

Strengths, resources or controls? The assessment of protective factors in probation practice

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FOREWARD

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Abstract

This research study explores how well protective factors are understood, assessed and used within probation practice in the assessment and management of risk of serious harm. Literature around protective factors has been explored to provide some understanding of the term, context for probation practice and the limitations in the current research. Semi-structured interviews explored the knowledge, ability, confidence and attitudes of a sample of probation officers working in the National Probation Service. The research indicates that understanding of the term is varied and there are some limitations around knowledge but that attitudes towards protective factors are positive and there is some good practice in terms of assessment. This report provides a commentary of the findings from this research and some conclusions and recommendations for consideration.

About this research

This research project was facilitated by the Sir Graham Smith Research Awards Scheme, administered by the Probation Institute. The research topic was approved by the National Research Committee of Her Majesty's Prison and Probation Service. This research was undertaken by Rob Whyman, a Practice Tutor Assessor in the South East and East Division of the National Probation Service.

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Introduction

Introducing protective factors

Protective factors is a term that is being increasingly used across a range of disciplines and assessments whose advancement within criminal justice disciplines has occurred in line with the growing field of desistance theory. In brief, desistance from crime is the long-term abstinence from criminal behaviour among those for whom offending had become a pattern of behaviour (McNeill et al, 2012). Encouraging desistance is the implicit focus of much criminal justice policy, practice and research and one of the key outcomes that justice interventions are designed to achieve (McNeill et al, 2012). Protective factors help to explain why some offenders desist from offending despite the presence of multiple risk factors (Yesberg et al, 2015). In the broadest sense a factor that may be deemed protective is one whose presence decreases risk for further offending (Thornton, 2017). Whilst the exact added value of assessing protective factors during risk assessment is still uncertain (Cording and Beggs Christofferson, 2017), it is now widely argued that a focus not only on offenders' risk-related deficits but also on their strengths or resources leads to more accurate risk prediction (Yesberg et al, 2015) and enables practitioners to support desistance.

Traditionally risk assessment has taken a predominantly deficits-based approach (de Vries Robbé and Willis, 2017) where by practitioners rely on statistical and/or dynamic risk assessment tools that assess empirically derived risk factors to arrive at an overall risk-classification or judgement (de Vries Robbé and Willis, 2017). Recently, however, the focus has broadened to encompass factors whose presence may decrease the likelihood of recidivism ie protective factors (Yesberg et al, 2015). Nee and Vernham (2017) outline three reasons why the inclusion of protective factors in assessment and treatment is important:

1. Research shows that combining risk factors (deficits) and protective factors (strengths) improves the predictive validity of assessments compared to when risk factors alone are measured (de Vries Robbé, de Vogel, & Douglas, 2013; Lodewijks, de Ruiter, & Doreleijers, 2010 in Nee and Vernham, 2017)
2. A biased focus on risk can lead to over prediction of risk and poor risk management and treatment planning (Rogers, 2000 in Nee and Vernham, 2017)
3. A focus on deficits can be stigmatising to individuals and lead to a negative relationship between the assessor and assessee (Attrill & Liell, 2007 in Nee and Vernham, 2017).

As Rogers (2000) states risk-only evaluations are inherently inaccurate and any comprehensive examination of risk factors must also therefore consider protective factors (in Cording and Beggs Christofferson, 2017). There is also evidence (de Vries Robbé and Willis, 2017) that protective factors can interact with risk factors and

have a risk-reducing effect on violence. But more than that, the more positive notion of protective factors and the role they can play in desistance means that rather than just adding to risk assessments and helping to reduce risk, they are also likely to promote general well-being in individuals leading to increased life satisfaction and successful living in general (de Vries Robbé and Willis, 2017).

Problems with protective factors

As a relatively new area of academic enquiry, the concept of protective factors is not without its problems. Lack of a clear definition is evidently problematic and it is widely accepted that there is not one, clear, accepted definition of what the term 'protective factors' means. Furthermore when alternative definitions of protective factors are considered it is clear that they can relate to quite distinct things, be used in a range of ways in assessment and have various implications in terms of risk management and rehabilitation. For example Durrant describes a protective factor as "a mirror image of a risk factor...a factor that moderates the impact or influence of risk factors" (2017) whilst Nee and Vernham contend that protective factors are "qualities or traits that are inherently positive within the individual and are not just factors that mitigate risk" (2017). The main reason for the lack of clarity around definition is that the evidence base for protective factors is not nearly as extensive as that for risk factors and there is no clear understanding of why protective factors protect (Durrant, 2017). Furthermore, whilst there is an ever increasing body of research around protective factors, including evidence of what factors might indeed be protective there is as yet no comprehensive understanding of how or why protective factors decrease risk of reoffending (Nee and Vernham, 2017).

It is important to recognise that this is the context in which probation practitioners are completing risk assessments and which may well have a bearing on how they are considering and assessing protective factors. Indeed as Fortune and Ward (2017) outline, these issues in turn have implications for practitioners trying to assess protective factors and use them in risk management. They state that the way protective factors are defined and classified mean practitioners can become confused about their appropriate use (Fortune and Ward, 2017). Further, practitioners are often unaware that the concept of protective factors has distinct meanings, and therefore different functions (Fortune and Ward, 2017). Finally, and perhaps most challenging, in different contexts factors can potentially be regarded as both risk factors and protective factors (Fortune and Ward, 2017).

Relevance in Probation Practice

Risk assessment and management is a core task of the National Probation Service (NPS). The second iteration of a National Probation Service was created in 2014 as part of the Government's 'Transforming Rehabilitation' agenda and its remit is to manage and supervise all MAPPA (Multi-Agency Public Protection Arrangement) and high risk cases and determine which cases are to be allocated to the Community Rehabilitation Companies (CRCs), private entities responsible for managing low and

medium risk offenders. For those working in the NPS this change has had significant implications in terms of risk assessment and management with high risk cases making up a significant proportion of officers' caseloads (Phillips et al, 2016). At the same time over recent years, thinking around theories of desistance has also featured more in the training and practice of probation practitioners. This brings in to sharp focus the 'dual role' of the probation practitioner, that is on the one hand the risk assessor, risk manager and enforcer and on the other a vehicle for rehabilitation and supporter of change. It would appear that the task of risk assessment and management continues to take highest priority but the inclusion of protective factors within risk assessment demonstrates how the two can overlap.

The National Probation Service's approach to assessing and managing risk of serious harm is outlined in two key guidance documents *Risk of Serious Harm Guidance* (NOMS, 2009) and *Risk of Serious Harm: Supplement to 2009 Guidance* (NOMS, 2014). The guidance states that the underpinning model of risk of serious harm assessment is that, whilst offenders are responsible for their own actions, their behaviour is influenced by the interaction of risk factors and protective factors that make the offender more or less likely to cause serious harm to others and by the interaction of offender, potential victim and circumstances (NOMS, 2014). The guidance makes clear that practitioners need to assess which factors are indicative of risk of serious harm and which act as protective factors. The 2014 document contains a definition of protective factors as follows:

"Protective factors that may make risk of serious harm less likely...range from controls that are externally imposed on an offender to strengths and resources developed by an offender over time which enables them to exercise self controls and pro-social behaviour" (NOMS)

Given that this document remains the foremost guidance on the assessment and management of risk of serious harm within the National Probation Service, it could reasonably be assumed that practitioners would have knowledge of it. As such it was decided that the above definition of protective factors would be the one adopted for this research. Part of the investigation would also involve asking respondents if they were aware of this definition and their thoughts about it.

