



HM Prison &
Probation Service

Examining Procedural Justice Perceptions in Probation in England and Wales

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His Majesty's Prison and Probation Service

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1. Summary

The importance of perceptions of procedural justice (PJ) has been well documented in court, policing and prison settings as influencing a multitude of relevant outcomes, including cooperation and compliance with the law, rules and instructions, psychological wellbeing, and recidivism. PJ research in probation settings is, however, still in its infancy.

Utilising the responses to a survey administered in 2018 to over 18,000 people under supervision in the community in England and Wales, this study aimed to develop and test a measure of, and then examine differences in, PJ perceptions, focusing on different patterns of responses for different groups, and the relationship between people's perceptions and their probation experiences. This study is the first step in better understanding the role of PJ for people in the care of HMPPS located in community settings. It was a retrospective, cross-sectional and exploratory study, including only some of the variables that would be expected to influence people's outcomes, and which does not allow for causal interpretations to be made between PJ perceptions and outcomes. The findings should be viewed as indicative only, and the study overall seen as an initial stepping-stone for more robust empirical research to be designed and conducted in future, from which more definitive conclusions can be drawn.

A single-factor PJ scale comprising nine items was created, with excellent internal consistency, applicable for both men and women. Statistically significantly better perceptions of PJ were found for people who were older, those of white ethnicity, those without physical, mental health, or learning disabilities, and those who were on licence (compared with other types of probation). No significant difference in overall PJ perceptions by gender was identified. Mixed associations were apparent for PJ perceptions and the several variables examining length of/contact time under supervision. Better PJ perceptions were statistically significantly associated with perceptions of greater involvement in the sentence planning processes, receipt of support while on probation, greater future orientation, and more positive experiences of the probation process. The two features of probation supervision that contributed

most to predicting more positive PJ perceptions were future orientation and a focus on what matters.

Overall, the findings of the study suggest that further PJ research in probation settings is warranted, in particular to study more robustly study the associations observed here, and to extend the evidence-base by examining the relationship between PJ and behavioural outcomes (such as compliance with licence conditions and patterns of reoffending).

2. Introduction

2.1 Procedural Justice in Prison and Probation settings

A key priority in most prison and probation services is to provide safe and secure environments, where people have the opportunity to address the reasons for their criminal behaviour and are helped to live positive futures. To ensure that prisons are stable, ordered, and peaceful environments, and to ensure that people are managed safely in the community, securing their compliance and cooperation with rules and requirements is essential. There is a growing body of research that shows such outcomes to be influenced by people's perceptions of how fairly authority is used (how decisions are made and processes are applied); this is known as 'procedural justice' (PJ).

People are also more likely to view the law and authority figures as legitimate, leading to greater compliance with, and commitment to obey the law (Lind & Tyler, 1988; Tyler, 1990), and vice versa. PJ encompasses four principles: voice, neutrality, respect, and trustworthy motives (Tyler, 2008). People need to be able to *voice* their side of a story and to believe that this is being sincerely considered in the decision-making process. They need to experience authority figures as *neutral*, principled, transparent, and consistent in their decision-making processes, where rules are understood by everyone and are not based on personal opinion or bias. It is important for people to feel that they are *respected* and treated courteously by authority figures, and to believe that their issues are treated seriously, and their rights considered equal to those of others. Finally, people need to see authority figures as having *trustworthy motives*, who are sincere and open, honest, and doing what is best for everyone involved.

There is an extensive body of research providing empirical support for the relationship between PJ perceptions and respect for and compliance with the law or legal authorities in the court and police settings (e.g., Mazerolle, Bennett, Davis, Sargeant, & Manning, 2013; Sunshine & Tyler, 2003; Tyler, 2008). There is also a growing body of global research within custodial settings demonstrating that if people in prison perceive their treatment to be fair and just, they are more likely to comply

with rules and accept those in authority, resulting in lower rates of misconduct (including violence) (Beijersbergen, Dirkzwager, Eichelsheim, & Van der Lann, 2015; Butler & Maruna, 2009; Day, et al., 2015; Reisig & Mesko, 2009). This relationship has also been found for specific processes, such as grievance and complaints, which demonstrates a positive relationship between ignored complaints or late responses and significantly higher rates of serious violence (Bierie, 2013). PJ perceptions have also been linked to mental health outcomes in custody, such as better emotional/psychological health (Beijersbergen, Dirkzwager, Eichelsheim, Van der Lann, & Nieuwbeerta, 2014; Gover, et al., 2000; Liebling, et al., 2005) and lower rates of self-harm and attempted suicide (Fitzalan Howard & Wakeling, 2019). Further, the benefits of PJ in prison appear to extend beyond the short-term, with perceptions of PJ in prison linked to reoffending outcomes 18 months following release (Beijersbergen, Dirkzwager, & Nieuwbeerta, 2016) as well as to more positive beliefs about desistance from crime (McCarthy & Brunton-Smith, 2018).

