

**Other issues which can influence the assessment of risk**

As noted previously, denial is invariably not the sole issue to be tackled in the supervision of a sex offender. Some respondents had alluded to specific criminogenic needs in their explanation of factors which had influenced their assessment of risk of harm. They were asked explicitly whether any of the following four factors had been identified as a difficulty for their case: substance misuse, mental health issues, accommodation and employment. These issues were chosen by the author as, in her professional experience, they were ones which could have a significant effect on the
ongoing risk management of the case. The respondents indicated that substance misuse issues were present in four cases; mental health concerns were present in one case; accommodation was a factor for nine offenders, and issues relating to employment in nine cases. Here, two of the offenders had passed retirement age but one of the retired offenders was seeking voluntary work. Employment issues could result from the need to disclose convictions, or licence conditions prohibiting work with under 18s; both issues can limit employment opportunities and require some form of intervention by the probation service, such as contact with the local Job Centre for disclosure or assistance with appropriate job searching.

**Co-working**

As observed earlier in the thesis, offenders who are convicted of sexual offences will be made subject to MAPPA (Kemshall, 2008; Nash, 2006; Nash & Williams, 2008). The supervision of sex offenders necessarily involves the supervising probation officer in liaison with the police, who also have a responsibility to monitor the offender. All the respondents stated that this was the case with the offender they were working with, and using as their example in the questionnaire.

However, the effective supervision of a sex offender can also involve liaison with a variety of other agencies to manage risk and meet criminogenic needs. Respondents were asked which agencies had been involved in the case they had discussed previously. As anticipated by the author, all eleven respondents indicated that the police were involved with their case. Where the offender was subject to the Sex Offender Register (SOR), or there was a Sex Offender Prevention Order in place, the police would assume responsibility for the monitoring of these legal requirements; during the licence period, a probation officer would however assume *overall* responsibility for the case. The police would also attend MAPPA meetings and there would be an expectation of ongoing liaison with the supervising probation officer. In addition, the respondents listed the involvement of the following agencies (Table 6.5):
External agencies involved with the case

- Housing – to access sheltered housing for a pensioner
- Warden of sheltered housing
- Approved Premises staff
- Age UK – to research voluntary work options for a retired offender
- Church – to arrange appropriate attendance at religious services
- Children’s Services – to disclose convictions and manage child protection concerns
- ETE Officer
- Job centre
- Community Mental Health Team
- CRI (drug and alcohol support) – day services and accommodation
- NSPCC (advice and support)
- VISOR office (Police/Probation)

Table 6.5 External agencies involved in the case

This data indicated the potentially broad range of agencies which can become involved in MAPPA and the case management process, a point which will be elaborated upon in the analysis of interview data later in the thesis.

Treatment programme participation

The respondents were asked whether their sex offender in denial had completed any programme intervention, either during their custodial sentence or whilst on licence. Whilst in the majority of cases, offenders had been unwilling or unable to access programme intervention or other input, four respondents reported that their offender had attended an alternative programme. The programmes were Enhanced Thinking Skills (ETS\(^1\)); the Facing Forwards one-to-one programme; The Internet Sex Offenders Programme (iSOTP\(^2\)) and the Healthy Relationships programme (HRP).\(^3\)

\(^1\) ETS is a programme which addresses cognitive deficits and offending behaviour but is not specifically geared at sexual offending; indeed sex offenders will be unable to attend this programme in the community.

\(^2\) iSOTP: Internet Sex Offender Treatment Programme. This programme has been devised for offenders who have committed non-contact sexual offences such as downloading pornographic images of children from the internet or taking indecent photographs of children.

\(^3\) Healthy Relationships Programme: a domestic violence programme run by prison and probation service staff which is delivered to offenders in custodial settings.
Two of the four also noted the completion of work relating to substance misuse with the prison Counselling Assessment Referral and Treatment (CARAT) team. There were mixed opinions regarding the effectiveness of interventions unrelated to sexual offending behaviour, although there was agreement that they could assist in addressing other criminogenic needs. For example, it was noted that the offender who participated in interventions which addressed cognitive deficits through ETS and work with the CARAT service did achieve “motivation to avoid drugs/alcohol increased and developed relapse prevention strategies… [and showed] increased ability to problem-solve effectively and plan for the future”. However, his risk of harm remained unchanged and in the respondent’s view would do so until work to address sexual offending was undertaken. The offender who participated in HRP had done so as his victim had been his domestic partner; however, the respondent did not believe that it had reduced the risk of harm as “he still lacks empathy and remorse or the belief that his offending was sexually motivated”.

For the offenders who had been able to access programmes which directly addressed sexual offending however, the programmes were seen to have reduced the risk of harm. One commented that the Facing Forwards intervention had been beneficial both to themselves in supervising the case, and to the offender, by enabling

Increased engagement with the offender and a way of working which can be flexible and does not raise barriers with the offender by inadvertently accuse them of lying or offending if they are not able or willing to admit to their offending. (POQ11)

This was seen as beneficial in that the programme provided a structure for the probation officer, as well as focused content; both enabled a movement away from becoming stuck with the denial. In addition, it had reduced the offender’s risk of harm by

providing the PO with a greater insight into the offenders’ lives and their controls – that is, their support network and lifestyle. This means that although their sexual interests and management may not be altered, their lifestyle and habits may be manageable and safe in the community. (POQ11)

For another respondent, their offender’s attendance on the iSOTP was also viewed as beneficial. The offender was able to participate as they “accepted responsibility for downloading but denied involvement in contact offending”. The respondent observed
that the benefit of completing the iSOTP were that “he has been able to address certain aspects of his sex offending”, listing these as victim empathy, an understanding of the negative effects of internet child pornography; and they also commented that

Although much shorter than the full SOTP, [participating in] the iSOTP did enable him to look at his sexual preferences and start to consider the reasons that his choices are not appropriate. (POQ4)

It appeared that the iSOTP intervention had reduced the offender’s risk of harm, evidenced in the respondent’s argument that “he has greater insight; for example, he can appreciate why he is unable to work in certain jobs.”

Programmes for deniers: exploring knowledge and views
As discussed previously in this thesis, the lack of treatment opportunities for sex offenders in denial has often been seen as a significant difficulty in reducing the risk of reoffending (McAlinden, 2008, p.63). In view of this, the questionnaire then asked the respondents whether they were aware of the existence of programmes for sex offenders in denial and whether they considered that an intervention of this kind would have proved to be beneficial in this case.

Five of the respondents were unaware of any such programmes but six cited some knowledge of programmes specific to sex offending, which could be accessed by deniers. Two of these were aware that deniers’ programmes had existed in prisons; one thought that these were only available overseas (citing the USA or Canada as likely places). Three respondents identified the availability of “worksheets” or “a one-to-one pack” with one citing the Facing Forwards programme (West Midlands Probation Trust, 2011).

When asked whether they thought that the availability of a deniers’ programme would be of benefit to the management of their specified case, all eleven replied in the affirmative. They were asked why they believed this; comments were made that a programme would provide “structure” and reduce an offender’s ability to avoid addressing their behaviour (one commented candidly that denial can be “an excuse” to avoid work). It was also felt that a programme “would be a starting point to break down barriers – denial can be a barrier to change”.

It was also believed that, in attending a programme, offenders would benefit from spending more time addressing their offence than in one-to-one supervision;
additionally, as programme tutors have developed more skills to explore denial than probation officers working in offender management settings, they would be better equipped to address sexual material with the offenders, which, with less training on the subject, the respondents could feel reluctant to undertake. There appeared to be perceptions that it would be difficult to combine a focus on risk whilst also exploring deeper issues and underlying feelings and that it would be more effective for other workers to deal with the latter issues.

I do not believe that people need to publicly air their offending but many individuals will be able to 'join the dots' themselves by talking hypothetically and linking the learning to their own needs. \(POQ11\)

Tutors could explore some of the reasons for denial – e.g. explore feelings of shame as a reason why some offenders choose to deny. \(POQ6\)

It can be difficult in a one-to-one setting to work with someone in denial, especially if they are particularly angry about their sentence and towards their victim. A group work programme for those in denial could dilute these emotions and help the offender address their crime in a group setting, which can be less pressured than one-to-one. \(POQ3\)

Laws and Ward (2011) have observed that working with sex offenders can be a time-intensive process, which can appear to be compromised by the risk paradigm, but also the limit on the time probation officers can spend on one-to-one supervision. This was acknowledged by two respondents, who explicitly referenced the issue of entrenched beliefs which can underpin sex offending; they believed that programmes staff could give more time to addressing offenders’ attitudes and beliefs:

Acknowledging someone’s denial, and working with it would be positive. As an OM I feel I have limited time and resources to do this. It would also be helpful in looking at entrenched ways of thinking and behaving. \(POQ4\)

Yes – to work with entrenched views and behaviours and have time to look in depth at why an offender believes what he does. This takes time and as an OM I cannot explore in depth in the limited time I can offer each case. \(POQ2\)

However, respondent POQ1 raised issues regarding the overall effectiveness of a group programme, suggesting that a more individualised approach with deniers and suggested that more individualised treatment might be more effective:

Any programme would not be a ‘treatment’ programme as such unless they can elicit guilt and acceptance of the offence. Otherwise it would be a programme to
manage whatever issues they present. I am not sure of the benefits of having a group work programme for deniers, although it would be interesting to see if deniers challenge each other! Personally I think it would be more beneficial for deniers to be treated individually by psychologists trained in dealing with deniers. This would need to be over a long period of time to assess whether the wall of denial can be broken or, conversely, to determine whether there are reasonable grounds for the individual’s denial. \(POQ1\)

POQ1 was sensitive to the length of time effective work may take; but interestingly, their response also appeared to indicate that their own training and skills were not suitable or sufficient to undertake the work, considering psychologists to be more competent, or able to specialise, in this role.

Importantly, POQ1 was also the only respondent to raise the issue that “judges and juries can sometimes be wrong” and that, sometimes, a denier might deny because they had not in fact committed the offence for which they were convicted. This view was significant as there seemed to be a general assumption amongst the respondents that conviction presumed guilt.

**External resources**
The respondents were asked whether they were aware of any agencies which might be able to support sex offenders in the community. Five respondents were aware of Circles of Support and six mentioned the Lucy Faithful Foundation, and showed awareness of the remit of these organisations; but they were not as confident whether these services that may be available to deniers:

Circles of Support can provide volunteers to support with the development of prosocial life skills and reintegration in the community after release from prison. \(POQ1\)

Yes, a few such as the Lucy Faithful Foundation and Circles. I am also aware that those who have attended SOTP can access telephone support. \(POQ5\)

Lucy Faithful run a programme called *Stop It Now.* Offenders not suitable for SOTP can be referred – but I don’t know if this definitely includes deniers. \(POQ9\)

**Services for deniers from outside agencies**
The respondents were asked if they knew whether these agencies worked with deniers. Five were aware of the *Stop it Now* telephone support service provided by The Lucy Faithful Foundation; one was aware that there had been further services provided but
that government funding had been withdrawn. Seven respondents were aware of Circles of Support, with one noting that Circles “ask for acceptance of the behaviour sufficient to work effectively in the community with volunteers who have limited training”.

**Tackling denial**

Given that deniers are generally unable to attend programmes, the responsibility to supervise those in denial falls to individual probation officers. Therefore, the respondents were asked for information on the approaches and strategies they have used to tackle the issue of offending behaviour in the presence of denial in their supervision sessions with offenders (Table 6.6).

<table>
<thead>
<tr>
<th>Approaching work with deniers</th>
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<tbody>
<tr>
<td>Discussing details of the offences</td>
<td>3</td>
</tr>
<tr>
<td>General offending behaviour work</td>
<td>1</td>
</tr>
<tr>
<td>Victim empathy</td>
<td>2</td>
</tr>
<tr>
<td>Hypothetical scenarios</td>
<td>1</td>
</tr>
<tr>
<td>Licence conditions</td>
<td>2</td>
</tr>
<tr>
<td>Reasons for denial</td>
<td>5</td>
</tr>
<tr>
<td>iSOTP post programme exercises</td>
<td>1</td>
</tr>
<tr>
<td>Identifying protective factors</td>
<td>3</td>
</tr>
<tr>
<td>Boundaries/keeping safe</td>
<td>3</td>
</tr>
<tr>
<td>Offender’s personal history</td>
<td>2</td>
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</tbody>
</table>

*Table 6.6 Approaches to working with denial*

The table indicates that probation officers will employ a range of approaches; some place greater emphasis on monitoring and clarifying an offender’s understanding of what is required of them by law - such as focussing on the requirements of licence conditions and any Sex Offender Register (SOR) or Sex Offender Prevention Order (SOPO) which may be in place. Examining the details of the offence is a strategy which might cause them to withdraw, but conversely, it may facilitate an exploration of the risk factors which underpin their offence. Similarly, victim empathy work may enable the offender to develop an awareness of the effects of his actions, but this may take a considerable amount of time to reap benefits. One respondent commented on the importance of boundaries and clarity in working with sex offenders:
acknowledging together that on some areas you will have to agree to disagree but the supervision can, and needs to, focus on what both parties are able to work on. (POQ11)

In order to create this type of professional relationship, others will adopt different strategies deliberately intended to draw information from an offender. Using techniques such as identifying protective factors, working on approaches to promote an offender's personal safety and therefore a greater likelihood of avoiding further offending and seeking to explore the offender's personal history are more likely to be used if a probation officer is wishes to develop a relationship of trust and draw out information from them. One respondent chose to use this approach to explore the circumstances of the offender’s life at the time the offence took place. Another way to do this is to use hypothetical scenarios – these are found in programme work and are designed to develop an offender's empathy skills. Using work designed for offenders following an internet sex offender programme (iSOTP) provides material which has a focus on sexual offending; but the hypothetical nature is intended to prevent the offender feeling victimised or attacked (in the way a discussion of his own offence may do).