As well as defining the overall term 'protective factors' this document also briefly explains what it means by 'strengths', 'resources', 'external controls' and 'capacity to engage' which in essence are the categories it regards various protective factors fitting within. They are as follows:

Strengths – (or internal protective factors) refer to what the person has within themselves to support pro-social behaviour (e.g. hopefulness, well-developed social skills).

Resources – (or external protective factors) refer to what the person can draw on from the world around them to support pro-social behaviour (e.g.

rewarding personal relationships, satisfaction in their employment, rehabilitative interventions provided as part of the sentence).

External Controls – are actions taken by criminal justice and other agencies that place restrictions on an offender’s actions, whereabouts etc to limit their capacity to cause serious harm to others.

Capacity to engage – refers to the extent to which the person is motivated and able to respond to and make a positive commitment to those activities and restrictions which are in place to manage the risk of serious harm, taking account of any learning difficulties.

(NOMS 2014)

The lack of research around protective factors as discussed above is also reflected in probation guidance. The 2009 Risk of Serious Harm Guidance document contains nine full pages dedicated to outlining various different static, dynamic and acute risk factors but has no similar guidance about protective factors. In this 44 page guidance document the term ‘protective factors’ is mentioned a total of 21 times whilst the term ‘risk factors’ is mentioned the same number of times in the first 9 pages alone. Furthermore, when examining occurrences of the term ‘protective factors’ in the Probation Journal, it occurs just 36 times within articles whilst the term ‘risk factors’ occurs 836 times. These are crude analyses but it highlights the point that the very subject of protective factors is less researched, documented, discussed and ultimately known about within or in relation to probation practice when compared to risk factors.

Risk assessment tools

Within risk assessment there are far more tools that focus on risk factors than those that either solely or partly incorporate protective factors (de Vries Robbé and Willis, 2017) and such tools typically assess empirically derived risk factors to arrive at an overall risk-classification or judgement (de Vries Robbé and Willis, 2017). Indeed this is true within probation practice, where the primary risk assessment tool, the Offender Assessment System (OASys), whilst multi-faceted, ultimately serves to support practitioners in assessing risk factors and producing plans to manage risk. OASys does enable practitioners to evidence and assess protective factors but the term ‘protective factors’ features minimally within the tool or its extensive guidance. There is more reference to the term ‘positive factors’ which may or may not mean the same thing, but largely OASys is geared more to identifying ‘problems’ and whether these are linked to offending behaviour and or the risk of serious harm.

There is one risk assessment tool used in probation practice that does incorporate protective factors and that is the Active Risk Management System (ARMS). ARMS is a dynamic risk management framework that draws information together into a risk management plan for managing adult male sex offenders (NOMS, 2015). Rather than relying upon historical factors to guide risk assessment ARMS focuses on the

'here and now' and a range of dynamic risk and protective factors found to be predictive of recidivism or desistance from offending (NOMS, 2015). ARMS came into use within the National Probation Service in 2015 and was the first risk assessment tool to explicitly incorporate protective factors, to define specific protective factors within a tool and encourage practitioners to assess them in their own right. ARMS has therefore really brought to the fore within probation practice the importance of assessing protective factors as well as risk factors when assessing the risk posed by individual offenders and determining strategies for managing them. In the researcher's role as an ARMS trainer, time has been spent analysing the tool and its guidance, discussing it with staff, colleagues and its developers and evaluating completed assessments. Through this the researcher has come to think about how the introduction of ARMS, for all its merits, has in some ways highlighted the limitations in the knowledge of probation practitioners about the significance and role of protective factors and how to assess them.

Whilst this research was not intended to be an evaluation of any of the risk assessment tools used in probation practice, it is worth noting for context that some have argued (Kewley, 2017) that problems facing practitioners in assessing protective factors may rest in the tools they are using. Kewley states that these include issues of poor training, limited resources for the completion of assessments and inadequate validity in the tools (2017). Also whilst such tools might help to identify deficits and areas of need, practitioners are not always able to implement or facilitate access to such resources and thus do not develop robust management plans to support change (Kewley, 2017). Likewise, when practitioner values conflict with strength based principles; practitioners become disenfranchised with the emergent of poor risk management strategies (Kewley, 2017). Bearing this in mind, and avoiding any critique of the tools themselves, this research hoped to explore how practitioners are using the tools available to them to assess protective factors.

Purpose and focus of this research

To reiterate, this research is not an evaluation of any of the risk assessment tools used in probation practice or indeed any of the supplementary guidance documents available to support practitioners. The specific purpose of this research was to explore how well protective factors are understood and assessed within probation practice in the assessment and management of risk of serious harm. For clarity, that means in relation to working with offenders (those convicted of a criminal offence and being managed by the National Probation Service) and assessing and managing the risk of them re-offending in a manner that could cause serious harm. The hypothesis was that probation as a discipline could be doing better in this area of practice, the hope was that this research would shed light on what it is that is limiting focus on protective factors and test if this is to do with a lack of knowledge about protective factors, how risk assessment tools are being used, lack of confidence amongst probation practitioners or any other factors.

It was also not the aim of this research to be a criminological exploration of what protective factors are or how or why protective factors reduce any individual's

likelihood of (re)offending. Whilst these are significant areas that even within the extensive body of desistance research could always be added to, this would be far too great a task than could feasibly be achieved within the timeframe of this research project. Therefore the scope of this research was very much focused on exploring and identifying the current level of understanding amongst probation practitioners of the notion of protective factors and what factors may be contributing to best practice not being achieved in assessing protective factors.

Methodology

The method of data collection utilised in this research was one-to-one, semi-structured interviews. Given the inexact nature of the subject it was felt that a qualitative approach was most appropriate. The advantages of this would be that the researcher could encourage respondents to open up and probe for further explanation, whilst also potentially uncover new themes (Semmens, 2011, in Davies et al 2011). The potential disadvantages of this approach could be difficulties in building rapport with respondents, respondents not answering honestly or giving responses that they felt might appease the interviewer or the organisation (Semmens, 2011, in Davies et al 2011).

The practical decisions that had to be made were largely around timing, how long to assign to the interviewing process overall and when and where to schedule individual interviews, taking account of the researchers workload but more importantly the busy workloads of probation officers. With a final deadline of the end of November 2017, to complete the project it was decided to allocate the 'summer' (essentially July and August 2017) in which to complete all the interviews, leaving three months to undertake data analysis and the write up.

The main limitation of this methodology was that given the short time period for this research and the fact it was being completed whilst the researcher was still working full time in their day job, albeit with some workload relief, the sample would inevitably be small and the number of interviews would be limited.

Ethical considerations

This research was approved by and compliant with the expectations of the HMPPS National Research Committee. With regards to ethical issues, it was not identified that this area of research should infringe on anyone's rights or cause any harm. The biggest concern was how the research would be perceived by practitioners if they felt as though their practice were under scrutiny. Respondents were provided with a research information sheet ahead of the interview providing the following assurances:

I am keen to stress that this research is in no way an evaluation of you as an individual or your capability. This research is entirely independent in order to gain greater understanding of the subject area and your identity will not be revealed within the results and the data will be kept confidential. None of your responses will be shared outside of this research, for example with any of your managers.

Participation in the research is completely voluntary, you are at liberty to withdraw at any time without prejudice or negative consequences. Please be aware however it will not be possible to withdraw the data you have provided once I have begun the analysis process. Any quotes used in

publications will be checked with you before submission and can be withdrawn if you do not want your direct quotation used.

Once completed, my research will be published on the Probation Institute website and may be used in training and dissemination events. You will be provided with a copy of the research report before it is published for you to provide any feedback.

In terms of data storage, interviews were recorded on a digital recorder that was stored in a locked cupboard in the researcher's office which is in an NPS building. All recordings were deleted once the research project was completed. Similarly, written work was completed and stored securely on the NPS computer system.