In contrast, little research has yet examined the importance of perceptions of PJ in probation settings, although what does exist (all from North America) indicates this may be important in this context also. For example, people on parole supervised in a way designed to be more collaborative (compared with more directive approaches) and to enhance relationships (including perceptions of care and fairness) report better quality relationships with their parole officers, and subsequently significantly lower parole violation rates (Blasko, Friedmann, Rhodes, & Taxman, 2015). Similarly, when people on parole perceive their supervising officers to use practices associated with PJ, they have a significantly lower likelihood of engaging in criminal behaviour and parole violations (Blasko & Taxman, 2018). Further, more recent research (Liu, Miller, & Visher, 2021; Liu, Visher, & O'Connell, 2019) reports perceptions of procedural injustice in the community following release from custody to be directly and positively associated with increased self-reported propensity to commit crime, even when the effects of other challenges (e.g., financial difficulty and social isolation) were accounted for. Family bonds appear to act as a buffer in this relationship. Perceptions of procedural injustice also appear to be associated with feelings of depression, which may undermine successful community re-entry by increasing a person's criminal propensity. Further, when exploring the relationship between the payment of court-mandated financial restitution to victims and

perceptions of probation officers collecting the payments, Gladfelter and colleagues (2018) found perceived fair treatment by probation staff to be significantly associated with greater payments, even when accounting for past payment behaviour, intention to pay, and ability to pay. Even respondents with few legitimate sources of income made payments if they believed they were being treated fairly. The influence of perceived fair treatment on payment outcomes was stronger than that of financial income.

This body of probation-based PJ research requires development (both for people leaving custody and for those sentenced to community sanctions straight from court) before more confident conclusions can be made about the relationship between perceived PJ and people's outcomes in this setting.

2.2 Aims and Hypotheses

Over recent years there have been great efforts in English and Welsh prisons to improve perceptions of PJ given the empirical evidence of the relationship between such perceptions and a number of priority outcomes. One strand of that work was to develop PJ scales to examine the perceptions of people living and working in prisons (Fitzalan Howard & Wakeling, 2020; Wakeling & Fitzalan Howard, 2022). While there is as yet limited research in the community setting, there appears to be significant potential to positively impact a range of priority outcomes by attending to PJ. The present study aimed to develop and test a measure of, and then examine differences in, PJ perceptions for people on probation in England and Wales, focusing on different response patterns for different groups, and the relationship between people's perceptions and their experiences of probation in the community.

There were no directional hypotheses as to what the findings would reveal, but the research questions centred on:

- Can a reliable and valid measure of PJ be created for people on probation in England and Wales using data gathered via annual surveys?
- Are there differences in PJ perceptions for people under supervision in the community according to their demographic characteristics?

- Are there differences in PJ perceptions for people under supervision in the community according to the characteristics of their probation?
- Is there a relationship between people's PJ perceptions and their experience of probation, the perceived quality of the supervision received, and their future orientation?
- What predicts PJ perceptions for people on probation?

3. Method

3.1 Design

This was a cross sectional, retrospective exploratory study which aimed to develop and test a measure of PJ for people on probation in England and Wales using data which had already been gathered via a routine community probation satisfaction survey. This measure was then used to explore perceptions of PJ amongst the large sample.

3.2 Sample

The main dataset came from the ‘Your Views Matter’ (YVM) community satisfaction survey (see Measures section below for further information) administered in 2018. The dataset comprised responses from 18,291 individuals from across England and Wales who had been subject to community supervision during 2018 across 28 National Probation Service (NPS) divisions or Community Rehabilitation Companies (CRC).^{1,2} Of the total starting sample (see Table 1), almost 57% were at the time managed by a CRC and the remainder were managed by the NPS. Eighty percent of the sample were men, and the majority (72.9%) were white. The largest proportion of the sample (37.0%) were on licence, and aged 25–34 (31.7%). In comparison to the whole probation caseload in 2018, the sample was broadly representative and showed the same trends in variation of demographic variables for gender, ethnicity, age, and probation type (Ministry of Justice, 2019).

¹ A response rate for the YVM survey could not be calculated as it was not known how many people were invited to complete it during the year.

² At the time of this study, the National Probation Service was responsible for managing high risk people on a community order or licence following release from prison, and Community Rehabilitation Companies were responsible for managing low and medium risk people. Since June 2021, the new probation service has come into effect, and is now responsible for managing all those on a community order or licence following their release from prison in England and Wales. Specialist organisations continue to play a role by delivering resettlement and rehabilitative services such as education, training, employment, and accommodation.

Table 1: Descriptive Statistics of the Total Sample

Variable	<i>n</i>	%
Managed by		
CRC	10,400	56.9
NPS	7,891	43.1
Probation Type		
Licence	6,771	37.0
Community Order	3,935	21.5
Post sentence supervision	1,026	5.6
Suspended Sentence Order	2,979	16.3
Missing	3,580	19.6
Gender		
Female	1,720	9.4
Male	14,757	80.7
Other or missing	1,814	9.9
Ethnicity		
White	13,328	72.9
Mixed	815	4.5
Asian	853	4.7
Black	1,077	5.9
Other	451	2.5
Missing	1,767	9.7
Age category (years)		
18–24	2,740	15.0
25–34	5,803	31.7
35–44	3,885	21.2
45–59	3,306	18.1
60+	858	4.7
Missing	1,699	9.3

3.3 Measures

The NPS and CRCs at the time of this research had a contractual obligation to gather service user engagement scores in order to improve services and experiences. The YVM survey (derived from the original Offender Satisfaction Survey) was developed

from an external evaluation of the pilot SEED (Skills for Effective Engagement and Development) project (Sorsby, et al., 2013), and reflected feedback from users and people in probation.