One respondent did attempt to tackle the issue of denial directly and consider the reasons for the offender taking this stance:

I stated to him that I am working with him as a man found guilty by the Court and attempted to tackle his denial by looking with him at the CPS papers and the offence details. I looked at why he may deny – he was respected in the community…he had positions of responsibility and trust and other still believe his account of innocence. (POQ5)

Another probation officer questioned whether more could be done by staff with more specific training than the field probation officers, to assist deniers whilst serving their term of imprisonment:

I do think that the input of psychology in prison could go some way to try to deal with the issues of denial rather than the individual ‘languishing’ in prison without any significant input prior to their release. (POQ1)

Denying the deniers?

Respondents were asked to comment on their preference for working with sex offenders who admit, or those who deny, their offending. Six replied that they preferred
working with offenders who admitted to their offending, citing “personal satisfaction in the work”; as “they are more willing to discuss their actions, can be referred to SOTP or may have undertaken this in custody”. Some also believed that work with admitters could mean “much more meaningful discussions about the impact of their behaviour” which might lead to the identification of effective relapse prevention strategies.

Additionally, other statements pointed out the opportunities presented in terms of programme work and services:

[Those who admit their offence] are more willing to discuss their actions, can be referred to SOTP or may have undertaken this in custody. (POQ5)

Offenders who admit are more interesting as there is more structured work and exploration of motives. Offenders in denial can often be pure risk management. (POQ9)

It is much easier to work with offenders who admit their offence, as you can have much more meaningful discussions about the impact of their behaviour, the reasons for them behaving in the way they do, and [I] can also identify relapse prevention strategies. (POQ3)

Deering (2010) has commented on the reasons individuals enter a probation career, and argued that the focus on risk and a desire to help and support can polarise staff. The choice of the word “meaningful” (by POQ3) is insightful in this context; the probation officer appears to have a preference for those who admit as it enabled them to work in greater depth with offenders, albeit within the overall context of their offending behaviour. Equally, the use of the phrase “pure risk management” by POQ9 is indicative of their personal values and preferences in the job; despite the emphasis which NOMS have placed on the central importance of public protection (risk-based work) in the role of the probation officer.

One stated an advantage in working with deniers in terms of multi-agency working and involving other agencies to resolve issues; they also mentioned the role of the police, which was explored in greater depth by the probation officers in interview (page ref).

Working with deniers does provide interesting MAPPA insights – for example, how can I work with other agencies to disclose and monitor the offences? Sharing information with police colleagues is beneficial (POQ6).
However, three expressed no preference and referred to the possibilities and challenges of both admitters and deniers:

[I like working with] either, as sex offender work is challenging but interesting in that this group of offenders crosses age and social groups in a unique way. *(POQ2)*

I like working with both. Sex offenders are a challenging group with or without denial, and present a different set of challenges as they cross age and social divides much more than other offending groups. I have worked with younger sex offenders and those past retirement age, homeless and those well-established in the world with well-paid work, families and positive social ties. *(POQ4)*

They are two entirely different approaches and depend on the individual. Deniers are a different challenge in some respects and it is important to address other factors in their life and monitor any potential risky behaviour. I would not say I prefer or do not prefer but it is certainly somewhat easier working with someone who takes a level of responsibility for their offending behaviour as they are then at a stage where positive work can be achieved to manage future risks and work on relapse prevention. *(POQ1)*

Finally, respondents were asked to make any additional comments regarding the supervision and management of sex offenders in denial. Four respondents who answered this question were particularly concerned about the relative lack of training they had received to work with this offender group and, as one put it, to address the fact that sex offenders “are often complex and denial itself is complicated”. They observed that, in particular, they would like to know more about the psychological reasons an offender may deny and develop their knowledge and skills to address these issues.

Two respondents offered more detailed information regarding the demands of working with sex offenders. One focussed on the difficulty of co-ordinating the requirements of other agencies in meeting child protection and sex offender restriction orders. The role can create tensions with the offender which can compromise the working relationship the officer is keen to develop:

They are by far the most demanding individuals to work with. Greater resources need to be allocated to the work of sex offenders due to the time taken, not only working with the SO, but liaising with other agencies to share information (all of which needs to be accurately recorded). The role of a Probation Officer is a difficult one, given the ‘social work role’ we have to build a constructive working relationship, yet at the same time, ensuring all the restrictions of licence conditions/community order/suspended sentence order, SOPO, SOR and CP restrictions are adhered to. *(POQ1)*
The other also commented on the inherent difficulties of working with sex offenders. In addition, they offered an interesting insight into the issue of denial:

It’s a thankless task but it’s necessary and worthwhile. I think I would deny if I were ever convicted of anything that terrible and perhaps denial is actually more ‘healthy’ than someone who openly or freely admits their behaviour. I think this because it may mean that the person is really ashamed of their actions and I would consider this to be positive. (PO11)

Conclusion
This chapter has examined data from a questionnaire-based study of qualified probation officers. The respondents were asked about their knowledge and experience of working with sex offenders in denial. The results indicated that denial was viewed as significant to an assessment of risk; although a range of other factors (criminogenic needs) were also identified as being of significance. Although the cases discussed were denied access to SOTP, some had participated in other programmes, but one-to-one was the main method of working with deniers. Working with sex offenders was seen as problematic, although some stated that they found denial an interesting challenge. They key findings from this study will be discussed in more depth in chapter nine.
CHAPTER EIGHT: PERSPECTIVES OF QUALIFIED STAFF 2
INTERVIEW DATA FROM PROBATION OFFICERS

The interviews with qualified probation officers were intended to focus on the following areas. First, the ways in which denial can influence risk assessment and risk management, in order to discover whether the interviewees considered denial to be a key issue in determining the level of risk which an offender may pose. Second, to explore the nature of the training they had received (or might require) to work with sex offenders in denial. Third, to explore their skills in working with denial; including a discussion of specific techniques the individual officers chose to use when working with offenders demonstrating denial. These techniques, and how they were shared with fellow workers, were of interest given the importance that the TPOs had attached to the support they had received from qualified colleagues. Fourth, as the cases would be subject to MAPPA, an exploration of the advantages and difficulties of multi-agency working was seen as beneficial. Fifth, the interviewees were questioned about the potential value of a specific programme for sex offenders in denial, and whether this would be an asset in their work with deniers.

Training

The interviewees had a range of experiences and views regarding their initial training and support and how well it equipped them to work with complex cases including sex offenders in denial. This arguably reflected the type of initial training they had followed (of the five, one held a CQSW, one held the DipSW and three were DipPS graduates). For example, the most experienced stated:

the CQSW...was a very different focus to the way POs are trained now. There seemed to be much more focus on getting to understand the client's circumstances ... [There was] more in-depth interviewing of offenders for Social Inquiry reports and we seemed to spend more time on home visits than we do now. Now the job seems so desk bound and you only see one dimension of the person in that way. You don't always see how they are when they are angry, upset, with their significant others...it's very limited if you just see them for an hour in an office. It's sterile, somehow ... (POI 1)

Another interviewee, who qualified with a CQSW in 1981, had had experience of working in a specialist role, within a prison with a large population of sex offenders, with a mix of those attending SOTP programmes and offenders in denial. The officer described the experience as

a very intense period, specialising in sex offender work, but it stood me in good stead to supervise them in the community. I prepared sentence plans, wrote reports and spoke to prisoners on a regular basis. I learned skills – questioning
techniques and knowledge about theory which obviously being in a sex offender environment means you have access to – and also plenty of time in the prison to use them as it can be less pressurised than case management. (POI 2)

They also acknowledged the importance of learning from others in different disciplines, and from more experienced colleagues who may have differing perspectives, but which added to the overall experience of supervising a case:

And [I had] some very knowledgeable colleagues too. There were psychologists working on programmes, and a lot of information sharing with prison officers, although their approach was of course different. Being in that environment, with the prisoners every day, was intense but challenging and rewarding. (POI 3)

However, this probation officer was aware that they had been fortunate to gain experience within such an environment. The number of recently-qualified officers has been expanded in recent years and such work opportunities as prisons or public protection specialisms are not available to all probation officers (particularly those at an early stage in their career). The interviewee stated that she saw a key part of her work as sharing her knowledge and skills with less experienced officers and she believed that this contribution was valued by colleagues, particularly given the infrequency of training events.

When asked how training and support to deal with the issue with denial could be improved, the same interviewee responded:

I do think the modern training is perhaps more prescriptive and it’s very risk-focussed, whereas the CQSW seemed to be more holistic and looked more at people skills. And of course, you do need people skills to deal with hard-to-reach people, and deniers are certainly hard to reach… I think more [training] input into dealing with manipulative individuals could really help…they can try to groom us [probation officers] too, and it can be subtle. [And] the psychology of denial is too – why people say and do what they do, what clues you can pick up. I often get asked [by colleagues] about this. (POI 4, p. 157)

At the opposite end of the scale of experience in working with sex offenders, one interviewee who had been qualified for 6 years but had worked in a specialist substance misuse team until six months prior to the interview, stated that:

I hadn’t worked with a sex offender since I was a TPO, when I co-worked a case in denial who was in an approved premises….I had no training or experience with sex offenders … So, at the moment, I’m having to attend training, and I’m learning from colleagues … SOTP training [for case managers] is thin on the ground, but I’m prioritised for the next round of training. So, just now, I’m feeling unconfident…My caseload is heavy on deniers….I’m up to date on MAPPA training, and the procedures, and I’ve written parole reports. But sex offenders
are such a different group...Although I know that some newly qualified officers... had this too, as they went straight into MAPPA teams.  *(POI 5)*

The other four officers had attended SOTP Case Manager and RM2000 training. One had also attended a context training session for the Internet SOTP (iSOTP) and a half-day session on *Working with Denial*. This interviewee commented that the training had been of benefit as it had covered material which had been unfamiliar to them, and provided an insight into different types and levels of denial through the typology analysis. They also recalled that:

> In the SOGP training [for case managers], we looked at a "ladder of denial" [which involved] different statements which related to varying degrees of responsibility-taking…I have noticed offenders use some phrases and this has indicated to me that there may be issues with minimisation or justification. For example, arguing that the older a child is, the more capacity they have to lead men on … or that children in internet porn are enjoying it, or anyway are not real victims as they are images on a screen. They don't make the connection to real life – or don’t want to.  *(POI 6)*

Despite the obvious value of this training for the interviewee, such courses are *not* mandatory for probation officers or offered on a regular basis (the respondents indicated that training provision – even for the SOTP case manager training which is considered essential to supervise programme participants – appeared to be somewhat ad hoc in its delivery, and ultimately dependent on the availability of SOTP programme facilitators to deliver it). All five interviewees were in agreement that further training dealing with the psychology of denial would be beneficial to aid an understanding of “why, how [and] what do they need from me as a probation officer [who is] here to assist with their rehabilitation?” However, one (male) interviewee who identified that he can have difficulties discussing sexual offending with other males also suggested that he might benefit from assertiveness training to overcome his concerns about “working in the face of manipulation, reluctance, anger…[and] how to cope in a one-to-one situation with deniers” *(POI 7)*

These concerns of the male interviewee resonated with the argument of male sexual offending as a continuum for accepted masculine sexuality (Brown 2010).

All five probation officers had completed Risk Matrix 2000 training. There was debate about the value of the tool to assess risk; two interviewees directly spoke of what they perceived as its limitations in focussing solely on static factors. It was also felt that some of the questions were ambiguous, and it was easy to confuse information on (for example) age. One offender was looking forward to the opportunity to use the Static
and Acute tools, seeing this as an important move forward which would enhance the risk assessment process. The two interviewees with knowledge of conducting sex offender risk assessments pre-OASys and RM2000 saw the focus on structured tools as being limited and welcomed moves to re-introduce professional judgement, albeit with an awareness that, under NOMS, it would be in a more structured way than they had previously known, with any decisions to over-ride OASys, for example, having to be justified to managers. Their impressions of assessing risk based on technological systems echoed the sentiments of previous research (Mair, Burke & Taylor, 2006; Harkins, Barnett, Wakeling & Miles, 2015; Williams 2010). For these interviewees, the introduction of OASys had presented a mixed blessing in working with offenders. One noted that the presence of a structure could provide focus but, for another, it had signalled a loss of an important aspect of autonomy in her role. However, all the interviews argued that to some extent, all risk assessment decisions include elements of professional judgement. As one put it:

“We [the probation officers] do the assessments; we decide what to write in each section following our meetings [with offenders]. OASys gives me a framework – I decide how to use this. (POI 8)”

Four of the five interviewees had attended SOTP case manager training (with the other awaiting training as they were new to sex offender work). There were more positive comments made about this training and it was acknowledged as appropriate in content for the purpose of undertaking the pre- and post-programme work for which it was intended. However, two interviewees (who had undertaken the Certificate of Qualification in Social Work and Diploma in Probation Studies) stated that they thought that they would benefit from more training to effectively engage with sex offenders and deniers in particular. Although training in the motivational interviewing technique (Miller & Rollnick, 1984) had been made available, both as TPOs and subsequently in their career, they believed that sex offender work required a deeper approach underpinned by psychological theory. Echoing the arguments of desistance theorists (Burke & Collett, 2011; McNeil, 2007; Mair & Burke, 2013) and evaluations of professional training provision (Gregory, 2011), the interviewee who had undertaken the CQSW agreed that more training of this kind was made available to them in their pre-qualifying programme and it had proved beneficial in their subsequent work.
Tackling Denial
Brown et al (2013) have suggested that denial can be indicative of deficits in empathy towards the victim. For the interviewees, this was a highly significant area to cover with a sex offender. One stated that, as a matter of course in assessing an offender, they would ask for an explanation of the context in which they had met or knew the victim; and their attitude towards the victim. All the interviewees believed that this was a crucial issue in their assessments and that denial of causing harm to the victim, or placing blame on the victim, were significant concerns which would indicate potential risks of serious harm.