Sample

The sample of respondents was made up of qualified Probation Officers working in the National Probation Service, within two Local Delivery Units of the South and South East Division. The choice of location of interviews was for convenience as much as anything as the researcher is based in the area with several offices a close distance away. Having worked in both LDUs over the last ten years it is also the area where the researcher has the closest links and therefore it was easiest to find people to interview.

It was decided to only interview qualified Probation Officers (PO) and not Probation Service Officers (PSO). The reasoning for this was that until recently there was effectively no PSO role within offender management in the NPS. This has now changed but what it means is that the few PSOs that are in post are either brand new, having been recruited very recently through national recruitment campaigns or are existing PSOs who have transferred into offender management from other areas, namely Courts and Prisons. With the latter, some of these are experienced in terms of numbers of years but largely don't have much experience in completing full risk assessments and there was a concern that interviewing this group would not add sufficient value to the data. Further this group of staff will only very recently, if at all, have undertaken training on ARMS and very few would have had an opportunity to have completed an ARMS assessment.

To try and give the research credibility the aim was to interview a minimum of 10 POs and as evenly spread between the two LDUs and various offices as possible. Primarily due to time constraints, a convenience sampling strategy was utilised by selecting those who were easiest to access. In the end the sample was made up of 10 qualified Probation Officers, six from one LDU and four from the other, between them working across five separate offices. Within this group however were POs working in different areas, so whilst the majority (seven) were full time offender managers, one of them worked half their time in the Youth Offending Team, one worked in a Court team and one was a Sex Offender Treatment Programme (SOTP) facilitator who also had responsibility for the Offender Personality Disorder (OPD) Pathway. The researcher was satisfied that despite working in different areas, each

of these individuals were required to complete detailed risk assessments in each of their areas of work. The Court PO for example completes full layer 3 OASys assessments when completing Standard Delivery Reports, the PO with the split YOT role, not only completes OASys but also AssetPlus assessments and the SOTP facilitator completes Structured Assessment of Risk, Need and Responsivity (SARN-R) assessments and was also able to provide insight into OPD Pathway case consultations. Also all of them do have offender manager experience and as PO grade staff can indeed move in to offender management again in the future. It was felt that interviewing POs working in these different areas could provide some alternative insights and areas of consideration.

So that the range of experience within the sample could be monitored, when the respondents details were recorded at the beginning of each interview, they were asked how many years experience they had in risk assessment within probation. The wording of this was specifically so people could include any years spent training and/or as a PSO prior to qualifying as a PO. Whilst individuals were not specifically targeted in terms of their level of experience, ultimately there was quite a range of experience within the sample. The least experienced respondent had two and a half years experience, whilst the most experienced had 15 years. The average length of experience was just under eight and a half years.

In terms of the limitations of this sampling approach, the convenience nature of it meant that the sample did not end up with an exact balance of POs from the two LDUs and all the respondents to a greater or lesser extent were known to the researcher. Another limitation was that as the sample was self-selecting, it was possible that those with either a particularly strong negative or positive attitude towards the subject would be more likely to volunteer which might result in a skewing of the data, particularly as one area that was being explored was practitioner's attitudes. Given the small sample, the researcher was conscious that participants might be able to identify themselves within this write up and as such potentially so could others. To mitigate against this, no reference to individual participants has been made, responses have not been linked to individual respondent profiles as described above and crediting specific quotes to their source has been avoided.

Each respondent was sent a research information sheet with an attached consent form ahead of the interview. Each of them agreed and signed the consent form ahead of the interview taking place.

Interviews

Interviews were completed between 10th July 2017 and 30th August 2017, all took place in person and all were digitally recorded, for which each respondent gave their signed consent. All the interviews took place in probation offices, in rooms away from others. The interviews consisted of 17 pre-prepared questions which were all 'open' in nature and the semi-structured nature of the interviews enabled conversation to occur to expand on these areas. After the first couple of interviews,

the order of some of the questions was revised as it was apparent that some questions needed to be asked earlier in order to provide better context for other questions. This also meant the questions fitted better within the main themes that were being explored.

All the interviews were transcribed by the researcher and as a time saving exercise only the questions asked and the respondents relevant responses were transcribed verbatim. Some conversations went off topic and where this occurred it was only made reference to in the transcription, only abridged versions of any additional comments or observations made by the researcher were transcribed. Anything the researcher had said that was felt was significant was recorded separately to be included within the analysis. In most cases where the respondents paused to think and where they needed questions explaining was also transcribed. What was not recorded was the respondent's tone and what the recordings could not capture were the respondent's body language and facial expressions. These are some of the limitations of the chosen approach but overall the researcher felt justified given the short timeframe in which they were working. Nonetheless the transcriptions produced were very helpful and enabled the researcher to identify responses linked to the themes. As all the digital recordings were retained during the research project the researcher was able to go back and listen to bits again to clarify they had been transcribed properly.

Data analysis

In relation to the data analysis method, a deductive approach was adopted, that is to say that there was a predetermined framework for the analysis which was used to analyse the data alongside the hypothesis. The themes and concepts were decided before the analysis started and these were imposed on the material. This approach was chosen as it is relatively quick and easy and because depth or new understanding was not specifically being sought. In line with the interview questions, data was analysed across six key areas:

1. Meaning – what do practitioners understand by the term protective factors, what other words or terms do they associate with protective factors?
2. Where does knowledge come from? – where have practitioners got their knowledge about protective factors from, what guidance, literature etc have they read or do they consult to learn and inform themselves (within this the extent of practitioners' knowledge of the Risk of Serious Harm Guidance Supplement was also explored)
3. Assessment – how are practitioners assessing protective factors, how do they gather information about protective factors, what do they think is the relationship between risk factors and protective factors and how are they using protective factors in determining someone's risk level?

4. Assessment tools – where and how are practitioners recording and assessing evidence of protective factors within OASys and what other assessment tools are they using to assess protective factors?

5. Ability/limitations/attitude/confidence – how able do practitioners feel in assessing protective factors, what is limiting them from focusing more on protective factors, how important do they think protective factors are in the assessment and management of risk of serious harm and what would increase their confidence to give more weight to protective factors?

6. Examples – from their own cases and experience, what sort of factors are practitioners identifying and assessing as protective?

Working from transcriptions of the interviews, the first approach was to go through and identify responses that fitted with each of the above themes, using the corresponding numbers as references. In doing this key words were picked out that provided data in line with these themes and these were put in to a spreadsheet. It was then recorded where each subsequent respondent had provided the same or different responses to give a record of both common and unique points. Following that, a commentary of the findings was developed in relation to each of the themes, highlighting some of the common and unique responses and providing some analysis and interpretation of the meaning and what implications these may have for wider practice. As explained earlier, it was not the aim of this research to provide a comprehensive overview of staff understanding of protective factors, or indeed a detailed analysis of which factors are protective or how they protect, but rather, an insight into staff understandings and staff practice regarding protective factors. As such, because of the relatively small amount of data that could be gathered within the timeframe, making any generalisations was resisted.

Research findings

Meaning

Each interview was opened up with a simple question; what does the term “protective factors mean to you?”. There was clear consensus in the responses, with all ten respondents making reference to protective factors stopping, preventing or reducing reoffending. A majority of respondents, in answering this question made reference to “desistance”, largely in saying that it was related to desistance rather than going in to any detail about how protective factors support desistance. One of the most succinct responses given to this question, referencing desistance was:

“A simple way of putting it in terms of probation risk assessment is that a protective factor is a strength, a circumstance, a way of thinking that protects the service user, or assists the service user, enables the service user to overcome and desist.”