The YVM survey comprises 31 questions (some of which include sub questions) to gather views on the delivery of community probation. Items capture information on general demographics, wellbeing, general opinions of probation officers and supervision experiences, as well as items relating to desistance, experiences of PJ, and protective factors. There are questions around time spent on probation, the contact people have with their probation officer, whether they have been involved in their sentence planning, whether they have received appropriate support when needed, whether their life has got better since contact with their probation officer, and their levels of future orientation. YVM also includes questions designed to assess the offender manager's use of the skills covered in SEED training that have been found to be related to reduced arrest and reconvictions; relationship building, structuring, pro-social modelling, motivational interviewing, risk-need-responsivity, and cognitive behavioural techniques. YVM is administered on a yearly basis, either on paper or via a digital version. The survey is completed voluntarily and anonymously. Survey data are inputted locally and then analysed centrally by the Ministry of Justice. The results are published internally for relevant stakeholders to access. CRCs and NPS are expected to consider what actions they need to take in order to increase satisfaction scores and ultimately the service that they provide.

The survey includes nine items (see Appendix A) intending to measure perceptions of PJ, focusing on its the four principles:

- **Voice:** being able to tell your side of a story and having this listened to and sincerely considered during decision making.
- **Respect:** being treated with respect and courtesy by authority figures, being taken seriously and being seem as valuable.
- **Neutrality:** authority figures being principled and neutral decision makers, who apply rule consistently and are transparent in their application of the rules.

- **Trustworthy motives:** authority figures being caring and sincere, being honest and open about the basis for their actions and acting in everyone's best interests.

3.4 Analysis

Content validity: The YVM survey includes nine items designed to capture perceptions of PJ. Factor analysis was undertaken to establish the content validity of these items as a coherent measure of PJ, to explore the theoretical structure of the construct, and to identify if the items were good representations of the underlying construct. As there is some conceptual overlap between the four principles of PJ (and so the extracted factors were expected to be correlated) oblique, rather than orthogonal, rotation was used. Inspection of the scree plot, and examination of eigenvalues (> 1), factor loadings and the Velicer MAP test determined factor extraction (Costello & Osborne, 2005). This process was also repeated separately for the men and women in the sample. Cronbach's alpha was computed for the measures derived from the factor analysis to assess internal consistency.

PJ score calculation: The mean person-level PJ scores were then calculated from the individual items supported by the factor analysis, creating a score between one and five, with high scores representing more positive perceptions. The analysis excluded participants with more than 10% of items missing; where up to 10% of items were missing, we replaced missing scores with the mean of the available item scores (Rosenthal, 2017). Whilst there are limitations with this method, it was only applied when relatively small amounts of data were missing.

Exploration of PJ scores and concurrent validity: The mean PJ scores were then used to examine PJ perceptions amongst the large probation sample and explore differences in PJ scores between different cohorts (according to demographic and probation-related characteristics). Analysis of Variance (ANOVA), and independent sample t tests were used to explore the relationship between PJ perceptions and probation type and time spent on probation, the relationship between PJ perceptions and people's experience/perceptions of the quality of probation, and the relationship between PJ perceptions and future orientation, and the relationship between PJ

perception. Finally multiple linear regression was used to explore which factors predict PJ perceptions. Interpretation of effect sizes (d and ω^2) followed generally established guidelines (Cohen; 1988, 1992; Rice & Harris, 2005).³

3.5 Limitations

The main limitation of this study was that it was a cross-sectional, retrospective exploratory study, and therefore while relationships or associations between PJ perceptions and other outcomes or variables could be tested, causal relationships could not be. To do this, future research should adopt longitudinal research methods. It was also not possible to include in the analysis many additional variables that might influence the outcomes of interest, other than PJ, and therefore control for their effect (e.g., risk of reoffending, licence compliance, breaches). Further, it was not possible to test for convergent, discriminant or test-retest validity in the current study as the required data to do this were not available. Whilst exploratory factor analysis was performed on the whole sample and then separately for men and women to confirm the structure, the ideal analysis plan would have included confirmatory factor analysis; this was not possible with the statistical software available for this study.

The way in which the survey was designed meant that some data were gathered categorically rather than continuously (e.g., age was recorded in categories, rather than in years). Whilst not probable, it is possible that this may have had an impact on the nuance of analysis. The very large size of the sample (around 16,000 people) was advantageous because it allowed for a comprehensive analysis, good generalisability, and for subgroup comparisons to have sufficient power to detect even small effects. However, a disadvantage is that with such a large sample size the chances of finding significant results, and Type 1 errors,⁴ can increase. To counter this, Bonferroni corrections were applied, and effect sizes were also examined. Whilst the sampling procedures were designed to be as representative as possible, there may have been variation across NPS and CRC areas in how the surveys were administered and who the samples included, which may have affected

³ Small ($d = 0.2$, $\omega^2 = 0.01$), medium ($d = 0.5$, $\omega^2 = 0.06$), and large ($d = 0.8$, $\omega^2 = 0.14$).