There was agreement that denial was considered to be an important facet of an offender’s thinking which would impact on the assessment of risk. Yet it was also pointed out that it is a dynamic factor which can change over time and additionally it can be influenced by other aspects of an offender’s life.

The interviewees were asked which factors they considered could be influential in assessing and managing a sex offender’s risk of harm. The question was posed to gauge the importance of denial in a probation officer’s professional assessments. Three (60%) commented on the importance of the offender’s “attitude to the offence” whilst one put it as “acceptance of responsibility”. It was observed that denial can significantly impact on sentencing options and decisions regarding release from custody because of the ways in which Courts and the Parole Board perceive denial. There may be concerns that a significant level of denial and particularly complete denial can preclude inclusion on a treatment programme. In addition, there may also be a perception that denial can cause issues within the supervisory relationship.

For three of the interviewees, the attitude of the courts towards an attitude of denial could have a considerable effect on the length of sentence an offender received. This issue had not arisen in the previous research in this thesis but is of crucial importance. One interviewee commented that denial can significantly impact the length of sentence an offender can receive because of the perception by Courts that denial indicates a lack of responsibility for the offending behaviour. As one commented:

Although I know it’s only one factor, and obviously reports do point to other information which for me is equally if not more relevant….a high level of denial can lead to longer sentences (POI 9)
In talking to the interviewees, it was apparent that there was frustration regarding this issue. The interviewees showed awareness that there is a changing perception in the way in which denial is being approached by being given less credence as an indicator of risk, and three interviewees spoke of the new programmes being developed by NOMS. They also expressed a hope that this change in organisational attitude and consequently, policy, may have the potential to result in deniers becoming less likely to be excluded from programmes in the future based on this factor alone. However they also stated that it may take considerable time to change established perceptions, and they were unsure as to whether this information was filtering to those responsible for sentencing offenders and the Parole Board, who make decisions regarding release from custody. One interviewee stated:

> It feels like it will be a role for [probation officers]...that we will need to provide the information in our reports and our interactions with Courts and oral hearings… and that will inform [other agencies] over time. *(POI 10)*

Guidance on changes in legislation and policy are provided by the Ministry of Justice and NOMS; however it is significant that the probation officers felt a strong sense of professional responsibility to guide others. There was awareness too, that denial currently impacts on the sentencing options which the probation officers could propose:

> At PSR stage, [denial] will definitely influence what [sentencing] options we can propose – for example, you can’t recommend that a complete denier goes onto the SOGP. You’re very limited as to what you can be offering as a realistic proposal. *(POI 11)*

Another pointed out that an attitude which suggested non-acceptance of guilt would be viewed unfavourably by those responsible for sentencing in the courts, because:

> As far as the Courts are concerned, denying an offence means lack of responsibility and for them, lack of responsibility minimises the work that we as Probation can do with [that] offender. *(POI 12)*

The potential impact of denial for probation officers was also acknowledged as a factor which could cause issues such as aggressive responses or withdrawal. Those with more professional experience appeared to find this less disturbing than some of the more recently qualified although, as one of the latter observed, it was useful to keep a baseline position:
When you’re there with all these CPS papers, statements, pre cons, psych reports, parole reports and the Court has found them guilty... I have to say, my position is that the Court’s found you guilty so that’s my starting point and I’ll be sticking to this. [Denial] is my biggest frustration with sex offenders. You have to unravel all these layers of dissonance before anything can really move forward. (POI 13)

Denial, therefore, was necessarily considered to be a factor of importance to the officers because of the importance other agencies attached to it. However, it was noted that “attitude” encompasses more than an admission of guilt or denial, with one interviewee posing the questions “Do they consider that interest in sexually deviant behaviour is legitimate, or that the sex was consensual?” (POI 14).

The interviewees were asked whether their approach to working with sex offenders in denial was in any way different to their work with other types of offender. This provoked the observation that, by its very nature, sexual offending work in general can be complex and emotionally demanding. Reference was made to the difficulties which can arise from reading intimate details of coerced sexual behaviour (for example, in CPS victim statements) and then translating this to discussion of the offending with the perpetrator. They stated that managing feelings which arose could be difficult; as one observed, “although we’re doing a job...we’re still human beings and have human reactions. Sometimes [working with sex offenders] is not for the faint-hearted” (POI 15). The interviewees were clear that they needed to be able to share concerns with managers and colleagues and be able to separate their work from their life outside it:

I make sure I take any worries to other colleagues who know about this type of work...obviously, I can’t take it home, it’s confidential and not for family and friends in any case...and I need some time out. But some of the material, it’s not pleasant, and feelings can linger if you’re not guarded against it. (POI 16)

I’ve felt disgusted, revolted, infuriated at some of the things I’ve read. But with all offenders, you need to see beyond the offence to them as a person. Otherwise how can anyone be a PO? But yes, [for me] it’s a more intense process with sex offender [cases]. (POI 17)

A further point made was that the use of sexual terminology with offenders was something they could struggle with and could be uncomfortable, particularly for the less experienced officers. Importantly, they also noted that although counselling was available to programmes staff, it was not for them. Although they acknowledged that their work would perhaps not reach the levels of intensity of a SOTP facilitator, a view was expressed that the option should be available to case managers who felt a need
to explore their feelings about their work; the point was made that reading detailed statements from victims, witnesses and the police could be disturbing, and that there is still a need to explore sexual themes in often intimate detail, which can prove challenging to officers.

The presence of denial could both lessen and exacerbate concerns. One interviewee admitted that working with a denier can be “a relief...less embarrassing. That’s bad for a PO to say, but it can be true for me.” However, another said “they may deny, but it’s always there...something I need to tackle” (POI 18). There was consensus amongst the interviewees that denial was a dimension which should be addressed, although there were varying levels of confidence expressed in their ability to do so.

**Supervision versus risk?**
All five interviewees believed that denial was just one of many factors which could influence their risk assessment and impact on the management of the case. One interviewee made the observation that they saw links with an offender’s approach to other relationships within their life through asking questions about

Their relationship history; are they currently in a relationship. Who with and for how long? The history can say a lot about them. [This includes] their family relationships – were they stable? Is there any history of abuse? [with the offender as the victim] as this can be a factor in sex offending – having experienced it themselves. This can instil in some people that abusive relationships are somehow OK; it can be the same with domestic violence too. If a boy growing up witnesses or experiences violence... it can really affect their views of what is deemed as acceptable when they are an adult. (POI 19)

This comment illustrates the significance of historic sexual abuse where the current perpetrator was themselves the victim. Despite the reservations which had been shown by other respondents, and in previous research on probation officers’ confidence in tackling trauma, this respondent appeared to be confident in setting up such discussions. It was further noted that undertaking work into trauma is often a long and difficult process for which the length of a licence will not be sufficient. Officers felt that having a counselling service available to the offenders would be advantageous. One interviewee was able to recount an experience of having a volunteer counsellor on-site:

[The counsellor] was a real asset. Sessions with him were add-ons, not a replacement for seeing a PO, and the content wasn't disclosed [to me] unless it had to be....One man, and he really opened up, even with me, after sessions with
[the counsellor]. I wish more [probation] offices [offered counselling] Otherwise, I have to tell them to ask their GP... they won't always want to go through [talking about abuse] with their GP. (POI 20)

Other respondents emphasised the importance of exploring other criminogenic needs. As one interviewee put it, there are other important questions to be asked to discover whether the offender has issues with matters such as “substance misuse, relationship issues, finances [and] employment” (POI 20). Accommodation can also be an area of concern if the offender cannot return to their home for reasons of homelessness or offence-related exclusion. In addition, sex offenders are frequently required to complete a period of time in a probation-run Approved Premises on their initial release from a custodial sentence. During this time, they will be subject to a strict curfew and have an allocated member of staff who will monitor their progress and liaise with their offender manager (probation officer). It will principally be the task of the supervising probation officer to work with the offender to access suitable move-on accommodation. It was noted by the interviewees that, as this will often have to fulfil the specifications of MAPPA, and avoid any exclusion zone specified on the licence, it can be a complex process. As one observed regarding the enforcement of an exclusion zone:

yes, this reduces the risk to the victim, in keeping the offender away from them. But being away from their home area can be a risk as they have to be housed somewhere and being in a new area can means they feel a need to go out to meet people, and can go to risky areas or be isolated which isn’t good for their attitude sometimes…they can get angry about this and be less willing to work with us as they think we’ve forced them into the situation. (POI 21)

There were a range of other factors identified which influenced assessment and could be seen to impact upon denial. Mental health issues and learning disability were seen as issues which could significantly impact upon denial (and in the probation trusts in which the interviewees worked, would preclude participation in programme work regardless of the presence of denial). One interviewee spoke of their experience of denial which was compounded by substance misuse issues:

Alcohol and drug misuse can be problems too, as they can be disinhibitors, or again the offender can deny that this is an issue too. I supervised a sex offender once who denied his offending but also that he had a drink problem which was very difficult. (POI 22)

The changing approach to the reports which are prepared on an offender pre-sentence was also seen by two interviewees as significant. One interviewee (who had qualified
with a CQSW in the 1970s and was therefore very experienced in her role) was critical of the current pre-sentence processes for assessing risk, believing that the process involved in the former Social Inquiry Report provided a more informed basis for a comprehensive risk assessment:

When we did Social Inquiry Reports, as the name suggests, we had more scope to find out more, we would visit [the offender] in their home and this would tell me a lot about him; I’d see pictures, photos in the home, who he lived with, where…I could check whether it was near any risky places for example … now, we have to wait until the post-sentence stage to home visit and this for me is a real issue. *(POI 23)*

This point is reinforced by NAPO in its guide to professional practice, where home visiting is encouraged to “provide valuable insight into their circumstances as well as to provide information to reduce risks to themselves and others” *(NAPO 2012: 10)*.

It was noted that, to prepare a report on a sex offender, the practice amongst the interviewees was to interview the offender twice, in order to gain a more detailed assessment and have sufficient time to facilitate the involvement of a SOTP assessor in the process. On both occasions, this would be in the probation office. It was reported that it is usual practice to ask for a longer Court adjournment to facilitate this process and Courts are generally sympathetic to this request.

It was also observed by interviewees that, for some offenders, denial can be a means of defensiveness rather than active avoidance. One interviewee drew attention to the likelihood that a sex offender may have experienced abuse themselves and may use denial to disguise this or not feel ready to address it or that the probation officer felt unprepared to deal with the topic. This appeared to be a particular issue for which the interviewees qualified in the DipPS in particular felt that their training was lacking. As the officers observed, the probation officer faced with either the prospect of an offender discussing sexual offences which an offender has experienced as a victim (or indeed discussing intimate sexual details of their own offending) may be feeling discomfort which the offender can sense. One interviewee who had a DipPS qualification described his awareness of the tensions of a role and training which focus on managing risk, being faced with an offender suffering from the effects of an abusive past and feeling ill-equipped as a probation officer to deal with the task.
Professionals of either gender working with sex offenders can feel conflict when working with this group; it has been observed that female workers can feel emotionally vulnerable (Briggs & Kennington, 2006, p.47) but the difficulties for males may also be significant (Brown, 2010). One interviewee discussed the difficulties and emotional conflict he can feel as a man working with male sex offenders:

I do find sex offenders very difficult, but it seems like [other staff think]…I’m a man, so I need to be dealing OK with this…the service can see it’s tricky for [female officers with children] and maybe they can opt out, but men, no. What about men who have children? (POI 24)

This interviewee also pointed out that there was also the possibility that, for male officers, their gender may be used by sex offenders to attempt to justify and minimise their offending behaviour:

They can try to collude with a man…saying things like “you know what women are like”. (PO 25)

Given that, currently, deniers tend largely to be excluded from attending sex offender treatment programmes, thus placing the onus of rehabilitation onto probation officers and one-to-one supervision, the interviewees were asked about the work they carried out in order to tackle offending behaviour with deniers. As was the case with the questionnaire respondents, the interviewees elicited a range of approaches and attitudes to working with this group; and the complexity of the work was also acknowledged. One interviewee frankly admitted

It can feel like an uphill struggle if I’m faced with a complete denier. They don’t want to talk about the offence, they say it had nothing to do with them, that they shouldn’t be here and the system is getting at them. (POI 26).