The term most commonly used in talking about what protective factors means, which a majority of respondents used, was the term “positives” and this appeared to be the most widely used in practice as an alternative to “protective factors”. One fairly broad response given to the above question was:

“I’d say it’s all the positive things about the service user, positive things they’ve got going for them...all their areas where they’ve got potential”

This definition appears to fit well with a holistic, strengths based approach and indeed protective factors and the positive approach of incorporating the offender’s strengths into risk assessment corresponds with the Good Lives Model (Nee and Vernham, 2017). The possible reason why “positives” was mentioned so frequently is because it is the term most widely used within OASys. This does raise the question as to whether positives and protective factors are synonymous. OASys does not appear to have a definition of “positive factors” in its guidance although in the sentence planning section it states “it is very important to record and highlight positive factors and protective factors which need to be maintained, or those which could be developed (eg. a new job, constructive use of free time)” (Home Office, 2002). Whilst this gives some examples, using both the terms positive and protective factors might imply they mean different things. That said in the minds of a number of practitioners they do appear to be taken as meaning more or less the same thing.

In each interview respondents were shown the Risk of Serious Harm Supplement Guidance and asked to read the definition and for their thoughts about this. It was explained that this is the definition being used for the research and that essentially this is the primary working definition in place within the NPS. As such the researcher was keen to identify where practitioners’ thinking about protective factors fitted with this definition. This definition is astute in that it more or less covers all the different ways protective factors could be considered. It was suspected however that most practitioners would not necessarily utilise such a broad meaning of the term.

By analysing the data, it was clear that in every case, each respondent focused more on one or another of the four features of protective factors as contained within this definition. Half of the respondents talked about protective factors being something about the offender, something internal which fits with the definition's explanation of internal factors or strengths. Fewer respondents focused on external resources but those that did, tended to really focus on this area and give less attention to the internal factors. Most revealing, perhaps was that only one person voluntarily, before the researcher showed them the definition, referred to external controls as being protective factors. Even in this case, the individual had a bit of a personal debate about it before explaining how they felt they could be protective. When talking about licence conditions for a sex offender, this respondent stated that:

"You are saying "you can't have contact with that child", "you cant go to the park", "you cant walk down that road", "you cant go to a swimming pool", "you cant live in a house with someone", "you cant have a job doing this", so that's protective".

All the other respondents needed prompting to think about external controls and their responses to this were mixed. Two respondents outright rejected the notion that external controls could be protective, one of these stating:

"I wouldn't say just because you go "you can't go to that certain place or you can't contact that person", I wouldn't say that's a protective factor, I think that's a control that probation or the police has but I wouldn't look at it as a protective factor because a lot of the people I'm dealing with fight against it left, right and centre. Its only when they've got that ability and willingness to change that they will."

Whilst the two above responses are clearly contrasting, it is perhaps when you incorporate capacity and willingness in to the equation that the protective nature of controls can be seen. It could be argued that controls do have a protective nature in that full compliance with them should in most cases eradicate any possibility of reoffending however as with any restrictive measures they are only as effective as an individual's willingness to comply with them. Willingness in this sense then would be something regarded as a feature of "capacity to engage" and so we can see how the different types of protective factors interrelate. The remaining respondents, when reading the definition, agreed that external controls could have a protective effect but it was telling that this was not something that automatically came to mind when thinking about protective factors.

The initial focus for this research was on how protective factors are assessed and used in the assessment and management of risk of serious harm. In this first line of questioning there was the first indication that this was not going to be the specific focus of the respondents. Indeed nobody made reference to 'serious harm' when thinking about the meaning of the term and it was quite clear that discussion was more around reoffending, rehabilitation and desistance. One could argue that risk of reoffending and risk of serious harm are ultimately the same thing, by committing

serious harm an individual is reoffending, it is just that they are reoffending in a way that has the most significant impact. The difference lies in their assessment and management in that risk of serious harm is more focused on the present or short term future, in terms of managing or containing dynamic and acute risk factors, rehabilitation or desistance are more related to the long term and changing behaviours. Protective factors indeed are relevant in both cases and as outlined in the NOMS definition, range from external controls, which tend to be in place in the short term to internal strengths which an individual is going to need to develop and maintain in the long term if they are to be successful in desisting.

Knowledge

This theme was opened up with another fairly simple question; “what informs your understanding of protective factors?”. This was an area where the researcher did not have a particular hypothesis and therefore was not sure what to expect in terms of responses. There were numerous different responses given to this question, and perhaps one of the limitations of this question and the research was that it only really provided a list of different sources of knowledge without providing much data about the extent of that knowledge or how knowledge and theory are applied. In terms of the responses more than half of the respondents made reference to their Probation Officer training as being the source of their knowledge. Bar one the respondents giving this response all trained and qualified as Probation Officers within the last four years. There are two possible reasons for this, on the one hand, the application of desistance theory and knowledge within probation training and practice has become more prominent within the last few years but on the other hand those who trained more recently will recall their training better and perhaps have fewer sources of knowledge to draw on. Indeed at the other end of the spectrum three of the most experienced respondents cited their experience and/or “common sense” as informing their understanding of protective factors. Half of the respondents, from across the range of experience, referenced OASys as being a source of knowledge and four made reference to ARMS. Three respondents, mentioned desistance theory/literature as a source of knowledge with some names of prominent academics given but little detail was provided in terms of what they had read or the extent of their knowledge around desistance.

Perhaps most surprising of all was that not one of the respondents had read the Risk of Serious Harm Guidance Supplement document. Whilst one respondent felt they had seen it before, but could not tell the researcher anything about it and another when presented with it felt they had seen the content elsewhere, all the others had neither seen nor read the document prior to the researcher showing it to them. There are several problems with this, not least the fact that the researcher understands this is the primary guidance document around risk assessment within the National Probation Service and secondly that it has been around since 2014. A simple observation here is that this raises question marks about how specific guidance is disseminated and accessed. One respondent actually provided an insight in to why practitioners might not have seen this document, recognising that the document was released “in the middle of TR [Transforming Rehabilitation]”. Its

publication at that time was deliberate because the document includes guidance around the Risk of Serious Recidivism (RSR) which was introduced as part of TR but it could go some way to explaining why some practitioners might have missed it (or ignored it) at the time of its publication. It does not however explain why those trained since TR have not seen it. It also does not mean that despite not having read that particular document they are not familiar with the content as some of it will be referenced in other sources. That said, from their reactions, it was clear to the researcher that not one respondent had ever seen the definition of protective factors contained in the Supplement document but it was positive that when presented with it on the whole respondents understood and accepted the definition. Other sources of knowledge cited in response to this question included the OPD Pathway, AssetPlus, sex offender treatment programmes and mentally disordered offender diversion schemes. Those respondents who have particular experience working in these areas provided interesting insights into how protective factors are used within corresponding assessments, some of which will be explored in a bit more detail in the section related to assessment tools.

Other than references to desistance, no respondents talked about research more generally or cited any specific journals or articles. Inevitably probation practitioners vary in terms of how much interest they take in aspects of research, but of course their practice is evidenced based and the risk assessment tools and guidance they use are informed by research. The few respondents that expressed an interest or showed some knowledge in research were at the more experienced end of the spectrum. It is perhaps worth noting that changes in the training of Probation Officers, particularly since the replacement of the Diploma in Probation Studies, means that trainees are employed as full time Probation Service Officers, they have more casework and in the NPS more complex work, less time dedicated to reflection and the newer qualifications they undertake have less academic input from the higher education institutions. All in all this may well have contributed to a general lack of knowledge and interest in research amongst some practitioners. The time and capacity for qualified probation officers to access and digest research is also likely to be a factor. Whatever the reason, it is a concern because all the work of probation has been and remains informed by research and is reliant on research to continue to inform and develop practice.