⁴ A Type 1 error means rejecting the null hypothesis when it's actually true.

the findings. Response rate could not be calculated, but the sample was broadly representative of the whole probation caseload in the same year.

The data for this study were gathered prior to the Covid-19 pandemic and there may be consequent differences in how current supervision practice, which may affect the applicability of these pre-pandemic findings. Furthermore, key changes have taken place within the probation system since the time of this research, most notably the reunification of probation services during 2021 from separate NPS and CRC service provision to a single probation service.

4. Results

4.1 Developing a Measure of Procedural Justice Perceptions

Exploratory factor analysis (EFA) was used to understand the underlying structure of the YVM questionnaire items and test whether these reflected the same concept (PJ). EFA using maximum likelihood extraction and oblique (direct oblimin) rotation was performed on the 9 items using the whole sample. This produced a single-factor solution, confirmed by examining item loadings (all at least .30), the scree plot and a Velicer MAP test. Table 2 shows the factor loadings, means, standard deviations and item correlations. The solution explained 74.22% of the variance, and the internal consistency of the scale ($\alpha = .96$) was excellent and not improved with the removal of any items (Cohen & Swerdlik, 2010). Readers should be aware that with increasingly large samples, alpha estimates of internal consistency might be more likely to be positive.

As previous research (Fitzalan Howard & Wakeling, 2020) indicated different underlying factor structures for a PJ scale developed with men and women in prison, the factor analysis was subsequently repeated separately for the men and women in the probation sample. The model for the whole sample fitted as well for both groups, explaining 72.82% and 82.50% of the variance respectively. The internal consistency of the scale remained excellent ($\alpha = .96$ for men, $\alpha = .98$ for women).

Table 2: Factor Matrix Loadings, Means, SDs, and Corrected Item Total Correlations for the whole Sample

Items	<i>M</i>	<i>SD</i>	Total correlations	Factor loading
Probation staff treat me in a respectful way	4.53	.755	.830	.910
Probation staff are usually on time for our meetings	4.29	.917	.746	.891
Probation staff give me the chance to give my views	4.44	.795	.867	.887
Probation staff listen to me	4.44	.820	.886	.874
I trust the probation staff I see	4.29	.958	.848	.863

Items	<i>M</i>	<i>SD</i>	Total correlations	Factor loading
I understand what probation staff expect of me	4.44	.770	.833	.854
Probation staff explain their decisions to me	4.37	.836	.869	.854
Probation staff are fair when making decisions about my licence or supervision	4.29	.912	.858	.851
Probation staff care about the person I really am	4.21	.989	.840	.762

4.2 Differences in Procedural Justice Perceptions by Demographic Characteristics

PJ scores could be calculated for 95.42% ($N = 17,453$) of the sample, and their descriptive statistics are presented in Table 3. The mean PJ score for the sample, on a 5-point scale, was positive at 4.36 ($SD = .76$). Statistical tests were used to compare the PJ scores of different groups based on their demographics, to understand if they were similar to, or different from, each other.

PJ perceptions of men and women were not statistically significantly different from each other,⁵ but there were significant if slight variations by ethnic group.⁶ White participants had the highest scores overall, statistically significantly higher than those for mixed and black ethnicity participants (Bonferroni post hoc tests $p < .001$ for both comparisons), but not significantly higher than Asian or other ethnicity participants ($p = 1.00$ for both comparisons). Statistically significant differences were found for age too.⁷ Higher scores were more common for older people, with those aged 45–59 years having significantly better perceptions than 25–34 year olds ($p = .01$), and 35–44 year olds ($p = .05$), and the oldest group (60 years and older) having significantly better perceptions than the three youngest groups (18–24, 25–34 and 35–44 year groups, Bonferroni post hoc tests $p < .001$ for all comparisons). The effect sizes for both age and ethnicity were very small.

⁵ $t(19,953.34) = .32, p = .75, d = .06, CI = [-.04, -.05]$

⁶ Welch's $F(4, 1,503.75) = 8.78, p < .001, \omega^2 = .007, 95\% CI = [4.37, 4.39]$

⁷ Welch's $F(4, 4,615.30) = 9.37, p < .001, \omega^2 = .004, 95\% CI = [4.37, 4.39]$

Significant differences were observed on three measures of difficulties experienced by people in the sample: physical disability, mental health difficulties, and learning disability or challenges (LDC). The pattern was consistent for all three; people who reported undiagnosed difficulties had significantly poorer PJ perceptions than both those who did not report difficulties and those who reported having had these diagnosed.⁸ Again, the effect sizes for all these comparisons were very small.