A male interviewee, conscious of finding work with sex offenders problematic, gave an insight into the personal concerns which caused a barrier to working with sex offenders:

I find other [types of] offences and issues easier to challenge too, so there’s my reluctance, embarrassment, before I even begin to think of the other person, the offender, what he might be feeling. (POI 27)

The potential for conflict in the professional relationship was a concern for the interviewees, as was the importance of using techniques to avoid this and developing
a positive environment. However, again some felt that their training had left them under-resourced to do so:

I want to find ways to avoid getting into conflict with deniers about their guilt and [my] insisting that they take responsibility. (POI 28)

You do need people skills to work with hard-to-reach clients – and deniers can certainly be hard to reach. (POI 29)

It can be very hard to get deniers to trust me as a PO, they see us as the enemy quite often, but if you can develop trust, it can move things forward. (POI 30)

Although the interviewees felt that documents within the case paperwork (such as witness statements, pre-sentence and psychiatric reports, and other assessments) were a vital resource to their own process of researching the background to a case, it was acknowledged that confronting an offender in denial with the material could be counter-productive. The interviewees identified a need, and a benefit, in using more creative approaches with deniers. This could involve using resources not specifically for sex offenders to facilitate an exploration of their own history, such as structured victim empathy exercises. One interviewee found that using pre-existing resources enabled an exploration of the offenders’ own experiences:

[I have completed] tutor training for the One to One programme…[although] it’s not a sex offender programme…there are some exercises which I’ve used in supervision with deniers. One of them is for an offender to describe an occasion when he has been a victim of an offence himself. Again, I’m not specifically inviting him to think about sex offending but this exercise has prompted one of two to discuss their own experience of [being a victim of] sexual abuse as a child…with one offender I remember this led to him opening up about his behaviour with female partners and he learned to trust me, I think. (POI 31)

Others preferred a less ostensibly structured approach, but within an established technique, such as motivational interviewing (Miller and Rollnick, 2012); using open-ended questions to obtain fuller responses:

Using questions which need more than a “yes/no” [answer] is also important – Socratic questioning…motivational interviewing – encouraging the offender to give information. [Then] listening to their answers, picking up on key words – this [style of working] helps to pick up on where they might be in terms of their motivation and [level of] denial. [For example] Exactly what are they denying – everything? [or] that the victim was harmed: the events that took place, the extent of the offending? What are their attitudes to their family members, friends, and authority? (POI 32)
The interviewees were in agreement that it was important to discover as much as possible about the offender's past as possible; so do this, the approach of creating a “timeline” of offending through exploring an offender’s personal history (Sullivan 2013) was seen as a useful tool, albeit that they acknowledged that this could be a lengthy exercise. The benefit of having good interviewing skills was seen as key to the successful completion of such an exercise. Asking the offender about aspects of their lives beyond the offence itself was a favoured approach. In the first comment, this proved to be an important step in identifying - and making progress in meeting - the offender’s criminogenic needs which can serve to reduce risks:

I look at what might be protective factors for an offender; what do they care about or what do they need in their lives, and they'd work to preserve? One offender I worked with had to be housed in sheltered accommodation for the elderly. He was very pleased with the flat he was allocated and he knew if he reoffended he stood to lose it. Others are concerned about maintaining the friendships they have, or family relationships…With others it can be jobs – [an offender] had a very good job which relied on business contacts so he was paranoid about people finding out [about his conviction]. (POI 33)

The interviewees were aware that protective factors could be one of the main incentives for offenders to desist from reoffending, as the risk of loss (of status, support or home) could be a powerful motivator. Therefore, using supervision as a means to find out more about the offender was seen as more productive than taking a risk of antagonising the offender. It helped to develop trust, and discover more about an individual's lifestyle, which could pay dividends in long-term management of the case. It was also noted that awareness of an offender's potential issues, combined with a vigilant approach, could also provide alerts to potential problems or potential reoffending:

[I ask them about] the interests they have...You can look for signals that they might be relapsing – substance misuse, [arriving] late to appointments; [changes in] personal hygiene, how they dress. [For example] I once supervised someone who dressed very colourfully – flamboyantly – [I wondered if this was] to appear more interesting to children. I was able to challenge him about this and it turned out that he was grooming a child. (POI 34)

**Denier’s programmes: a valuable resource?**
The interviewees were asked if they saw any value in a group work programme for sex offenders in denial. This would potentially provide staff with a further source of co-working. As with the questionnaire data, there were mixed views. As with the
questionnaire respondents, the interviewees could see value in terms of providing structured content for the offenders. Two interviewees had concerns regarding the deniers being together in a group setting:

But the conventional wisdom is that groups of deniers together wouldn’t be great, isn’t it? Although why deniers together would be any worse than admitters, to be honest I’m not sure. The content of the SOTP involves [discussing] some graphic material...It’s probably equally as hard to deal with deniers in a group as on an individual basis [as those who admit], if they all say they haven't done it and shouldn’t be there. (POI 35)

Possibly...I might worry about what they would discuss before and after the session, but then that could also be true for those who admit; just because someone says I did it, doesn’t mean they have lost all desire [to offend again]. (POI 36).

Two other interviewees stated that it might be beneficial to have other members of staff (from the SOTP programmes team or external agencies such as Circles of Support) to provide a sense of detachment from the offender management process. One interviewee observed that as probation officers were now expected to view risk management as the most important aspect of their role, this could be an asset, as:

I honestly think that getting specially trained people, programmes staff, more involved would be valuable. They could do the really in-depth [work] and I could enforce conditions, be more focussed on the public protection side. I think it is hard to be both rehabilitator and enforcer in some cases, and sex offenders in denial are a prime example. (POI 37)

Another interviewee, who initially expressed reservations about the value of a programme, concluded that adaptations of the SOTP for use with internet offenders had been beneficial in work with those convicted of non-contact sexual offending, and that on this basis may work with deniers, as:

They would get consistency of content, and [the] programme’s facilitators would have more time, and [such a programme might] feel a less intense approach than one-to-one with a probation officer. Offenders have told me that this can feel like interrogation at times. (POI 38)

Co-working
Since the implementation of the Criminal Justice and Court Services Act 2000, a multi-agency approach to the management of sexual offenders is now a statutory requirement, yet it is not without its difficulties (Nash, 2006; Nash & Williams, 2008; Gregory, 2011). In order to gain an insight into the reality of the effectiveness of MAPPA and inter-agency information sharing, the interviewees were asked for their
views and experiences. Although an analysis of academic literature had suggested negativity within the police-probation MAPPA alliance, overall the interviewees were positive regarding joint working. As the introduction of MAPPA pre-dated their start of their qualification, this was perhaps to be expected for the four officers who qualified under the DipPS. MAPPA had been an aspect of their working lives throughout their time as qualified probation officers. For the two who had qualified under previous schemes, although their views were generally positive, they were able to evaluate from a different perspective. Combining two distinct professions, with their own culture and identity can be problematic (Nash 2006, Nash & Williams, 2008). The two interviewees with CQSW and DipSW qualifications raised concerns regarding the different working styles of the police and probation:

I do think [MAPPA] can be very bureaucratic at times; I think, it’s all very well asking me to tell him he’s got to do this, or that…but do you understand it’s a difficult task when I want to keep a positive [professional] relationship going? (POI 39)

Sometimes we can get caught up with confidentiality and what another agency wants to do, but you expect that, really; we all have our own policies and remit with different parties – offenders, victims and so on. You have to keep clear that the point is public protection and stress this to other agencies when you have to. (POI 40)

However, beyond the involvement of the police, the interviewees also made comments which indicated that joint working can benefit and illuminate the MAPPA process. As had been the case for the questionnaire respondents, the MAPPA structure enabled the interviewees to draw other agencies into the process and make significant progress with individual offenders. They reflected that the MAPPA process can prompt the involvement of agencies such as local authorities (to assist with housing issues) or the Job Centre (where there are restrictions with working with children):

The MAPPA [police] officers have been a source of learning – they are based with us which is a boon for sharing information. I do a lot of [joint police and probation] home visits, which can give a lot of insight about [the offenders] (POI 41)

Yes, actually I have [found MAPPA beneficial] overall…it has pulled in agencies such as housing…and raising awareness of the needs [of an offender] has helped in managing the risks. [For example] getting a warden of sheltered housing on side, so she would alert me to any concerns and [the offender’s] behaviour [in their accommodation] – that was useful. (POI 42)

Services like the Job Centre are more helpful if they’re acting under the MAPPA banner sometimes. (POI 43)
MAPPA provides a structure and keeps the focus on risk. It’s an opportunity for agencies to get together which perhaps they wouldn’t naturally do. *(POI 44).*

When MAPPA procedures began, offenders were given the option to attend any meetings arranged to discuss their case. This could prove problematic, however, and following recent cases such as the Anthony Rice murder of Naomi Bryant\(^\text{22}\) in which the case inquiry revealed significant issues in the conduct of MAPPA meetings and Rice’s manipulative and obfuscating behaviour within them (HMIP, 2006). Subsequently, offenders were prohibited from attending MAPPA meetings. This ruling has however, raised issues for probation officers:

Now offenders can’t attend [MAPPA meetings]…This does make it easier to keep proceedings on track but I wonder if offenders find that difficult – that they are being “done to” somehow. They often don’t understand – or like – MAPPA decisions which will restrict them. And although I don’t have a problem [relaying information between MAPPA and the offender] I know it can be difficult for some of the newer officers. *(POI 45)*

One more recently qualified officer explicitly referenced this concern:

I do think it can be very bureaucratic at times, and complex… I think, it’s all very well telling me to tell him to stop this or don’t do that, but do [other agencies] understand that it’s a difficult task? *(POI 46).*

The interviewees could also see advantages in the styles of working which other agencies adopted. In particular, the policy of the police to carry out unannounced home visits (which is not probation procedure, as all visits are planned and agreed with the offender in advance) was seen as significant in managing all sex offenders, but particularly deniers who may be seen to require more intense surveillance). As one interviewee noted:

Unplanned visits can lead to information a planned one probably couldn’t…it’s obvious really, to get a good understanding of what someone may be doing, to see them when they don’t expect it…I’ve found out a lot from [feedback provided from] the police visits…and also they can monitor movements more closely which can help with the licence conditions. Unless someone’s in an Approved Premises, that can be hard to do [for probation officers]. *(POI 47)*

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\(^{22}\) Anthony Rice had received a life sentence for sexual offences who was released on licence in 2006. He was subject to MAPPA in the community. Rice murdered Naomi Bryant whilst under licence supervision. The Serious Further Offence Review following the murder highlighted a number of issues with the management of his case, which were to impact upon the MAPPA process.
However, there were advantages to home visits whether unplanned or otherwise. Interviewees gave examples of home visiting in which they developed an increased awareness of the offender’s life by looking at their surroundings, such as any photographs on display of children, which required explanation; their behaviour towards others in the home; or their attitude to the visit itself (whether they appeared nervous or uneasy, or more relaxed). It was also observed that being in the home environment, away from the “official and sterile” (POI 48) probation office, could be sufficient to alter an offender’s behaviour.

Conclusion
Conducting interviews with qualified probation officers enabled the collection of data which covered the main themes of the questionnaire data in greater depth. It also opened other areas of discussion; the interviewees provided insight into the complexity of dealing with denial and also (as had been the case with the TPO and PO questionnaire data) raised important points about how work with deniers might be more rendered more effective. The interviewees also stressed the importance of the provision of more frequent opportunities to attend dedicated training, and a need for more consistency in training; for example, providing training on working with denial to all staff rather than a few who deliberately seek out and take up the option to attend. Training needs in areas such as trauma and assertiveness were also requested by members of the interview group. The interviews also highlighted concerns in current assessment and management practices which had not been discussed within the questionnaire data. It can be argued that this reflected the greater diversity in training and years of experience amongst the interviewees than the questionnaire respondents (who, all but one, had trained under the Diploma in Probation Studies and the exception had been in the very last cohort of the DipSW). In contrast, two of the interviewees were probation officers who were of longer standing and had completed qualifications which were linked to social work (one completed the CQSW and another held a Diploma in Social Work). For these interviewees, the Pre-Sentence Report (PSR) was considered to be lacking as a tool; they could recall the predecessor to the PSR, the Social Inquiry Report. The two interviewees both commented on the scope within these assessments to conduct home visits (prior to sentencing) and make more detailed explorations into the offender’s circumstances (and have a greater level of contact with them at an early stage) than is considered necessary to complete a PSR. Although their concerns were not explicitly related to denial, they make the point that
more detailed contact with an offender at this early stage provides much useful information regarding their circumstances. Additionally, this contact may serve to create a professional link prior to sentencing, which may be beneficial to the professional working relationship (if the case is to be held by the report writer, as in accordance with current practice).

It was of importance that home visits to offenders were seen as a key issue, both for risk management and to establish rapport. For the more recently qualified, this was viewed mainly in terms of monitoring and surveillance of an offender; but also (particularly for the longer-serving probation officers) as part of creating a positive working relationship. However, this is an aspect of work which appears to have been negatively affected in recent years, as probation officers have less time to complete these tasks and appear to increasingly rely on the police to carry out this task.