Assessment

With this theme the aim was to gain some understanding about how practitioners are considering protective factors within risk assessment. The first question was “how do you gather information about protective factors?” which produced one unanimous response which was “the offender” ie interviewing/asking the offender and variations of this. This was perhaps an obvious response to expect but nonetheless encouraging as it demonstrates that practitioners regard the offender as the primary source of information about themselves. A response to this question which nicely highlights this attitude was:

“The interview with your offender, when you’re asking them your questions; naturally in the conversation you’re trying to find out who they’ve got around them, what support network they’ve got, what did they have before.”

Another response that a majority of respondents gave to this question was “other agencies”, usually given in this generic form rather than by identifying specific agencies. How information about protective factors can be gathered from other agencies was not specifically explored but a number of respondents indicated that corroboration with third parties was one way of determining if protective factors were in place and if/how they were protective. Other sources of information cited included previous assessments, records and offender managers, undertaking structured offending behaviour work and family. Whilst only a few respondents suggested family as a source of information, a number of others also indicated that it would be good if they/the organisation was able to engage more with family, not least in helping to determine if family are themselves a protective factor. Two respondents, with experience in the area, cited how Youth Offending Teams do this and the benefit of this. One other source of information suggested was identifying gaps in an offender’s previous convictions. Significant periods of non-offending (significant here meaning important rather than considerable, because the length of that period will be relative to the offender and their offending history) are potentially great sources of information about potential protective factors. Ultimately this would involve speaking to the offender to explore what was going on in these periods to identify any protective factors but it is a good idea as a starting point to identify periods in someone’s life when it would appear things were better for them.

Having thought about how information is gathered, the next few questions respondents were asked were “how do you assess protective factors?”, “what do you think is the relationship between risk factors and protective factors?” and “how do you use protective factors in determining someone’s risk level?”. Data from these questions was analysed together because in essence they all relate to assessment and not each question was asked individually in every interview as in some cases responses and discussion covered these areas without the need to ask them. The questions asked around assessment were, perhaps more than any others, ones that respondents struggled with the most. Some of the questions in this area confused some respondents and needed clarification of what was meant by them and responses were very varied. Invariably questions were reworded for example to something like “how do you assess if something is protective?”. Either way, some responses to these questions were limited, not so much in number but in depth. A number of respondents shared views such as “I don’t think about it” and “its just part of risk assessment” for example:

“Its hard to say how you assess them, you’re just doing the job of assessing. So when someone asks you how do you assess it, it’s hard to actually think, what is it I’m doing when I’m assessing risk?”

Some responses were given providing some insight into the thinking behind whether something is protective as demonstrated by this respondent:

“Someone who was homeless for a long time, obtained accommodation and decided not to shoplift because now he’s got the accommodation he’s worried he’s going to lose it if he goes to prison, this is the evidence that accommodation is a protective factor”

This respondent went on to say that accommodation has multiple protective purposes and indeed the above example helps to demonstrate this. On the face of it, it indicates that it is an external resource (the accommodation) that is acting as a protective factor in this case but the fact the practitioner has included the offender’s concern about losing the accommodation, this might suggest it is in fact their attitude (an internal strength) that is providing protection. This is highlighted, to make the point that it is important to have some knowledge of what the protective quality is because it helps inform the offender and the practitioner of what aspects need to be maintained in order to retain the protection and thus which bit, if it were lost, could potentially become a risk factor.

Another interesting insight shared by one respondent when discussing assessment was this:

“If they could cope fine without it [protective factor], it wouldn’t be as much of a protective factor as if it would lead to chaos if they didn’t have it.”

This provides some insight in to a process of assessment, in terms of eliminating whether something is protective. The indication here is that the factor is something external, something tangible that could be lost and thus the determining factor as to whether indeed it is protective is how someone copes with its loss. This again alludes to the inter-relationship of different types of protective factor because other internal risk/protective factors will also be present and if someone copes well with the loss of an external factor, then potentially strengths such as resilience and good coping skills could be at play.

Rather than seeing the assessment of protective factors as a part of risk assessment, some talked about protective factors as if they were in some way separate to ‘risk’. Two respondents, for example, used the phrase “err on the side of caution” when discussing assessing protective factors. One of these spoke about how protective factors and rehabilitation need to come second to risk factors and public protection when managing those who pose a high risk of serious harm. It was interesting that they had separated the factors out like this, that protective factors could not be regarded as factors that could actually help manage risk of serious harm but rather were more linked to rehabilitation. This was another indication that some respondents were less inclined to think about protective factors in relation to risk of serious harm but rather in a much broader sense. To illustrate this point, this respondent talked about how moving someone to another part of the country may be necessary even if it means they can’t have contact with their family. This implies

that the family are or could be in some way protective, whilst moving to another area would not necessarily be. It is quite possible of course that the reverse could be true or indeed both or neither could be protective. In line with this, responses from a number of respondents appeared to suggest that protective factors needed more assessment than risk factors and more time needed to be spent monitoring potential factors in order for them to be either established or accepted as being protective. There was also a sense from some that they really needed to be persuaded that a factor was protective:

“If someone tells you that [something is protective] I wouldn’t take it on [face value], I’m probably a bit too cynical in that I’d think “oh really, are you just trying to persuade me that everything is hunky dory”. So I’d be quite sceptical I suppose unless you see it with your own eyes or you’ve assessed it over time.”

This contrasts sharply with our attitude towards risk factors which for the most part tend to be taken at face value. Risk factors arguably are easier to identify and assess but it is not always known what people’s risk factors are, for example it is not always known exactly why someone offended and so the need for assessment remains. Practitioners are right to investigate and explore protective factors because what might at first glance appear to be protective in terms of what the individual, and indeed research, tells us, the presence of them are not necessarily protective in every case. It is important therefore to make an assessment, to indeed determine its presence in the first instance but then to consider the actual protective nature or quality of the factor ie how and why it is protective and further how it can be utilised to manage risk. As Thornton (2017) states, in assessing protective factors one needs to be attentive to the degree to which protective processes are liable to operate, not just to whether specific factors from a list are present. A couple of respondents indeed made reference to the process of assessment requiring more than just counting risk factors and balancing them alongside risk factors. Indeed a reference to the mere presence of something is not sufficient and if assessors are taking things at face value, whether that be in terms of risk or protective factors, or worse ignoring potential protective factors then that is not effective risk assessment. Assessment of protective factors comprises an important part of the comprehensive assessment and like assessment in general needs to be ongoing (de Vries Robbé and Willis, 2017).

Overall from the interviews, there was a lot of interesting responses given to this question which showed there was some significant thinking going in to assessing protective factors. This was not common across the board however and without specific case examples given, or the researcher looking up actual risk assessments, it was hard to determine how this actually manifests itself in practice. Nonetheless, when asked “how do you assess that something is protective?”, this response nicely captures the sorts of questions that one might need to consider:

I think it would depend on how that factor was intended to be protective, how that measure, how that relationship, how that self-management

strategy was intended to be protective. And say in the case of a family or something, what's the offender's grasp of what that means to them, what the problems are, what the obstacles are, what could go wrong, what their expectations are. If they're presenting something "oh well, its OK because ill be living with my mum and dad and they're really supportive", OK what if one day they're not, what if they've got too higher expectations.