Table 3: Sample Descriptive Statistics

Variable	<i>n</i>	Mean PJ score	<i>SD</i>	Effect size ^a
Gender				.01
Female	1,678	4.39	.88	
Male	14,440	4.38	.73	
Ethnicity***				.007
White	13,133	4.39	.74	
Mixed	782	4.27	.78	
Asian	815	4.37	.77	
Black	1,012	4.29	.73	
Other	439	4.33	.77	
Age category (years)***				.004
18–24	2,681	4.36	.73	
25–34	5,661	4.36	.76	
35–44	3,814	4.36	.75	
45–59	3,237	4.41	.76	
60+	836	4.49	.65	
Physical disability***				.001
Yes – diagnosed	2,764	4.39	.73	
Yes – undiagnosed	692	4.23	.78	
No	12,010	4.39	.74	
Mental health condition***				.005
Yes – diagnosed	5,595	4.40	.75	
Yes – undiagnosed	1,375	4.28	.75	

⁸ Physical disability: Welch's $F(2, 1,689.04) = 13.96, p < .001, \omega^2 = .001, 95\% \text{ CI} = [4.37, 4.40]$
Mental health difficulty: $F(2, 15,588) = 13.87, p < .001, \omega^2 = .005, 95\% \text{ CI} = [4.37, 4.40]$
LDC: $F(2, 15,616) = 10.95, p < .000, \omega^2 = .003, 95\% \text{ CI} = [4.37, 4.39]$

Variable	<i>n</i>	Mean PJ score	<i>SD</i>	Effect size ^a
No	8,621	4.39	.74	
Learning disability or challenge^{***}				.003
Yes – diagnosed	2,159	4.36	.73	
Yes – undiagnosed	957	4.28	.76	
No	12,503	4.39	.75	

Note

^a Cohen's *d* used for gender variable, and Omega squared (ω^2) fixed effect used for remaining variables.

^{***} $p < .001$ (Bonferroni correction applied).

4.3 Differences in Procedural Justice Perceptions by Probation Characteristics

Further statistical tests were used to explore PJ scores by probation type. Examining the concurrent associations with probation type and time variables, participants supervised by the NPS ($M = 4.42$, $SD = .38$) held statistically significantly better perceptions of PJ than those supervised by CRCs ($M = 4.31$, $SD = .81$) although the effect size was small.⁹ Perceptions also varied significantly for people on different types of supervision, but again the effect size was very small.¹⁰ Those on licence reported statistically significantly better perceptions ($M = 4.42$, $SD = .69$), and those on post-sentence supervision reported significantly poorer perceptions ($M = 4.27$, $SD = .78$), than people on other types of probation (Bonferroni post hoc tests $p < .01$ for all comparisons). People serving community orders ($M = 4.35$; $SD = .78$) and suspended sentence orders ($M = 4.37$, $SD = .76$) had statistically similar PJ perceptions to each other ($p = 1.00$).

Three of the variables under study related to the time spent on probation or in contact with supervisory probation officers. Firstly, those who had experienced a probationary supervision period before ($M = 4.32$, $SD = .76$) reported statistically significantly poorer PJ perceptions than those who were experiencing this for the first

⁹ $t(12,388.03) = -10.55$, $p < .001$, $d = -.16$, $CI = [-.14, -.10]$

¹⁰ Welch's $F(3, 3,886.54) = 18.74$, $p < .001$, $\omega^2 = .003$, 95% $CI = [4.37, 4.39]$

time ($M = 4.43$, $SD = .75$), although the effect size was small.¹¹ Secondly, those who had served less of their current probationary period typically had poorer perceptions than those who had served more time.¹² Not all comparisons between each of the five categories were significant, but to illustrate, those who had served 0–2 months so far had significantly poorer perceptions ($M = 4.29$, $SD = .82$) than those who had served 7–11 months ($M = 4.40$, $SD = .74$), 1–2 years ($M = 4.39$, $SD = .72$) or three years or more ($M = 4.38$, $SD = .71$) (Bonferroni post hoc tests $p < .01$ for all comparisons). And thirdly, PJ perceptions varied significantly, with a medium effect size, according to how much contact time a person had with their probation officer.¹³ People who assessed their contact time as being ‘about right’ ($M = 4.49$, $SD = .67$) held significantly better PJ perceptions than those who believed this was ‘too much’ ($M = 3.93$, $SD = .86$) or ‘too little’ ($M = 4.06$, $SD = .93$); conversely people who reported ‘too much’ contact had significantly poorer PJ perceptions than the other two contact time groups (Bonferroni post hoc tests $p < .01$ for all comparisons).

4.4 Relationship between Procedural Justice Perceptions, Probation Experience, Quality and Future Orientation

PJ scores were further explored according to people’s experience of probation and their views of the future. Testing the concurrent associations between PJ and probation experience, two variables related to people’s involvement in, and knowledge of, their sentence planning showed similar trends: being involved (or more involved) in this activity was associated with statistically significantly better perceptions of PJ than not being engaged in this activity.¹⁴ The effect sizes for these comparisons were small. Table 4 provides the descriptive statistics for these variables. Participants who had seen their sentence plan had statistically significantly better PJ perceptions than those who had not, or were unsure whether they had, and those who had not seen their plan had significantly poorer perceptions than people in the other two groups (Bonferroni post hoc test $p < .001$ for all comparisons). People

¹¹ $t(15,662.17) = -9.69$, $p < .001$, $d = -.15$, $CI = [-.14, -.09]$

¹² Welch’s $F(4, 5,514.28) = 6.83$, $p < .001$, $\omega^2 = .003$, 95% $CI = [4.36, 4.38]$

¹³ Welch’s $F(2, 1,143.18) = 449.15$, $p < .001$, $\omega^2 = .08$, 95% $CI = [4.39, 4.41]$

¹⁴ Seen sentence plan: Welch’s $F(2, 5,176.07) = 467.50$, $p < .001$, $\omega^2 = .04$, 95% $CI = [4.35, 4.38]$
Helped make sentence plan: Welch’s $F(3, 5,584.48) = 290.29$, $p < .001$, $\omega^2 = .03$, 95% $CI = [4.36, 4.38]$

who had helped make their sentence plan had statistically significantly better PJ perceptions than those who had not, were unsure whether they had, or had helped ‘a bit’; those who had not helped had significantly poorer perceptions than people in the other three groups (Bonferroni post hoc test $p < .001$ for all comparisons).