As was the case with the questionnaire data, the interviewees expressed concern regarding the limited availability of training, such as that for the SOTP case managers. There was also criticism of RM200 which was seen as very limited as a means of assessing risk in a meaningful way; and there was a sense of relief and anticipation of the incoming ARMS risk assessment tools, principally because of the inclusion of dynamic factors, which the interviewees saw as being of significance in providing a rounded assessment.
CHAPTER NINE: DISCUSSION OF THE MAJOR FINDINGS OF THE RESEARCH

This chapter will consider how the primary and secondary data in this thesis have contributed to the debate on how deniers can be worked with effectively to reduce risks of reoffending and of causing further harm to the public.

The aim of this thesis has been to examine the ways in which probation officers work on a one-to-one basis with sex offenders in denial. This is a topic which has been under-researched, as most literature on denial in sex offenders has focussed upon treatment programmes such as the Sex Offender Treatment Programme (SOTP) rather than the relationship between individual sex offenders and the probation officers tasked with their supervision. It is also mainly research which has been generated outside of the United Kingdom. This thesis is therefore an original contribution to knowledge by focussing on the one-to-one supervision relationship in England and Wales.

Since the creation of the National Probation Service for England and Wales in 2001, the major remit of the probation officer has been to work with offenders to manage the specific risks related to their likelihood of reoffending or of causing further harm. This has become the central focus of the supervision relationship in the contemporary probation service. Probation officers have been recast as ‘offender managers’ and the supervision process forms part of ‘offender management’ which, with sex offenders, includes monitoring of licence conditions which are frequently based on restrictive measures and combined with lengthy periods of time on the Sex Offender Register. It has been argued that the risk agenda has caused professional relations to deteriorate with offenders in general (McNeill, 2006; Mair & Burke, 2012) and this thesis has extended this debate by positing that offender management with sex offenders in denial can particularly affected by the requirement to focus on risk.

A key reason for this is that denial may also result in mistrust, from the offender towards the probation officer, but also vice versa. Mistrust can impede on the creation of a productive professional working relationship, as discussed in the foreword to the London Probation Trust one-to-one programme (2011).

Previous research has indicated that 60 per cent of sex offenders are also likely to have experienced abuse themselves in childhood (NSPCC, 2013) and this can result in attachment issues (Ansbro, 2008; Baim & Guthrie, 2013) and trauma (Becker-Blease & Freyd, 2007). There is an expectation that probation officers will feel able to meet
the task of speaking with offenders on sensitive topics in addition to maintaining a focus on risk (NOMS, 2011) despite evidence that some may straddle with this dual role without being trained (HMIP, 2010). Such issues can render the supervision process complex, and insufficient training can result in a lack of confidence amongst probation officers, as demonstrated in the primary data with TPOs (page 139 of this thesis) and the HMIP report on work with sex offenders (2010). In order to examine the training, support and skills available in the supervision of sex offenders in denial, this study included primary research with pre-qualified probation officers and qualified staff holding a range of qualifications: the Certificate in Social Work, Diploma in Social Work, and Diploma in Probation Studies.

The aims of the study revisited
The main aim identified by the author was to explore the assertion that working with sex offenders in denial is considered to be complex for probation officers tasked with undertaking it. This aim, which was initially generated from the author’s own experience as a qualified probation officer, was reinforced in a report (HMIP, 2010, p.18) which had identified gaps in provision for this offender group. It was asserted that these gaps arose from lack of confidence and insufficient training opportunities.

A second aim of this study was to carry out research to identify resources which, if made widely available to the probation service, could assist with this area of work. These could be in the form of resources, such as structured programmes or manuals, and external services.

The third aim was to examine the existing level of knowledge and skills amongst staff and whether this was shared in any meaningful way; either through formal training or more informal transfer of knowledge between colleagues.

Fourthly, the study sought to examine the contemporary probation service. To understand the current structure of the organisation, the secondary data in the literature review has examined social policy since 1979, exploring the Acts of Parliament which have shaped the development of the probation service. A more specific focus has been the legislation impacting on the ways in which sex offenders are dealt with by the probation service.
The problem of denial for the probation officer

The focus upon public protection challenged the traditional notion of Probation as a service which was primarily required to “advise, assist and befriend” (Gard, 2007; Nash, 2006; Kemshall, 2008; Whitehead & Statham, 2006) and the modern probation service, which has been required to blend the principles of the New Public Management approach with an emphasis on the management of risk. This has put the emphasis on accountability; public services must be in a position to justify its actions, and decision-making is required to be defensible (a remit which in fact fits well with the effective management of ‘risky’ offenders). As an inevitable consequence, there has also been growing pressure on the probation service to identify (cost) effective ways of working with offenders which would also be effective with regard to protecting the public; in other words, focussed upon risk management and the reduction of reoffending.

Deniers of sexual offenders are a group which have historically been largely excluded from treatment programmes due to their denial of their offending behaviour, and can be made subject to stringent monitoring and strict licence conditions in order to manage risk. These are managed by a single probation officer in consultation with the police and other agencies through MAPPA processes.

Whilst offenders convicted of other offences, such as violence, may also be subject to these processes, the monitoring of sex offenders is compounded by the attitudes of society and negative media coverage, which have impacted on the social policy context which surround them. There are frequent calls for lengthier sentences and extensions of Sex Offender Registration, which it has been argued are often imposed to appease the public and the media (Kemshall, 2003; Nash, 2006).

It is argued that this results in frustrations for both the probation officer and the offender. In the literature review and the primary data of the thesis, officers have commented on this frustration; insufficient training has been cited as a major issue. Sex offenders are a complex group, with manipulative behaviour cited as a key concern, which requires understanding and competence to be dealt with effectively.

The Risk Agenda

The starting point of Chapter Three was the assertion that risk has become an increasing preoccupation in postmodern industrialised societies (Beck, 1992; Giddens, 1991, 1992). This was seen to have been the result of increased social and economic mobility since the industrial revolution, and this mobility has weakened family and
community ties, increased competition for employment and social status, and reduced trust amongst individuals. Fear has become a significant factor; and fear generates denial, of issues society struggles to understand and those who perpetrate such behaviours. A category of individuals known as “The other” represent this fear (Furedi, 2013; Hudson, 2003). In the past, homosexuality and ethnicity have determined this group. More recently, however, it has been argued that sex offenders are now the most reviled members of society; the fear of sexual offending has resulted in their exclusion through long periods of imprisonment and stringent monitoring in the community (Hebenton & Seddon, 2008; Hebenton, 2011; Spencer, 2009). In admitting sexual offending, an offender may also lose the respect and support of family and friends; and if they lose employment due to the nature of their offending, their sense of status in society. In view of this, it can be argued that denial of sexual offending is a rational reaction for perpetrators, which is based on a wish to retain status and family and social ties (Blagden, Winder, Thorne & Gregson, 2011; Levenso, 2011). This was pointed out by a probation officer in the primary data:

I think I would deny if I were ever convicted of anything that terrible and perhaps denial is actually more ‘healthy’ than someone who openly or freely admits their behaviour. I think this because it may mean that the person is really ashamed of their actions and I would consider this to be positive. (POQ11: page 155)

The view that denial may be positive is controversial; denial and a sense of shame have traditionally been deemed as negative, with admitting being the preferred position of acceptance (McAlinden, 2008; Proeve & Howells 2006, p.125). Yet it provides a useful insight into the way in which denial may be a protective factor which can reduce the likelihood of reoffending, with the denial being a cognitive barrier to retain a strong sense of self and maintain status and support in society (Harkins, Beech & Goodwill, 2010; Levenson, 2011; Winn, 1996).

**The risk agenda and working with denial**

Chapter five of the thesis discussed the concept of denial from sociological and psychological perspectives which identified that denial is a complex and multifactorial concept. One instructive way to view denial is as a typology (Calder, 1999) with many stages with distinct behaviours and language which an offender might exhibit. The typology analysis reveals the complexity of denial, and assists in identifying why it can be problematic for professionals. For example, denial can result in aggression or withdrawal, both of which can harm the development of a productive working relationship.
Such difficulties have resulted in the stance of NOMS to exclude many deniers from offending behaviour programmes as a result of their denial (Ministry of Justice, 2010, p.18). In addition, denial has long been viewed as a factor which has, at worst, increased an offenders’ risk, and, at best, not reduced it. The primary data of probation officers who participated in a questionnaire for this thesis indicates that the majority adhered to this view. Table 6.4 (page 156) illustrates that nine of the eleven cases were assessed as high risk, with denial as a factor in the assessment.

As previous research (HMIP, 2010) and the primary data in this thesis has shown, focussing on denial can prove to be counterproductive and can result in tension in the interactions between a probation officer and sex offender, and can reduce the likelihood of creating a good working relationship between the officer and the offender. It is therefore of crucial importance that the probation officer finds ways in which to work productively. Both the secondary and primary data in this thesis indicate ways in which officers might achieve this aim, either through using structured programmes designed to be delivered on a one-to-one basis, or by developing their skills in questioning and building rapport. These will be discussed in the following two sections.

**Structured programmes**

As previously discussed in this thesis, a key conclusion of the What Works debate was that treatment programmes are an effective means to work with offenders to manage risks of reoffending and harm (Andrews & Bonta, 1994; Chapman & Hough, 1998; Chui, 2003). Yet many sex offenders are unable to participate in programme work, either due to the limited availability of programmes or to their level of denial.

The qualified officers in the questionnaire study overwhelmingly believed that there were no programmes specifically addressing sexual offending which were available to deniers in their area. In terms of programmes based on group work, this proved to be accurate. However, the research for this thesis has identified two existing resources for use on a one-to-one basis with sex offenders who have been assessed as unsuitable for group programmes which have been developed by two probation trusts; Facing Forwards and the London Probation Trust programme. There is also a third programme yet to be released which has been produced by NOTA, the Integrated Treatment Resource. That so few of the respondents knew of these resources may indicate that, when questioned about programmes, the majority of respondents thought in terms of structured group work programmes; or were not aware of programmes which were available in other areas.
Although one questionnaire respondent knew and had used *Facing Forwards*, it would appear that information regarding these resources is not disseminated widely outside the trust which developed them. This could be an issue with the formation of trusts as discrete units; it remains to be seen how the return of sex offender work to a national service will impact upon communication between areas and the sharing of resources. Yet it would seem beneficial to promote the use of these resources, given NOMS’ continuing adherence to the view that programmes are an effective means of working with offenders. Widening the use of one-to-one programmes would also lead to more standardised treatment, albeit on an individual basis.

The programmes are underpinned by the theory of the *Good Lives Model*, which also forms the basis of the Sex Offender Treatment Programme which is used in various forms in prisons and the probation service in England and Wales. Consequently, the GLM is an established method for tackling risk in sexual offending. The approach of the GLM has been informed by the desire to work to the *strengths* of each individual offender and seeks to increase their social and community ties (“social goods”) in order to reduce the likelihood of reoffending. It is argued that stronger links to the community through participation in employment, social and religious groups, and stronger family relationships and friendships will increase wellbeing and encourage individuals to desist from offending (Laws & Ward, 2011; McNeill, 2006; Mair & Burke, 2012). Such an approach can be seen in the primary data in this thesis, as probation officers sought to find accommodation and employment for offenders (page 146).

Using the GLM approach with deniers through one-to-one programme resources will enable them to have access to this way of working. Furthermore, the use of these programmes would provide a structure for probation officers which has been found to be effective in group work contexts.

**Skills to work with denial**
Although NOMS has set down the management of risk as a key criteria in working with offenders, the literature review in this thesis has considered alternative arguments that focussing on risk may negatively impact on the development of productive working relationships between probation officers and offenders (McNeill, 2006; Mair & Burke, 2012). Laws and Ward (2011) have argued that, in working with sex offenders, a more person-centred approach (such as that within the GLM) is more effective, given the dissonance which workers can frequently encounter. Denial can be seen as a major manifestation of such dissonance. Although the risk agenda may be seen to work
against creating relations of trust with deniers, given the high levels of monitoring and surveillance such cases can attract, in the main, the probation officers in the present study did not seem to be averse with working with in deniers, with some stating a preference for deniers and the challenges they present (page 154). Yet as one respondent noted, there are a number of tensions which require resolution:

They are by far the most demanding individuals to work with. Greater resources need to be allocated to the work of sex offenders due to the time taken, not only working with the SO, but liaising with other agencies to share information (all of which needs to be accurately recorded). The role of a Probation Officer is a difficult one, given the ‘social work role’ we have to build a constructive working relationship yet, at the same time, ensuring all the restrictions of licence conditions/community order/suspended sentence order, SOPO, SOR and CP restrictions are adhered to. (POQ1, page 154)

The primary data of qualified probation officers indicated a range of skills which individual workers had developed in order to establish an effective working relationship. Working to meet criminogenic needs (dynamic risk factors) appeared to be one effective strategy. The questionnaire study indicated that staff sought to engage with offenders through supporting them to develop positive ties in the community, secure employment and accommodation and addressing issues such as drug and alcohol misuse. Table 6.3 (page 142) indicates the areas which probation officers used in working with offenders and Table 6.5 (page 146) lists other agencies which were involved in meeting criminogenic needs.

Table 6.6 (page 151) details the approaches which the qualified probation officer questionnaire respondents had used in working with offenders. The probation officers also used techniques such as Socratic questioning to engage offenders, asking them open-ended questions to encourage them to discuss issues. The use of techniques such as creating a timeline of key events in their lives could also be instructive. Another approach was to encourage offenders to discuss an event in their lives in which they perceived themselves to be the victim of an offence; or to hold discussions of hypothetical scenarios of offending. Such approaches can be seen as being a way to explore empathy, which has been seen as an area in which deniers may be deficient (Brown, Walker, Gannon & Keown 2012).