When discussing the assessment of protective factors, one question that occurred a few times was can factors that appear positive in someone's life, but were in place at the time of their offending, be protective? Case examples, mostly sex offenders, were given where the offender's circumstances on the face of it are very positive and indeed were so at the time of the offences, and would in most cases be regarded as protective. If they were positive at the time of the offending then it is safe to say that they are not the factors that are linked to their offending so could perhaps be disregarded as risk factors. At the time of the offending it would appear that whilst positive they were not protective enough to prevent that individual from committing the offence. By the time the individual is under probation supervision, circumstances have changed by virtue of the fact that the offender has been caught, convicted and sentenced and is now being 'managed'. By completing an assessment at this point all the factors are being assessed in a different context and so should be considered on their merits in this new context. It is because of this new context that any factor that was in place at the time of the offence but did not prevent someone from offending can potentially be protective now and it is the role of the practitioner to assess this. As well as the change in context, it is possible that the offender's attitude towards these apparent positives may have changed as well (for better or worse) and this also needs to be taken in to consideration.

On reflection the question of how you assess protective factors is very complex and difficult to answer and one which by the nature of risk assessment, is not exact and perhaps can only be determined over time. This point was one made by a number of respondents, that protective factors are something that develop over time. Some discussion of protective factors also featured examples of behaviour that offenders had changed, improvements they had made and for some respondents emphasis was put on these as protective factors. Whilst it appeared that some assessment had taken place in order to determine that a change had occurred it was not clear as to whether they had also assessed how this change could be protective.

Finally, in terms of how protective factors are used in determining someone's risk level, to some extent this question became redundant as discussion from previous questions largely covered this, at least in essence even without explicit reference to risk levels. Further, arguably, reference to risk levels is fairly arbitrary and the more relevant questions are around what the risk/protective factors are, their relationship and how they can be managed/supported. That said, risk and protective factors may interact, or compete, with each other to determine the resulting level of risk (Thornton, 2017) so it is important to have some awareness of this. Where this question was specifically asked, four of the responses given made reference to imminence and talked about how protective factors may be in place to reduce the

imminence and thus potentially the risk level. This seemed to be an effective way of considering protective factors in the context of risk levels and indeed is the way it is discussed within the Risk of Serious Harm Guidance documents.

Assessment tools

The primary aim here was to learn about how practitioners are using OASys to assess and record information about protective factors. It was also hoped that some learning could be gained about how practitioners are using any other risk assessment tools, in particular ARMS. In relation to OASys, in response to the question “where do you assess/record evidence of protective factors within OASys?”, there were two responses given most and by a majority of respondents in each case, which were ‘throughout’ or ‘in every section’ and the Risk Management Plan. It is probably worth noting that it was the former response that was invariably given first and discussed and the latter answer tended to come later as discussion progressed and respondents thought more about it and that is likely to do with them working through OASys in order in their head.

In terms of the response about including information about protection throughout/in every section of OASys, this tended not to have much detail attached to it though often reference was made to the guidance above the text box that states “please include any positive factors”. As discussed earlier it appears that in terms of OASys, practitioners take positive and protective factors to mean the same thing. Some discussion made reference to scoring of criminogenic needs but only minimally. What this discussion did raise however was an interesting question, does scoring something as zero meaning “no problems” equate to a protective factor? Some thought so, some weren’t sure and again possibly in the context of OASys on balance if it appears to be a ‘positive’ it is likely to be considered as being a ‘protective’ factor. The alternative might be that it is just the absence of a risk factor which in turn begs the question is this a protective factor? These questions occurred a couple of times but largely remained rhetorical. It’s worth noting that only one person gave ‘every section’ as their only response, all the others despite saying this, still identified specific areas within OASys.

In relation to the Risk Management Plan, most commonly references were made to the section about ‘support and controls’ as being the logical place to record what protective factors are in place. This section has more of a focus on external factors and in terms of protective factors that would include both the external resources (which would translate here as ‘support’) and external controls. A majority of respondents also identified the Risk of Serious Harm (RoSH) summary as another place where they recorded information. In particular respondents cited the section “what factors are likely to reduce the risk?”. Whilst it does not specifically make reference to protective factors, this section gives some useful guidance as to what to include in this section including “describe factors, actions, and events which may reduce or contain the level of risk” (Home Office 2002) and “what has previously stopped him/her?”. Answering these points would essentially include what might

otherwise be referred to as protective factors and this therefore demonstrates an important point. References to protective factors throughout OASys, including in the assessment and the guidance manual are minimal and yet as this section indicates, assessors are being asked to consider them and record information about them but with reference to other terms and phrases. This highlights the importance of language and how practitioners understand the different terms and phrases, as was explored in the first line questioning. Other sections that were mentioned but only minimally were areas within the sentence planning section, the main one being “positive factors to be maintained or developed”.

As well as wanting to find out about how OASys is used, this research also hoped to learn about different tools practitioners use that enable them to assess and record information about protective factors. A range of responses were given to this question but the foremost tool that eight out of ten respondents mentioned was ARMS. Not everyone mentioned it voluntarily and some needed to be prompted by the researcher but they all agreed that it did enable them to assess protective factors. Other than that however, more detailed insights into the tool were not forthcoming and in the end the data gathered around use of ARMS was very minimal and added little overall to this research project. It is probably worth noting that the highest number of ARMS assessments any individual respondent had completed was two and so knowledge and experience of the tool was evidently minimal. The two other respondents stated that they do not use ARMS and were not able to provide any insights into the tool.

Other tools that were mentioned were role specific and included SARN-R (Structured Assessment of Risk, Need and Responsivity, previously known as SARN) used by SOTP facilitators, AssetPlus (previously known as Asset) used by the Youth Offending Team and the ERG 22+ (Extremism Risk Guidance) used by those working with terrorist/extremist offenders. What the research learnt about SARN-R and AssetPlus in particular indicated that they have a greater focus on protective factors and aspects of desistance than OASys which being newer tools might be expected. Similarly, whilst not an assessment tool, but worth mentioning here, those respondents who spoke about the OPD Pathway, talked about how case formulations with psychologists include thinking about the presence of protective factors. One respondent made reference to the ‘5Ps’ of case formulation of which one is protective factors, the others being problem, predisposing factors, precipitating factors and perpetuating factors (Weerasekera, 1996). There was not the capacity to explore these tools and approaches in great detail within this research but it would appear they are or could be helpful in supporting probation practice in its approach to incorporating protective factors. Two other tools that were mentioned were SARA (Spousal Assault Risk Assessment) and OGRS (Offender Group Reconviction Score) but discussion of these tools did not provide any clear understanding of how they assess protective factors and largely their content is covered within OASys.

Ability/limitations/attitude/confidence

This theme was a 'catch all' to try and get some understanding of what practitioners actually think about protective factors. Firstly it was explored with respondents how able they felt to assess protective factors. Responses to this were quite individual but on the whole the sense was that practitioners mostly feel able, though a few stated that they were "relatively/fairly confident" in their ability and others stated "it is difficult" or their ability was "developing". Overall therefore whilst no one overtly stated that they struggled with it or could not do it, conversely no one appeared really confident in their ability. In relation to attitude, it was pleasing that everyone had a positive attitude towards protective factors in terms of their importance in risk assessment. A majority of respondents reported that they consider protective factors to be "important" or "very important" and that practitioners "need" to identify them. Any slightly negative attitudes expressed in interviews tended to be linked to factors limiting practitioners from focusing more on protective factors rather than the concept of protective factors itself.

In terms of what is limiting practitioners from focusing more on protective factors, there were a lot of different responses given to this question but there were two that a majority of respondents provided which were "time" and "the culture of the organisation" as captured by these responses:

"protective factors probably demand more of an investment of our time if we're going to assess it properly."

"There aren't enough hours in the day to invest the time and effort in to supporting people to make sure that they are building on protective factors and maintaining protective factors. You get a snapshot of someone for a very short period of time and if you could spend an entire day working through each issue at a time it would help a lot."

[In response to the question what is limiting you from focusing more on protective factors?] "The fact that the job is so focused on risk."