Receipt of support, measured using two variables, showed the same pattern (Table 4): receiving support in at least one needed area, or conversely not reporting at least one unmet support need, was associated with statistically significantly better PJ perceptions.¹⁵ The effect sizes for these comparisons were medium and small respectively.

Table 4: Probation Experience Descriptive Statistics

Variable	<i>n</i>	Mean PJ score	<i>SD</i>	Effect size ^b
Seen sentence plan***				.04
Yes	10,658	4.50	.67	
No	2,946	4.02	.87	
Not sure	2,933	4.23	.78	
Helped make sentence plan***				.03
Yes	8,221	4.53	.66	
No	3,548	4.09	.86	
A bit	1,779	4.33	.70	
Not sure	3,139	4.28	.77	
Received support in at least one needed area***				.52
Yes	12,610	4.46	.69	
No	4,843	4.08	.85	
Needed more support in at least one area***				-.35
Yes	4,266	4.16	.76	
No	13,187	4.42	.74	
Life improved since having contact with probation***				.08

¹⁵ Received support in at least one area: $t(7,415.55) = 28.25, p < .001, d = .52, CI = [.36, .41]$
 Needed more support in at least one area: $t(7,087.10) = -19.62, p < .001, d = -.35, CI = [-.29, -.24]$

Variable	<i>n</i>	Mean PJ score	<i>SD</i>	Effect size ^b
Yes	8,222	4.62	.61	
No	3,263	3.84	.86	
A bit	3,932	4.34	.67	
Probation contact has focussed on things that matter***				.22
Yes	11,871	4.59	.62	
No	1,606	3.50	.87	
A bit	2,816	4.06	.67	

Note

^b Cohen's *d* used for support variables, and Omega squared (ω^2) fixed effect used for remaining variables.

*** $p < .001$ (Bonferroni correction applied).

People's assessments of whether their life had got better since having contact with probation were statistically significantly related to PJ perceptions (medium sized effect).¹⁶ Those responding 'yes' had the highest scores, those responding 'a bit' had the next highest, and those saying 'no' had the lowest PJ scores. The differences between all three groups were statistically significant (Bonferroni post hoc tests $p < .01$ for all comparisons). A statistically significant difference, with large effect size, in PJ perceptions was found for people differently rating the focus of their probation time to have been on what mattered to them.¹⁷ Those responding 'yes' had the highest scores, those responding 'a bit' had the next highest, and those saying 'no' had the lowest PJ scores. The differences between all three groups were statistically significant (Bonferroni post hoc tests $p < .01$ for all comparisons).

People's future orientation was assessed with an amalgamation of four original questionnaire items which assessed whether the experience of probation had helped the person to feel hopeful about the future, feel better at dealing with issues linked to their offending, feeling helped to reach their goals, and wanting to live a crime-free

¹⁶ Welch's $F(2, 6,767.88) = 1,180.44, p < .001, \omega^2 = .08, 95\% \text{ CI} = [4.37, 4.39]$

¹⁷ Welch's $F(2, 3,281.77) = 1,707.12, p < .001, \omega^2 = .22, 95\% \text{ CI} = [4.38-4.40]$

life. Future orientation and PJ perceptions were statistically significantly and positively correlated ($r = .47, p < .001$).

4.5 Predicting Procedural Justice Perceptions

The final analysis looked at what factors predict higher or lower PJ scores for people on probation. A total of 9,288 individuals were entered into a linear regression model and the predictor variables are shown in Table 5.¹⁸ The model was significant and explained around a quarter (28%) of the variance in PJ scores.¹⁹ Sixteen predictor variables were significant (NPS, black ethnicity, diagnosed with mental health concerns, first time on probation, too little/too much probation contact time, post sentence supervision probation type, probation contact focussing a bit/not on what matters, life not/a bit improved since having contact with probation, not receiving support in at least one needed area, needing more support in at least one area, not involved/unsure if involved in making their sentence plan, and future orientation). The analyses found that being supervised by the NPS compared to a CRC, having mental health concerns diagnosed (compared to having no mental health needs), being on probation for the first time, and feeling like probation supported future orientation all predicted better PJ perceptions. However black ethnicity (compared to white ethnicity), too little or too much probation contact time, being on post sentence supervision (compared to those on licence), probation not focussing or only focusing a bit on what matters, feelings that life on probation has not improved or has only improved a bit, not receiving the support that is needed, and not contributing or only contributing a bit to the sentence plan, all predicted poorer PJ perceptions. The B values indicate that probation time being focussed on what matters, and future orientation contributed most. A 1-point increase in the ratings of focus and orientation corresponds to around a quarter-point increase in PJ perceptions.