MAPPA also enables other agencies to be called upon to assist with aspects of the case. Children’s Services frequently become involved, but there was also evidence of Job Centres, churches and Age Concern participating in the MAPPA process to meet
identified criminogenic needs. Such agencies can provide services and opportunities unavailable to the probation service. Their involvement can also aid risk management; for example, a church official becoming involved can assist in identifying how an offender can continue to practise their faith whilst keeping the congregation safe. Or, with knowledge of an offender’s previous convictions, Job Centre staff can more effectively identify appropriate types of employment which will allow an offender to adhere to licence conditions prohibiting work with minors.

An issue which linked MAPPA and the involvement of the police in managing cases was that of making home visits. This area of work has been somewhat neglected in recent years, due to the time constraints of the probation service; an increase in bureaucracy has been seen to have reduced the practice of regular home visiting (Phillips, 2012) despite the importance which NOMS place on the activity, especially in work with high risk offenders. The more experienced, social work trained officers also raised the importance of home visits to offenders. Whilst they were cited as being a means to gain information on the offender’s circumstances, they are also an important means to monitor behaviour. The interviewees commented on both planned and unplanned home visits, the latter taking place with the police as it is usual policy for home visits by probation officers to be pre-arranged:

When we did Social Inquiry Reports, as the name suggests, we had more scope to find out more, we would visit [the offender] in their home and this would tell me a lot about him. I’d see pictures, photos in the home, who he lived with, where…I could check whether it was near any risky places for example … now, we have to wait until the post-sentence stage to home visit and this for me is a real issue. (POI 23: page 165)

Unplanned visits can lead to information a planned one probably couldn’t…it’s obvious really, to get a good understanding of what someone may be doing, to see them when they don’t expect it…I’ve found out a lot from [feedback provided from] the police visits…(POI 47: page 172)

A probation officer qualified under the DipPS noted that in particular, joint home visits with the police aided her understanding of the issues involved in working with sex offenders:

The MAPPA [police] officers have been a source of learning – they are based with us which is a boon for sharing information. I do a lot of [joint police and probation] home visits, which can give a lot of insight about [the offenders] (POI 41: page 170).
However, it should be acknowledged that this might have greater benefit from a risk-based perspective than a holistic point of view; although as NAPO have noted, the value of home visits to both “provide valuable insight into [an offender’s] circumstances as well as to provide information to reduce risks” (NAPO, 2012, p.10) which indicates the validity of both perspectives. The primary data also indicated that multi-agency working (for example in the form of MAPPA) can increase the confidence of probation officers and is therefore a valuable resource in working with denial. Gregory (2011) has observed that there may be tensions in joint working relationships between the police and probation. The probation officers interviewed for this study did acknowledge that difficulties could arise, but none reported the levels of disrespect which were noted in Gregory’s study. To the contrary, the interviewees provided evidence that probation officers derive significant benefit from working collaboratively with the police; for example in making joint home visits to fulfil the requirements of the Sex Offender Register, or gaining information from the police about visits they had made without a probation officer in attendance. The ability of the police to make unannounced home visits as part of the requirements of sex offender registration, and share information arising from them, was particularly valued.

The respondents were in agreement that experience is of high importance in working with deniers. The probation officers who had qualified under the CQSW and DipSW training programmes exhibited greater confidence in working with denial, and appeared to have developed more skills in doing so. This may be related to the amount of experience that the longer-serving probation officers had accrued; one CQSW qualified probation officer with thirty years’ experience as a probation officer acknowledged that the opportunities she had received in the course of her career had enabled her skills development. She reported having worked in a specialist sex offender prison which provided her with access to specialist staff and a wealth of experience in working with sex offending generally and denial in particular.

I learned skills – questioning techniques and knowledge about theory which obviously being in a sex offender environment means you have access to – and also plenty of time in the prison to use them as it can be less pressurised than case management. (POI 2: page 156-7)

Yet this probation officer was aware that there is now less mobility in the probation service, and saw it as an aspect of her role to pass on her experience and skills to more recently qualified officers (page 166). Furthermore, the TPO study identified that officers in training believed their qualified probation officer colleagues to be a reliable
and knowledgeable source of support and there was evidence of effective information exchange between TPOs and qualified probation officers. In addition, the probation officers with the most years of experience amongst the interview sample identified that sharing their knowledge and experience with colleagues was an important part of their role and furthermore, that they believed that it was expected of them by their organisation. Certainly, it was observable that the absence of regular training provision on working with sex offenders, or with issues of denial, support, advice and liaison with colleagues was seen as important by pre- and post-qualified respondents in order to increase their knowledge, which in turn was a means to gain confidence.

Confidence was seen as important in managing sex offender cases in general due to the particularly sensitive nature of the work, and the potential for manipulative behaviour that sex offenders can demonstrate. Supervising any offender will necessitate the reading of legal documents which are supplied by the Crown Prosecution Service, such as witness and victim accounts of the offence in order to be aware of the details of the case. In the case of sexual offending, these accounts may include information about sexual acts and include sexualised language; and in working with a sex offender, a probation officer will be expected to discuss this material, and glean further information regarding the sexual preferences and activities of the offender. The data from the interview study with qualified probation officers raised issues regarding the stress that staff can feel when working with such material with sex offenders, and the importance of accessing support. This appeared to be a contentious issue; all made use of their network of colleagues, but the point was also made that whilst programmes staff receive counselling, this was not available to probation officers in the field. The comments by some respondents indicated that the availability of counselling may be beneficial at times when they felt disturbed by the nature of the offending, or in experiencing difficulties in working with specific offenders due to feeling manipulated or unable to make progress with an individual.

A significant finding in the primary research involved working with sex offenders who had themselves been victims of sexual abuse. The interview study revealed discomfort amongst probation officers who had qualified via the DipPS route, as it was felt that the risk-focused training did not equip them to work confidently with issues of trauma (page 173). Gregory (2011) has discussed the psychosocial nature of the CQSW and DipSW programmes, which encouraged trainees to take a holistic view of offenders; and in his reflections on his career as a probation officer, Collins (2015), discusses how
his training, with its psychosocial underpinnings, had been “based on empathy, genuineness, non-possessive warmth and, later, challenge” (2015: 146). These conditions are also central to the work of Rogers (1961) which inform training for counsellors and psychotherapists; they are noticeably absent from recent probation training. It is arguably understandable that the probation officers trained in this tradition would be more at ease in discussing issues of trauma with offenders. This was borne out in the primary research, as in the interviews with qualified officers, those who had been trained in the social work tradition (the CQSW and DipSW) expressed more confidence in undertaking this type of work. Amongst the TPOs and DipPS trained respondents, there was a view that work of this nature would be better dealt with by programmes staff (although it should be noted that these too will be predominantly trained from a risk-based perspective). This can be seen as an issue relating to the risk-focused approach having less emphasis on developing skills in working holistically, which can negatively impact on confidence. As a CQSW qualified probation officer put it:

I do think the modern training is perhaps more prescriptive and it’s very risk focussed whereas the CQSW seemed to be more holistic and look more at people skills. And of course, you do need people skills to deal with hard to reach people, and deniers are certainly hard to reach. (POI 4: page 157).

As previous research had established a clear link between sex offending and historic sexual abuse (Becker-Blease & Freyd, 2007), this is a pertinent observation. The Diploma in Probation Studies and Diploma in Probation Practice are risk-based training in which the development of constructive professional relationships is not a priority (McNeill, 2006). Probation officers who qualify under these programmes are not provided with the input on person-centred working which was an intrinsic part of the CQSW and DipSW. Counselling services are not routinely available for sex offenders; there appears to be an assumption that the supervising probation officer can offer support of this nature, despite the lack of coverage in the training of the more recently qualified. One probation officer in the interview study noted that a volunteer counsellor offering appointments to offenders in a probation office and had been a valuable resource for staff:

[The counsellor] was a real asset. Sessions with him were add-ons, not a replacement for seeing a PO, and the content wasn't disclosed [to me] unless it had to be....One man, and he really opened up, even with me, after sessions with [the counsellor]. I wish more [probation] offices [offered counselling] Otherwise, I
have to tell them to ask their GP... they won't always want to go through [talking about abuse] with their GP. \textit{(POI 19: page 163)}.

An arrangement such as this is an exception, but appeared to provide a beneficial resource for both the offender and probation officer.

Counselling is also not routinely available to probation officers dealing with sex offender cases; although it is an established provision for those working on the SOTP.

Acquiring skills in using attachment theory is an integral part of social work training \cite{Howe2009} which underpinned the CQSW and Diploma in Social Work. Yet the Diploma in Probation Studies does not feature attachment theory or person-centred approaches in depth. Enabling probation officers to acquire understanding and skills in working with attachment theory would better equip them to address trauma issues with offenders \cite{Baim2013}. As it has been reported that 60\% of sex offenders have disclosed a history of being the victims of abuse in their lives \cite{NSPCC2013} attachment training would be a valuable resource in addressing trauma and promoting the development of empathy with sex offenders who have themselves been victims of sexual abuse.

In exploring alternative ways of working with sex offenders, the thesis also discussed the potential use of mindfulness techniques and how this may be an effective strategy for reducing risk with sex offenders in denial. Mindfulness is already well-established as technique for reducing stress in the general population, and the secondary data included research which has been undertaken with sex offenders \cite{Gillespie2012}. It was reported that in 2015, mindfulness would be used with violent offenders in five high security prisons in England and Wales \cite{Bolton2015}. Given the relationship between coping and mood, stress and sexual offending \cite{Serran2006} this could provide a potentially effective means of work with this offender group, including those in denial who are unable to participate in traditional programmes.

**Training issues**

In terms of the academic programme, the study of sex offenders featured in units on dangerousness and tackling offending behaviour. TPOs were asked to complete a risk management plan for a sex offender as part of an assignment \cite{Page125}. Given the importance placed on effective risk management of serious offenders, it is acknowledged that this is an important source of knowledge and learning. However,
there were mixed views as to whether this coverage was sufficient; and a number of trainees had stated that the topic was “optional”, and therefore not all TPOs will have chosen to cover this piece of work.

The TPO study indicated that their academic learning on sex offending featured a discussion of the work of Finkelhor (1984). No respondents made mention of typologies of denial. However, the workshop for the Diploma in Probation Practice included content on Finkelhor (1984), Wolf (1984) and typologies of denial. The attendees demonstrated an ability to relate the material to cases of which they had knowledge. However, a point of difference may lie in the methodologies of the two studies. The TPOs were completing a questionnaire in their own time, and being asked to recall information on the content of their training. In contrast, the DPP participants were being directly observed during a university workshop. They were therefore directly engaged in the subject matter. Importantly, however, this was their learning opportunity; their chance to explore the topic of sexual offending. The author of this thesis was also present and able to see at first-hand what specific content was delivered.

In addition, as a proportion of the respondents were prohibited from working on sex offender cases until they had qualified, there was concern that the skills in risk assessment and planning would remain at a hypothetical level. A number of trainees had been advised that there would be a two-year period post-qualification before they would be allocated any sex offender cases; but for some, this guarantee was not in place and they were concerned about their abilities to engage effectively. As one put it:

I do not feel confident as I have not used my training and put anything into practice. Colleagues now view me as a competent qualified officer so it will be a step back when/if I am allocated sex offender cases as it will all be very new to me and I will need to rely on my colleagues a lot (TPO13: page 127).

There was concern that the lack of direct experience with sex offender cases would be a disadvantage, in particular when faced with issues such as manipulative behaviour.

I know I have interviewing skills but also understand there can be specific issues in working with sex offenders, especially if there are concerns regarding manipulation and denial. (TPO20: page 127)
Those who had been given opportunities to co-work cases or prepare pre-sentence or parole reports on sex offenders indicated that they felt more confidence than their peers who had not done so (pages 134-137).

The decision to prohibit those in training from working with sex offender cases was a contentious issue for the respondents. They clearly felt that it negatively impacted on their professional skills. It may be that the probation trusts considered that trainees lack sufficient skill in risk management to deal with complex cases competently; this view may arise from an awareness of the negative (media) reactions which errors in cases tend to receive. Yet the decision also leads to a tautological argument, as without the opportunity to acquire experience, the TPOs felt they would be disadvantaged in their early careers as qualified officers.

In contrast to the (stated) lack of support offered by the university to the TPOs, the later Diploma in Probation Practice included a one-day workshop and one was observed by the author of this thesis. The workshop was solely devoted to sexual offending behaviour. It provided theoretical input and discussions on issues which might arise in working with sex offenders. Denial emerged as a key issue and was discussed at length (page 130-133). This suggests that the importance of providing more detailed information on sexual offending at the pre-qualification stage had been acknowledged, at least by the university. Furthermore, within the workshop, denial was given consideration as a key issue for probation practice. It was still the case that some attendees could demonstrate experience of working on sex offender cases, whilst others lacked knowledge and understanding. This indicated that a disparity remained between those permitted to work with sex offenders and those without the opportunity; thus the issue identified by the TPOs remained.