"Basically our whole caseloads are high risk, I do think its difficult for people to perhaps look at some of the positives...the reason I came in to the job was to pick up on some of those things and work with those. Yeah we have to protect the public I get that but also we need to work on their strengths and if their strengths can be protective to them [then] we need to do that."

In terms of time, respondents talked about not having enough time for a number of things, one was to spend with the offender in order to gather the information they needed to be able to make assessments, another was the time needed to assess the information and determine if any factors are protective and as the second quote above indicates another is the time to support offenders to develop and maintain protective factors. These responses appear to chime with responses given to the questions around assessment in which respondents talked about needing more time to assess protective factors than they perhaps did to assess risk factors. Similarly it fits with more general complaints by practitioners of having heavy workloads and

not enough time to do various aspects of their work as properly as they would like. In terms of the culture of the organisation, a majority of respondents explained that the organisation is too “risk averse” and that this does not lend itself well to being able to focus on or effectively consider and assess protective factors. This too chimed with responses given to questions about assessment when some respondents talked about the conflict between rehabilitation and public protection and the need to “err on the side of caution”. For those that made these sorts of reference, it also provided some insight into their own confidence and attitude when working with protective factors as demonstrated by this response:

“The protective factors are all well and good and lovely but I suppose for me I maybe see them as a bit of an add on. I maybe don't give, yet, sufficient weight to them because I suppose we have been more focused on risk, risk, risk and focusing on those factors more.”

There is no criticism levelled at this response, it is one that perhaps fits within the overall culture of the organisation and it is positive that it indicates that in future, in the right climate they would give more weight to protective factors if indeed the culture supported that move. Another factor, linked to culture, that a few respondents gave as a factor limiting practitioners from focusing more on protective factors was MAPPAs (Multi Agency Public Protection Arrangement):

“The discussion rarely focuses on any protective factors. I have had one complex case in the past where they did focus on that, but recently there's not been much focus on protective factors. It's more about how can we manage the risks in terms of controls... I don't know if they think they're airy fairy and not relevant but that's the sort of impression I get.”

Like the respondent above, those who identified MAPPAs tended to talk about it being more focused on risk factors and if they did consider protective factors it is largely in relation to external controls and much less so on external resources or internal strengths. One respondent added to this by talking about how MAPPAs prioritises external controls at the expense of other protective factors. They gave the example of officers struggling to find a bed in an Approved Premises when the offender could live with their family who are supportive. Criticisms of MAPPAs and its approach to protective factors are largely to be expected when we consider the wider culture as discussed above. Indeed MAPPAs deals with the highest risk offenders and is characterised by the use of restrictive conditions to enforce control-focused risk management plans (Kemshall, 2008 in Weaver, 2014) so there is probably no great surprise that within this culture, there is less discussion and emphasis on protective factors (other than external controls) in working with MAPPAs cases. As some argue, the way MAPPAs differentiates some offenders as being incapable or undeserving of social integration because of the nature of their offending rather than the likelihood of their recidivism (Weaver, 2014), undermines offender and practitioners' efforts to prioritise strengths and desistance (Weaver, 2014). On the other hand external controls, whilst limited in the effect they can have on desistance can be considered to have protective qualities in the short term when

utilised to manage specific risk factors and where offenders can understand the relationship between such controls and the management of their behaviour they are more likely to accept and comply with them (Kemshall, 2007 in Weaver, 2014). When respondents were discussing MAPPA it appeared they were largely thinking about MAPPA meetings and decisions coming out of these. Beyond that there is still every opportunity to consider protective factors and indeed the offender manager is the best placed 'member' of MAPPA to assess, support and develop protective factors in these cases.

A few other factors identified as limiting practitioners included not speaking to or involving the families of offenders, offenders not "buying in to" protective factors and not focusing on the individual or treating them like a human. These and a number of other similar sentiments, all relate to the practitioners themselves who arguably could to some extent overcome these but accepting that the cultural and time issues discussed above can limit their ability to do so.

The last issue explored within this theme was what would increase practitioners' confidence to give more weight to protective factors. The main responses given to this question, not surprisingly, were solutions to counteract the issues limiting practitioners, so less focus on risk factors, more focus on desistance, more time and fewer cases. Beyond that, one interesting response given by a number of respondents was "more knowledge". This contrasted slightly with earlier questions about knowledge and ability where there was a general confidence in these areas with only one person admitting to feeling as though they did not have enough knowledge. Here more respondents stated that having more knowledge would give them more confidence to give more weight to protective factors. Evidently the question is framed differently which could explain the different responses and by the time this question was asked towards the end of the interview individuals had had more time to consider the subject and reflect on these issues. Either way, it was encouraging that these respondents were seemingly showing a positive attitude to developing their knowledge in this area.

Examples

The aim of this final area of exploration was to generate some thinking about what things practitioners are actually assessing as protective for their cases. This was approached firstly by asking this very question and then a supplementary question which asked respondents to provide examples of cases that might have been expected to commit a serious offence but didn't and what protective factors they assessed were in place that prevented them from doing so. These questions produced a list of some 47 unique examples of protective factors, many were duplicated and others were very similar in nature which were grouped together. The examples were then categorised in line with the definition ie strengths, resources, controls and capacity. Factors that a majority of respondents cited as examples were family, employment, support and relationships. For the purposes of this analysis, family was taken to include the family unit, parents, siblings, children and extended family members thus distinct from partners/spouses which fell under relationships.

Employment was explained in different ways, for example by providing money, occupation, purpose and/or routine. Support was a term used a lot and tended to be a catch all for all supportive people, relationships and networks in an individual's life. The first thing to note in relation to these examples is that these are all what the definition would regard as external resources. Indeed seven out of the ten most cited examples were external resources and invariably were the examples that respondents gave quickest before thinking about others.

Overall 18 different examples of external resources were given but interestingly 20 different examples of strengths were provided. The difference was that most of these were only mentioned by one person, the strength that was most cited by respondents was attitudes, which in itself is a very broad term including a range of positive attitudes, empathy being one example included in this. Other examples that were cited by more than one person included maturity, hope and awareness of their behaviour/problems. These responses are consistent with answers given to the first question in the interview about the meaning of the term protective factors where respondents talked more about this in terms of it being something internal in the offender than about external factors. However, contrastingly throughout much of the rest of the interviews and when making reference to cases or illustrating points, invariably it was external resources that respondents discussed. This suggests that when thinking about protective factors in abstract, theoretical or hypothetical terms (possibly idealistic terms) it is internal factors and strengths that practitioners think about and give greatest weight to in terms of protective quality. In real, practice terms, when thinking about real cases and referencing real assessments it tends to be the external resources that are given the greater focus. This can perhaps be explained by the nature of risk assessment, that it is easier to identify and assess external, tangible things such as accommodation and employment than it is internal, intangible things such as an individual's level of maturity and hope. Taken a step further, in terms of risk management, accommodation and employment, as examples where they exist and are positive, are often cited as means for managing risk, where as it is hard to imagine seeing a risk management plan reference an individual's maturity and sense of hope as being sufficient to manage risk.

In terms of capacity, six responses were given covering things around level of engagement, motivation and willingness. Evidently there is a close link between strengths and capacity as any of these could be considered strengths but the definition talks about these as being the factors linked to the individual's commitment (or indeed ability to commit) to those activities and restrictions in place to manage the risk of serious harm including both external controls and any interventions (NOMS, 2014). Engaging with interventions was the seventh most given response to this question and all the responses related to capacity were given by multiple respondents. Whilst there were fewer different examples of this type of protective factor given, it was clear that all respondents considered these things to be protective with terms such as engagement and motivation frequently used. In the context of probation practice this seems fitting, as these are widely used terms and aspects of individuals that practitioners are focused on assessing and developing.