¹⁸ For categorical variables, dummy variables were created and compared to a reference category. For each categorical variable the reference category corresponded to the subgroup which had the most positive PJ perceptions.

¹⁹ $F(35, 9,252) = 103.40, p < .001, R^2 = .28, \text{adjusted } R^2 = .28$

Table 5: Predictors of People on Probation's PJ Perceptions

Predictor	<i>B</i>	<i>SE</i>	Beta	<i>t</i>
(Constant)	3.78	.07		54.03***
18–24 years old	-.02	.02	-.01	-.87
35–44 years old	-.02	.02	-.01	-1.05
45–59 years old	-.04	.02	-.02	-2.07
60+ years old	-.01	.03	-.00	-.19
NPS	.07	.01	.05	4.50**
Mixed ethnicity	-.06	.03	-.02	-1.82
Asian ethnicity	-.02	.03	-.01	-.64
Black ethnicity	-.07	.03	-.02	-2.36*
Other ethnicity	.02	.04	.00	.40
Diagnosed physical disability	.00	.02	.00	.09
Undiagnosed physical disability	-.02	.03	-.01	-.73
Diagnosed LDC	-.03	.02	-.01	-1.28
Undiagnosed LDC	-.05	.03	-.02	-1.64
Diagnosed mental health concerns	.03	.02	.02	2.08*
Undiagnosed mental health concerns	.02	.03	.01	.90
First time on probation	.08	.01	.05	5.71**
0–2 months served on probation (current)	-.03	.03	-.01	-1.03
3–6 months served on probation (current)	-.03	.02	-.02	-1.51
7–11 months served on probation (current)	.01	.02	.00	.35
3+ years served on probation (current)	-.03	.03	-.01	-1.02
Too little probation contact time	-.09	.04	-.02	-2.13*
Too much probation contact time	-.16	.02	-.08	-7.93**
Community Order	-.03	.02	-.02	-1.77
Post Sentence Supervision	-.06	.03	-.02	-2.25*
Suspended Sentence Order	-.03	.02	-.02	-1.84
Probation not focussed on what matters	-.54	.03	-.21	-17.08**
Probation focussed a bit on what matters	-.25	.02	-.13	-12.11**
Life not improved	-.09	.02	-.05	-3.84**
Life a bit improved	-.05	.02	-.03	-3.24**

Predictor	B	SE	Beta	t
Support received in at least one area – No	-.05	.02	-.03	-2.98**
More support needed in at least one area – Yes	-.06	.02	-.04	-4.12**
Helped make sentence plan – No	-.13	.02	-.07	-7.25**
Helped make sentence plan – A bit	-.02	.02	-.01	-.96
Helped make sentence plan – Not sure	-.07	.02	-.04	-3.95**
Future orientation	.32	.02	.21	14.24**

Note

* $p < .05$, ** $p < .01$, *** $p < .001$

5. Discussion

5.1 Summary of Findings

This study aimed to develop and test a measure of, and examine differences in, PJ perceptions for people on probation in England and Wales. A valid and reliable PJ measure was derived from nine items within the YVM survey, which had good content validity, and internal consistency. Based on a very large sample, perceptions appear, on average, to be positive (mean score of 4.36 on a scale of 5). The analyses indicated statistically significant variation in perceptions of PJ in relation to people's ethnicity, age, experience of a disability, type of and time on probation, involvement in their probation, experience of support, and future orientation. The effect sizes for many of these observed differences were small.

Whilst there is limited probation-related PJ research evidence with which to compare, a similar pattern for PJ and ethnicity has been reported in English and Welsh prisons, and similar findings for age reported in HMPPS prisons and in prisons located in the Netherlands (Beijersbergen, et al., 2014; Beijersbergen, et al., 2015; Fitzalan Howard & Wakeling, 2020). Where gender has been reported to be linked to differing PJ perceptions in prison (Fitzalan Howard & Wakeling, 2020), this was not replicated in the current study. Also congruent with recent HMPPS prison research (Fitzalan Howard & Wakeling, 2020), people with prior experience of their specific criminal justice setting (prison in the prior research, and probation in the current research) had poorer perceptions of PJ than those experiencing it for the first time. However, unlike with people in prison, the present study found that people at the start of their probation period had poorer perceptions than those who were further along. Comparison of findings for the other variables studied here are not currently possible as they have not been the focus of investigation in earlier research.

5.2 Implications and Recommendations

These findings have several implications for HMPPS. Firstly, there are some groups of people on probation who seem to have statistically significantly poorer perceptions of PJ than others. Variations in PJ perceptions raise questions of whether this reflects objective differences in how people are treated in criminal justice settings.

Whether this is a case of objective or subjective differences though, the evidence that certain groups perceive their treatment to be less fair has important ramifications and indicates the need for particular efforts to enhance justice perceptions in certain groups of the probation population. These include people from mixed and black ethnic groups, younger people, and those with a physical disability, mental health difficulties or LDC. Improving responsive practice with these groups and attending to their particular needs could aid with improving PJ perceptions. In turn this may potentially lead to improvements (as tested in this setting) in related outcomes (such as increased compliance, improved health and wellbeing, reduced violence, reduced reoffending and so on) which have been found to be linked with perceptions of PJ in other criminal justice research (e.g., Fitzalan Howard & Wakeling, 2020).