Perhaps unsurprisingly, given the importance placed on risk in the DipPS, a focus of the TPOs comments was risk management. While this in line with the current practice in working with sex offenders, it is arguably concerning that none of the TPOs referred to ways of working with the offenders to develop an ongoing relationship, which can be crucial to a positive outcome in terms of longer term desistance (Laws and Ward 2013). This reinforces the comments of the qualified officers who had completed social work based training, and points to a significant deficit in the current style of probation officer training.
The primary research found evidence that there were also significant gaps in post-qualification learning. Participating in ongoing training post-qualification is seen as an important aspect of the probation officer role (Eadie, Wilkinson & Cherry, 2012). This is however dependent on availability of training as much as willingness to participate. Inconsistency in the availability of training courses in the field of sex offending was reported in all four studies. This applied even to the courses which are considered to be mandatory: first, RM2000 training in order for probation officers to assess risk in pre-sentence and parole reports (using RM2000 in addition to the standard OASys assessment) and, second, access to the SOTP training for case managers training to enable officers to supervise offenders during their participation on a programme. Training provision on working with denial was yet more infrequent; perhaps because it is not mandatory for a probation officer to have had training in denial in order to work with such cases. Training on denial appears to be arranged on an ad hoc basis which is dependent on the availability of staff to deliver it, and whether individual staff members choose to attend it. This appears to be a significant issue given the importance which the probation service have attached to denial as a factor in the assessment of risk, as working with perpetrators of sexual offences can invoke strong emotional reactions in probation officers tasked with their supervision. Without sufficient and relevant training, these reactions could become harder to control and a focus on risk harder to maintain.

As Nash (2006, p.29) observes, and the primary research findings in this thesis have demonstrated, professionals required to work with perpetrators, being human, will also have personal responses to the nature of some offences which they will have to control; they may also have seen media reports in advance of being allocated particular cases. They may have to examine their personal values as they work to organisational guidelines in creating a working relationship with the offender and to address risk issues appropriately. Furthermore, they will also have to consider the policies of other agencies and the responses of other agencies which may conflict with their own organisational agenda (Kemshall, 2008, p.71). As one probation officer in this study put it:

I’ve felt disgusted, revolted, infuriated at some of the things I’ve read. But with all offenders, you need to see beyond the offence to them as a person. Otherwise how can anyone be a PO? But yes, [for me] it’s a more intense process with sex offender [cases]. (POI 16, page 162)
Despite their professional training, this can be a source of stress in working with sensitive details which is difficult for some workers to completely eradicate (Nash, 2006, pp 29, 149; Fitzgibbon 2011). It has been noted that this is a “neglected issue” (O’Bierne, Denney & Gabe, 2004, p.112) and that the topic of staff safety is most frequently discussed informally with colleagues rather than raised with management.

Yet a study of probation officers and senior probation officers recorded that 71% of staff at these levels feared physical or verbal violence from offenders under their supervision; that male officers as well as females felt fearful; and the prospect of dealing with difficult topics (such as discussion of sexual offending) was a particular source of stress (O’Bierne, Denny & Gabe, 2004). Furthermore, Nash (2006) comments that an understanding of personal values will become imperative as probation continues to be, and develops further, as a risk and protection focussed service. It is therefore imperative that probation officers feel adequately equipped through appropriate training and support from the organisation.

Inconsistency in the availability of training courses in the field of sex offending was reported in all four studies. This applied even to the courses which are considered to be mandatory: first, RM2000 training in order for probation officers to assess risk in pre-sentence and parole reports (using RM2000 in addition to the standard OASys assessment) and second, access to the SOTP training for case managers training to enable officers to supervise offenders during their participation on a programme. Training provision on working with denial was yet more infrequent; perhaps because it is not mandatory for a probation officer to have had training in denial in order to work with such cases. Training on denial appears to be arranged on an ad hoc basis which is dependent on the availability of staff to deliver it, and whether individual staff members choose to attend it. This appears to be a significant issue given the importance which the probation service has attached to denial as a factor in the assessment of risk.

**Conclusion**

This chapter has explored the major findings of the primary and secondary data in this thesis. These can be summarised into four main points.

Despite the inconclusiveness of previous research on the relationship between denial and risk, and the consequential changes in the way that NOMS views minimisation and denial, the concepts continue to be embedded in risk management practices in the
probation service. This was particularly apparent within the interview and questionnaire studies of qualified staff, who (although clearly able to identify other dynamic risk factors which they considered to be of equal or greater importance) almost universally stated that denial was a significant factor in their risk assessment, and that denial could of itself result in an offender being assessed as a potentially high risk of causing serious harm. However, it should be remembered that the collection of the primary data (in the period 2011-14) pre-dated the change in perception on denial by NOMS (Williams, 2013; Harkins, Howard, Wakeling & Bennett, 2015) and therefore staff were expected to consider denial as a risk factor.

All four studies revealed elements of a lack of confidence amongst some probation officers working with sex offenders in denial, most notably those trained under the risk-focused Diploma in Probation Practice. This could stem from uncertainty in working with denial itself (for example, in knowing how to challenge an offender who consistently stated that they had not committed the offence). Yet it could be indicative of a wider anxiety in dealing with the perpetrators of sexual offending as a whole; the comments of one interviewee in particular raised that this can impact on gender issues (page 170 of this thesis). Although, as one of the qualified probation officers in the questionnaire study noted, personal feelings of abhorrence regarding sexual offending can be an issue. In this instance, denial could exacerbate the difficulties by introducing the possibility of confrontation. Yet, although personal feelings can impact upon an officer’s ability to deal effectively with sexual offending and denial, the studies indicated that the main issue is a need for improvement in the availability of training to work both with sexual offending as a whole and denial as an issue.

A major issue for both those in training and qualified probation officers was that provision of training to work with sex offenders was available infrequently and inconsistently. The training that was available was mainly delivered by staff from the SOTP programmes team; therefore, any training would appear to be dependent on the scheduling of programme delivery and the subsequent availability of staff to engage in training as a supplementary part of their role.

There was also regional inconsistency for those in training, with some areas (later Probation Trusts) permitting staff to work with sex offenders in collaboration with qualified colleagues, but others stating that this is not appropriate until after qualification.
Yet there are positive signs that many probation staff possess considerable abilities in working with sex offenders in denial. Those who have been longer qualified seemed willing to share their skills with those who had more recently joined the service; and the participants were also aware of a role in providing information to agencies such as courts and the parole board to assist in sentencing and release decisions.

There are also a number of resources available in the form of structured one-to-one programmes and manuals which are available to assist probation officers working with sex offenders in denial. Using the principles of the GLM, such resources tend to be strengths based and holistic, encouraging a focus on issues beyond denial of the offending behaviour.
CHAPTER TEN: CONCLUSION AND RECOMMENDATIONS

This study has considered the ways in which the probation service has developed, and delivers, work with individuals in denial of sexual offending. The thesis took a starting position from an acknowledgement of the complexity of such work. This is an assertion based both on the author’s professional experience working as a probation officer with such individuals and the findings of research from academic (Brown et al, 2013; Calder, 1999; Cohen, 2001; Levenson, 2011; Rich, 2013) and professional perspectives (HMIP, 2010; NOMS, 2010 and 2011).

The study commenced with a literature review which comprised an historical analysis of the development of the contemporary probation service in England and Wales. This included a discussion of the impact of the introduction of the public management style on the probation service. An increasing focus on risk is now central to the operation of contemporary probation service and the structure of probation officer training, and also mirrors a concern with risk assessment and management in postmodern societies (Beck, 1992, 2007; Giddens, 1991, 1992). The literature review additionally considered multidisciplinary theoretical perspectives of denial and discussed why denial has been construed as problematic for the probation service.

The primary research has encompassed the views of pre- and post-qualified probation officers in four studies, which although discrete, have made relevant contributions to the discussion.

NOMS is currently in the process of creating new sex offender treatment programmes and has stated that these have been designed to be more holistic in their approach than the current models. There is also a change in position regarding the relationship between denial and risk, with NOMS currently stating that denial is to be viewed as one facet of risk rather than a major causal factor of an assessment of an individual as high risk (Williams, 2013). How this translates for probation officers and offenders remains to be seen, for, as the respondents of the interview study in this thesis observed, it can take a considerable length of time for changes in NOMS policy to filter down to courts and the parole board. Therefore, research into both the evaluation of the new programmes (and if deniers are able to access them) and the effects of the change in viewpoint will require ongoing research and evaluation.
Finally, the *Transforming Rehabilitation agenda* began to take effect within the Offender Rehabilitation Act 2014. At the time of writing, this legislation has already had a substantial impact on the probation service; which is, in effect, now two services, one located in the private sector for low to medium risk cases, and another statutory service for high risk offenders (and all sex offender cases). This has already caused significant changes to the structure and working methods of the service. It has been asserted (MOJ, 2012) that there will be little impact on the management of sexual and violent offenders, as these cases will remain under the remit of the National Probation Service; however, the current reality remains one of uncertainty and, in order for the reality of the situation to be assessed, the policy and its practical implications for staff in the field will require a substantial level of research across a number of years.

**The main benefits of the research**

The primary research within the thesis explores the work which probation officers undertake with deniers; and in so doing, it has examined skills and abilities which were not covered within previous research (HMIP, 2010; NOMS, 2011). It has also identified a need for greater consistency in training provision for the SOTP case manager training. Although this is considered mandatory, the primary research indicated that not all probation officers working with offenders participating in SOTP had attended it.

There is also a need for training in working with denial, and enabling probation officers to acquire knowledge and skills in working with trauma. This is not currently a feature of risk-based probation training, but given the statistical evidence, it is a perceived need in working effectively with offenders who are likely to have been victims of abuse themselves.

The thesis is enhanced by a discussion of new initiatives which are currently available or due to be rolled out in the near future. The LPT specified activity one-to-one programme and the NOTA Integrated Treatment Resource have been produced to assist professionals tasked with working with sex offenders who have been assessed as unsuitable for SOTP. Although not specifically designed for deniers, these programmes are deemed to be effective for use in cases of significant denial. The use of mindfulness exercises with sex offenders would be a suitable intervention for deniers as the focus is on stress reduction as a means to address offending behaviour. As such, it aims to build an offender’s strengths and ability to control their lives without resorting to behaviours which have led to offending in the past.
Limitations of the research
Gaining access proved to be the major concerns which impacted upon data collection in preparing this thesis. It resulted in the use of four discrete studies with different participants. The research was also confined to staff perspectives, albeit a mix of pre- and post-qualified probation officers. This, however, did provide comparative data which indicated that the pre-qualified staff who were given experience and training in working with sex offenders, and specifically those in denial, displayed a greater level of confidence about engaging in this work post-qualification. The qualified staff benefited the research with a range of experience in the community and prisons, and differing perspectives on probation officer training, which has undergone significant change.

There is, however, the absence of the offenders’ voice from the data. It is believed that the inclusion of the offender perspective on the requirements of their supervision and their stance of denial would have added a further dimension to the data and a comparison and counterpoint to the views of supervising probation officers.

Originality of the research
The research has a number of points of originality. First, although there is a literature on working therapeutically with denial in sexual offending, it is essentially focussed on workers within sex offender treatment programmes. This study therefore represents an original contribution in examining the one-to-one professional relationship between sex offenders in denial and their allocated probation officer. Second, the literature review examines public managerialism, risk and denial of sexual offending. Although there has been research conducted in all three fields, the author is not aware of the three being examined in this form elsewhere. Third, the pre-qualified staff had not been previously engaged in research regarding their training to work with sex offenders and denial, the Probation Trust which participated in the questionnaire study of qualified staff had not taken part in previous research on sex offenders or those in denial, and lastly, the Probation Officers the author interviewed had not previously participated in research of this nature.
Contribution to academic knowledge
It is my intention that the research contributes to the field of criminology by:

- Providing a critical examination of theoretical perspectives on sexual offending in denial from sociological and psychological perspectives
- Researching trainee and qualified probation officer perspectives on the effective supervision of sex offenders in denial
- Suggesting how the research in this thesis could be developed further; and how the current issues within the probation service, such as the ongoing development of the *Transforming Rehabilitation* agenda, might impact upon future service delivery. Such large scale change may substantially impact upon the methods and approaches the probation service adopts in the future as well as potentially impacting upon inter-agency relationships and the nature of the probation officer-offender interface.

Contribution to professional knowledge
There is also potential for the findings of this research to be of value to professionals within the probation service itself. First, by increasing awareness of the concerns which their peers have had to address in working with sex offenders, staff may be able to more easily contextualise their own concerns. Second, following the analysis of the primary and secondary data in this thesis, recommendations for future practice can be made; these will be outlined in the following section.

Recommendations from the research
A number of observations can be made from the primary and secondary research which will serve as recommendations for practice in relation to the three major themes within the thesis.

Recommendation One
The primary data in this thesis has indicated that officers in training have varying degrees of access to direct work with sex offenders; and that those who are able to have professional involvement with this offender group in the pre-qualification stage exhibited a greater level of confidence. Those who had not, appeared concerned at being allocated sex offender cases post-qualification.
It is therefore recommended that all staff training for the probation officer role are allowed to access work with sex offenders and attend training courses on sexual offending, in order for the current imbalance to be eliminated. This is rendered more complex, yet has become more pertinent, since the 70:30 split imposed by the Offender Management Act 2014. It is considered essential to ensure that all pre-qualified probation officers receive experience of work with this offender group, to provide them with rounded training and experience.