Further, given that compliance fits within this category there is even an element of tangibility which aids the assessment process.

Examples of protective factors that would be considered controls, were in the main, far fewer than with any of the other categories. Largely factors identified were examples of licence conditions related to things like exclusion zones, GPS tagging and residency. When thinking about their own cases, most respondents did not identify any specific controls as examples of protective factors and as explained earlier some did not accept that external controls could be considered as protective factors. When analysing the data it was apparent that some examples given to this question were examples of more than one type of protective factor. For example, three respondents identified “moving to another area” and two people identified “not associating with criminal peers” as protective factors. These were initially considered in the data analysis as examples of external resources but on reflection these could have occurred as the result of external controls such as licence conditions. Indeed the control element might have been the catalyst for these factors occurring in the first instance and if an offender embraces and complies with them they will continue to serve as protective. To highlight the point that some protective factors can be considered in different ways here is the example, given by four respondents, of “completing a programme”. Firstly the imposition of a licence condition or court order requirement was likely to be the main reason why an offender would be attending a programme so initially it would be considered an external control. The provision of the programme and the offender having the opportunity to access it would be considered an external resource. The offender’s motivation and willingness to attend and engage with the programme would be about their capacity and any new skills the individual is able to develop and put in to practice having completed the programme would be considered a strength. This demonstrates just how important ongoing assessment is and as was suggested earlier that it really can help to know what the protective quality is so that it can be supported and maintained.

The last question asked in each interview was for examples of cases that might have been expected to commit a serious offence but didn’t and what protective factors practitioners had assessed were in place that prevented them from doing so. Some responses to this were quite general whilst some were about specific cases. Those who were able to provide a specific example tended to provide quite detailed responses indicating that these were cases they knew well, had worked with for some time and had a good knowledge and understanding of their case and risk and protective factors. This meant that the examples given included examples of protective factors that covered the range of features; resources, strengths and capacity and in some cases also controls. One respondent spoke about a case who resided at an approved premises on release and how the restrictions in place and the stability it provided acted as protective factors. Another referenced a sex offender case who used the sex offender treatment programme very effectively to air and discuss his issues and risks very openly which they assessed as being protective. Another spoke about a case with a significant supportive relationship that was acting as a protective factor. There were a couple of common features apparently present

in each of the examples given which were that the offenders were highly motivated and presented with very positive attitudes. These protective factors would be examples of internal strengths and as it appeared these were cases respondents knew very well, this highlights the importance of knowing the individual offender and having lots of information about them in order to confidently be able to identify and assess something as being protective.

A couple of respondents came up with case examples which on the face of it looked like they didn't have any protective factors. These cases do not disprove how significant protective factors are but can demonstrate how difficult identifying and assessing protective factors can be. If an assessor is saying there are no protective factors then that is about their assessment, that they are assessing that there aren't any protective factors because they have to be identified. It is accepted that in some cases there could be very few, and the effect of them in mitigating the risk factors could be very minimal but as we know not everyone is assessed as posing a very high risk of serious harm, even those that are, still don't tend to be out causing serious harm day in day out. So whatever it is that's stopping them, they are the protective factors but identifying them and trying to assess them is the hard bit. There's potentially a lot of learning to be gained from looking at cases that risk assessments indicate are likely to reoffend or cause serious harm (high risk in most cases) but haven't. Looking retrospectively at such cases and analysing what's going on can be helpful in identifying protective factors.

Conclusion

This research has explored a sample of probation practitioners' knowledge and understanding of and skills in the assessment and use of protective factors in the assessment and management of risk of serious harm. The data gathered in this study has helped provide some insight in to this and the findings that have been discussed highlight some good areas of practice and indeed some areas where knowledge and practice could be improved. There is certainly something to be said about the wider context this subject is operating within. It was notable that a number of respondents alluded to the culture of the organisation as limiting their focus on protective factors. We can point to certain bits of legislation (Criminal Justice and Court Services Act 2000, Criminal Justice Act 2003 and Offender Management Act 2007) that went a long way to moving probation into a more risk and public protection focused approach. This means there is now a significant proportion of the workforce (all of the respondents in this research included) who have trained and worked in this context. Whilst there has in recent times been more focus and consideration of theories and approaches linked to desistance and the strengths of individuals there is no denying that probation is still a risk focused organisation. It was very encouraging that everyone held a positive attitude towards protective factors, what they represent and the idea of focusing on the positive things in someone's life. The impression was that this is the sort of approach that a) people had in their mind when they first joined probation and b) they would like to see the organisation embrace more. This will only work if it is linked to a wider cultural change and arguably that may only occur with legislative change. As it is therefore the challenge for the organisation and practitioners alike is to be able to strike the right balance between its competing demands, to ensure risk is managed but to incorporate a greater focus on protective factors as a means of managing risk and supporting desistance. More discussion and reflection about protective factors by and between practitioners and their line managers could help with this.

In doing this what needs to be avoided is reducing the subject of protective factors down to a simple list, the cost of which would be greater difficulty in understanding how the different protective factors come together (Thornton, 2017) and indeed how they protect. The emphasis therefore needs to be on improving assessment skills so that practitioners are better able to identify factors that might be protective and to assess what the protective element of the factor is and the extent of its protective quality. Without this, assessments are likely to remain focused on risk factors, and too great a focus on negatives can cause practitioners to develop an unrealistically negative view of the assessed (de Vries Robbé and Willis, 2017) and over-estimate risk levels for particular individuals (Cording and Beggs Christofferson, 2017). Whilst OASys remains the primary risk assessment tool used in probation practice, greater focus needs to be put on the areas within it that do enable practitioners to consider protective factors and for greater consideration to be given to whether areas not identified as risk factors could in fact be protective factors.

The range of journal articles about protective factors identified and referenced in this report, stem from various different disciplines and have been written by

researchers in different jurisdictions. What was difficult to find during the literature review was any research specifically focused on protective factors in the context of probation practice in England and Wales. On the one hand this helped identify an area of research that could be added to but it also provides an important context for some of the issues around knowledge that have been discussed. The lack of research translates in to a general lack of guidance within probation practice. The 2009 and 2014 NOMS Guidance documents that have been referenced throughout provide some detail about protective factors, not least in the case of the 2014 guidance by providing a clear and relevant definition, but they are both relatively light in this area. OASys it could be argued, provides very little guidance and information about protective factors and does not sufficiently enable practitioners to assess protective factors. ARMS, does specifically enable practitioners to assess protective factors and its guidance does provide more information about protective factors but it is only used with sex offenders and currently is not being used widely within all areas of the National Probation Service. The argument is that actually there is very little information for practitioners to access and draw on and in the case of OASys one could argue very little encouragement to specifically assess protective factors. That aside, what has been highlighted in this research however is that practitioners who were interviewed are not accessing and using the guidance that is available to them and a recommendation would be that the profile of the 2014 Supplement document, or at least its content, needs to be raised.

A logical next step in researching this subject would be to engage with offenders, to ask them about their protective factors. It would be particularly interesting to find out what offender's think their protective factors are but also how protective they consider the various elements of protective factors (strengths, resources, controls and capacity) are for them. A longer research study on protective factors might also be able to provide the opportunity to start exploring how and why protective factors protect. The benefits of a greater understanding of protective factors would be two fold, on the one hand it should encourage practitioners to start supporting and developing these positive attributes within offenders to help them overcome obstacles to desistance (Maruna & LeBel, 2003, 2009 in Nee and Vernham, 2017) and more accurate measurement of protective factors would improve the accuracy of risk assessment overall (Cording and Beggs Christofferson, 2017).

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