**Recommendation Two**
The role of the Practice Development Assessor, which was a key aspect of the Diploma in Probation Studies, does not exist since the DipPS was replaced by the Diploma in Probation Practice. The data from the TPO questionnaire and research by Skinner and Goldhill (2013) both indicate that the PDA was a valuable resource for trainees, as a source of advice and guidance and as a negotiator of access to appropriate case work.

It is therefore recommended that the role of PDA is re-established in order that those in training can benefit from this dedicated support that a PDA can provide.

**Recommendation Three**
The primary data in this thesis has indicated that NOMS' traditional response to denial has been to view it as a risk factor. Accordingly, the primary research in the thesis has demonstrated that probation officers tended to adhere to this and use denial as a reason to assess a denier as a high risk of harm. Whilst preparing this thesis, it became apparent that this perspective was changing due to the inconclusiveness of previous research on the relationship between denial and risk. However, as the literature in this thesis has demonstrated, denial is closely linked to a lack of responsibility in an offender, which is an issue for probation officers.

It is therefore recommended that training in working with denial in sexual offending should remain a priority for the probation service, in order that offenders can be assisted to take greater responsibility for their offending and probation officers have higher levels of confidence in addressing the issue of denial.

**Recommendation Four**
An analysis of the literature on denial has indicated that it is a multifactorial concept (Cohen, 1981; Calder, 1999). The primary data in the thesis indicated that probation
officers are reluctant to use a confrontational approach when working with a sex offender in denial, finding that such an approach is at best unhelpful and at worst counterproductive to creating a positive professional relationship. An analysis of the content of the Good Lives Model has demonstrated that using a holistic approach, which seeks to promote self-esteem could be beneficial in working with denial.

It is therefore recommended that approaches which encourage a holistic approach (the GLM, and programmes such as the LPT specified activity programme, Facing Forwards and the NOTA Individualised Treatment Resource) are adopted by the probation service on a service-wide basis in order to promote more effective professional working relationships with sex offenders in denial.

**Recommendation Five**
Using a risk-based approach to working with offenders requires probation officers to be responsible for monitoring activities such as ensuring compliance with licence conditions. This can be perceived as being at odds with developing a relationship of trust in which offenders feel comfortable to disclose information. In the primary research, the participants identified this conflict. It has also been noted that 60% of sex offenders have been victims of sexual abuse (NSPCC, 2013) which can be a significant barrier to constructive work when using a risk focused approach.

It is recommended that the probation service provide access to counselling services. This would provide an additional source of support to offenders in enabling them to discuss issues of concern. It would also enable probation officers to focus on the risk management work which is currently expected to be their main role.

**Recommendation Six**
This thesis has discussed research into the use of mindfulness techniques with sex offenders; research has indicated that there are benefits in managing stress which can potentially reduce offending behaviour. It has been confirmed by HM Prison Service that mindfulness techniques are to be used with sixty violent offenders in five high security prisons in England (Bolton, 2016).

It is recommended that sex offenders in denial be allowed access to mindfulness in order to reduce levels of stress and promote their involvement in offending behaviour work.
Recommendation Seven
The removal of probation officer training from its roots in social work enabled a focus on risk which reflected the findings of the What Works debate. Aspects of the social work curriculum, such as working with a person-centred approach and skills in working with attachment theory are now absent or minimally covered within current probation training. Yet they are arguably important skills for a probation officer to enable the development of meaningful relationships with complex offenders such as sex offenders in denial.

It is therefore recommended that training in the person-centred approach and attachment theory be incorporated into the current Diploma in Probation Practice. This will promote development of skills which will enhance the individual’s ability to work with complex cases of denial with greater confidence.

Final reflections
Denial is a commonly encountered issue in cases of sexual offending. Given the reactions of society and the media in recent years, it is perhaps an understandable one; as one respondent in this study observed on page 162 in this thesis, in coming to terms with being the perpetrator of this type of offending behaviour (with the possibility of negative responses from their family, friends, colleagues and wider society) denial may seem a rational position to adopt. The probation service, too, has traditionally taken the view that being in denial renders an offender unsuitable for sex offender treatment programmes. The most direct consequence of this is that deniers have been denied an important opportunity to address their offending behaviour; but it has in fact resulted in a multiplicity of denial, with staff also negatively affected. Those trained under the Diploma in Probation Studies have reported inconsistent coverage of denial in their training programme and in the provision of training post-qualification; and a large number of those in training are excluded from work with sex offenders by the probation service which employs them.

Yet, as a result of inconclusive research findings on the relationship between denial and risk and its impact on recidivism, the position of NOMS regarding denial is changing. The established tradition of denying the deniers may be coming to an end: further research will be required to test this assertion, and any impacts on offenders and staff.
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Hanson, R.K., & Harris, A.J.R. (1998). *Dynamic predictors of sexual recidivism*. Corrections research Ottawa: Department of the Solicitor General Canada


Thornton, D., & Knight, R. (2007). *Is denial always bad?* Presentation at the 26th Annual Research and Treatment Conference of the Association for the Treatment of Sexual Abusers


Appendix 1: Defining Sexual Offending Behaviour
The terms sex offender and sexual offending are used in the criminal justice system to cover a wide range of offences and offender. However, these are wide ranging terms which cover a large number of different offences, types of victim and indeed offender.

Sex offenders are a diverse group; more than other categories of offending, perpetrators of sexual offences cross age and class barriers.

In the Sex Offender Act 2003, sex offences are classified according to the age of the victim and divided into offences against children and offences against adults (Crown Prosecution Service 2015).

Sexual offences against children

These offences have been committed against a person aged under 16. There is a further division of offences against a person aged under 13 (legally considered to be pre-pubescent) and over 13 but under 16.

Offences against children can be contact or non-contact; as these names suggest, they indicate the type of behaviour, with contact sexual offences defining acts of physical contact, including penetration. Non-contact offences do not involve physical touching and therefore include producing or viewing images of varying degrees of seriousness.

i. Sexual offences against a child aged under 13

Rape of a child under 13: this offence indicates full sexual activity and penetration of the vagina or anus with the penis.
Assault of a child under 13 by penetration; this can be include digital or other penetration of vagina or anus.
Sexual assault of a child under 13
Causing or inciting a child under 13 to engage in sexual activity.

ii. Sexual offences against a child aged under 16

Sexual activity with a child
Causing or inciting a child to engage in sexual activity; this would include the procurement of a child for sexual activity, for example prostitution or sex trafficking offences.
Engaging in sexual activity in the presence of a child
Causing a child to watch a sexual act
Child sex offences committed by children and young persons (where the perpetrator as well as the offender are under the age of consent)
Arranging and facilitating a child sex offence
Abuse of a child through prostitution or pornography
Non-contact offences

Meeting a child following sexual grooming
Taking or downloading indecent images of a child
These are offences involving children and (typically) the internet:

In offences which involve the possession of or active downloading or production of pornographic images of children, the offence seriousness is determined by the explicitness of the material. To determine this, images are further subdivided into four levels, Level 1 being the least serious (for example, images of children unclothed) and becoming more sexual in nature at Levels 2 and 3. Level 4 is the most serious and includes material such as images or film depicting children engaged in sexual activity with adults or other children.

Offences against persons aged under 18

An offence of Abuse of a position of Trust can be applied in cases where the victim is considered to be vulnerable due to mental health issues, learning difficulties or the perpetrator holds a responsibility of trust (for example, s/he is a teacher at a school or college or a youth or social worker) the age of a victim is extended to 18 years of age.

Offences against Adult Victims

Rape
Assault by penetration
Sexual Assault
Causing sexual activity without consent

Some sexual offences cross the age boundaries; for example, rape and sexual trafficking can have child or adult victims.
Appendix 2: Trainee Probation Officer Questionnaire

An HMIP report on the management of sex offenders in the community (HMIP 2010) has raised concerns regarding the level and quality of training that probation officers receive to work effectively with this offender group. I am a PhD student at ICJS and a former TPO at Portsmouth. I am researching the effectiveness of supervision with sex offenders, including those in denial of their offences. As part of this research, I am looking at the confidence levels of the officers who are required to work with sex offenders. One aspect of this lies in the training and support received during the Diploma in Probation Studies programme.

To assist my research, and provide feedback which may assist future trainees and early post-qualification training experiences, I would be grateful if you would complete the following questionnaire. Your responses will remain confidential.

1a. During the TPO programme, have you attended any training with your employing Probation Trust on working with sex offenders?  Yes/No

Please give details:

1b. Did the material in the University’s Criminal Justice Studies programme cover working with sex offenders?  Yes/No

Please give details:

2. Did the training examine issues regarding working with sex offenders in denial?  Yes/No

If yes, what was covered?

3. Have you been allocated any sex offenders cases during your training?  Yes/No

If yes, did the offender admit or deny the offences?

4. What support to work with sex offenders did you receive from:

   a. Qualified PO colleagues
   b. SPO
   c. PDA

5. Do you feel confident to work with sex offenders  Yes/No

If no, what are your main concerns?
Appendix 3: Probation Officer Questionnaire

“Denying the Deniers – Probation responses to sex offenders in denial”

1. What year did you qualify as a probation officer?

2. How long have you worked with sex offenders?

3. How many sex offenders are on your caseload?

4. How many completely deny their offences?

5. What training have you had to work with sex offenders?

6. Have you had training to work with sex offenders in denial?

7. What training have you attended?

For questions 8-14, please think about one particular cases of a sex offender IN DENIAL who you have managed/currently manage.

8. Was this offender released before his NPD? If yes, why? If no, why not?

9. In your opinion, what factors make your offender a risk of harm?

10. What is the offender’s current risk level?

11. Is this risk level affected by denial? How?

12. Are any of the following a problem for this offender? Substance misuse Yes/No
Mental health issues  Yes/No
Accommodation  Yes/No
Finding work  Yes/No

13. What other agencies are/ may become involved in this case?

14. If this offender is not suitable for SOTP, have they completed any other programmes (in custody or in the community)?

15. Are you aware of any programmes available for sex offenders in denial?

16. In your opinion, would a treatment programme for deniers be helpful in managing these cases?

17. Are you aware of any local external agencies who will work with sex offenders to support their rehabilitation?

18. Do these services work with sex offenders in your area?

19. How have you approached the issue of denial in your chosen case during supervision meetings? What strategies/approaches have you used?

20. Do you prefer working with offenders who admit or deny their sex offences? Please give your reasons

21. Would you like to make any further comments about working with sex offenders in denial?

Thank you for completing this questionnaire.

All results will remain anonymous.

However, if you would like feedback about this research, please provide your name and email address. These details will be held as confidential information.
Appendix 4: Interview schedule for Probation Officers

1. What factors do you think influence a sex offender’s risk of harm?

2. How has the training and support you have received in the job helped you to work with sex offenders, particularly those in denial?

3. How do you think that training and support for probation officers working with deniers could be improved?

4. Do you approach supervision with sex offenders in denial differently than for those who admit their offences? Describe some techniques you have used.

5. Have you found MAPPA procedures beneficial in managing sex offenders in denial?

6. Do you think a programme specifically for deniers would be beneficial?
Appendix 5: Dissemination

Presentations

“Denying the Deniers? Probation Service supervision of sex offenders in denial”. British Society of Criminology Postgraduate Conference, University of Liverpool July 2014


Poster Presentations

“Denying the Deniers? Probation Service supervision of sex offenders in denial”. British Society of Criminology Main Conference, University of Liverpool July 2014

“Probation Managing Sex Offender Denial: Current issues, future change.” Inaugural Postgraduate Criminology Conference Trinity College Dublin/Dublin Institute of Technology April 2015
Appendix 6 Form UPR16

FORM UPR16
Research Ethics Review Checklist

Please include this completed form as an appendix to your thesis (see the Postgraduate Research Student Handbook for more information).

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<td>Department:</td>
<td>ICJS</td>
</tr>
<tr>
<td>First Supervisor:</td>
<td>Professor Mike Nash</td>
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<td>Start Date:</td>
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| Title of Thesis:                                | Denying the Deniers?  An examination of Probation Service work with sex offenders in denial. |
| Thesis Word Count:                              | 75,069 words         |
| (excluding ancillary data)                      |                      |

If you are unsure about any of the following, please contact the local representative on your Faculty Ethics Committee for advice. Please note that it is your responsibility to follow the University’s Ethics Policy and any relevant University, academic or professional guidelines in the conduct of your study.

Although the Ethics Committee may have given your study a favourable opinion, the final responsibility for the ethical conduct of this work lies with the researcher(s).

UKRIO Finished Research Checklist:
(If you would like to know more about the checklist, please see your Faculty or Departmental Ethics Committee rep or see the online version of the full checklist at: http://www.ukrio.org/what-we-do/code-of-practice-for-research/)

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<td>a) Have all of your research and findings been reported accurately, honestly and within a reasonable time frame?</td>
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<td>b) Have all contributions to knowledge been acknowledged?</td>
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### Candidate Statement:

I have considered the ethical dimensions of the above named research project, and have successfully obtained the necessary ethical approval(s)

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<td>Signed:</td>
<td>Date: 09/05/16</td>
</tr>
<tr>
<td>(Student)</td>
<td></td>
</tr>
</tbody>
</table>

If you have *not* submitted your work for ethical review, and/or you have answered ‘No’ to one or more of questions a) to e), please explain why this is so:

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