Secondly, these findings prompt some consideration of the association between time spent on probation and justice perceptions and how this can inform HMPPS' supervision practice. The observation that those who had experienced probation supervision before had poorer perceptions than those who had not, suggests that current perceptions may be influenced by previous experience of probation time, and as such would be worthwhile exploring with this group. In contrast, those who had served less time on probation (as part of their current sentence) had poorer perceptions than those who had served more time, perhaps indicating that as relationships between the person on probation and the probation officer progress over time, their perceptions may improve. Further, the results suggest the importance of getting the amount of contact time right. Together, these findings highlight the importance of exploring individuals' previous experiences with probation and understanding peoples' perceptions of the 'right' amount of contact time, when working with them in the community. Whilst further research is needed to understand the mechanisms behind these findings, a focus on open, honest, and trusting relationships in community supervision is likely to be worthwhile.

Thirdly, the findings highlight the importance of continuing to involve people on probation in their sentence planning, making sure they have seen and helped to make their sentence plans, as these factors were found to be associated with more positive PJ perceptions. Additionally, focusing on what matters to individuals and helping them with developing their future orientation seems to be particularly important, and should continue to be central to probation supervision practices.

The findings from this research provide important information regarding perceptions of PJ amongst people on probation and illustrate the importance of gathering the views of this group to aid service improvement. It is recommended that the survey continues to be implemented and used to inform and develop probation delivery by HMPPS.

5.3 Future Research

Given the importance of PJ perceptions in probation, further research in this setting is recommended to develop the evidence base regarding the relationship between PJ and people's experience, and importantly, their outcomes (including compliance with licence conditions or requirements, and reoffending). Research that includes people under the age of 18 who are on probation, and probation staff, is also needed. Improved data collection, and data linkage, would enable these advances.

References

Beijersbergen, K. A., Dirkzwager, A. J. E., & Nieuwbeerta, P. (2016). Reoffending after release: Does procedural justice during imprisonment matter? *Criminal Behavior and Mental Health, 43*(1), 63–82.

Beijersbergen, K. A., Dirkzwager, A. J. E., Eichelsheim, V. I., & Van der Lann, P. H. (2015). Procedural justice, anger, and prisoners' misconduct. *Criminal Justice and Behavior, 42*(2), 196–218.

Beijersbergen, K. A., Dirkzwager, A. J. E., Eichelsheim, V. I., Van der Lann, P. H., & Nieuwbeerta, P. (2014). Procedural justice and prisoners' mental health problems: A longitudinal study. *Criminal Behavior and Mental Health, 24*, 100–112.

Bierie, D. M. (2013). Procedural justice and prison violence: Examining complaints among federal inmates (2000–2007). *Psychology, Public Policy, and Law, 19*(1), 15–29.

Blasko, B., Friedmann, P. F., Rhodes, A., & Taxman, F. S. (2015). The Parolee–Parole Officer relationship as a mediator of criminal justice outcomes. *Criminal Justice and Behavior, 42*(7), 722–740,

Blasko, B., & Taxman, F. (2018). Are supervision practices procedurally fair? Development and predictive utility of a procedural justice measure for use in community settings. *Criminal Justice & Behavior, 45*, 402–420.

Butler, M., & Maruna, S. (2009). The impact of disrespect on prisoners' aggression: Outcomes of experimentally inducing violence-supportive cognitions. *Psychology, Crime & Law, 15*(2–3), 235–250.

Cohen, J. (1988). *Statistical power analysis for the behavioral sciences*. Routledge.

Cohen, J. (1992). A power primer. *Psychological Bulletin, 112*, 155–159.

Cohen, R. & Swerdlik, M. (2010). *Psychological testing and assessment*. McGraw Hill.

Costello, A. B., & Osborne, J. W. (2005). Best practices in exploratory factor analysis: Four recommendations for getting the most from your analysis. *Practical Assessment, 10*, 1–9.

Day, J. C., Brauer, J. R., & Butler, H. D. (2015). Coercion and social support behind bars. Testing an integrated theory of misconduct and resistance in US prisons. *Criminal Justice and Behavior, 42*(2), 133–155.

Fitzalan Howard, F., & Wakeling, H. (2019). *Prisoner and staff perceptions of procedural justice in England and Wales*. London: Ministry of Justice.

Fitzalan Howard, F. & Wakeling, H. (2020). People in prisons' perceptions of procedural justice in England and Wales. *Criminal Justice and Behavior, 47*, 1654–1676.

Gover, A. R., MacKenzie, D. L., & Armstrong, G. S. (2000). Importation and deprivation explanations of juveniles' adjustment to correctional facilities. *International Journal of Offender Therapy and Comparative Criminology, 44*(4), 450–466.

Gladfelter, A. S., Lantz, B., & Ruback, R. B. (2018). Beyond ability to pay: Procedural justice and offender compliance with restitution orders. *International Journal of Offender Therapy and Comparative Criminology, 62*, 4314–4331.

Liebling, A., Durie, L., Stiles, A., & Tait, S. (2005). Revisiting prison suicide: The role of fairness and distress. In A. Liebling & S. Maruna (Eds.), *The effects of imprisonment* (pp. 209–231). Willan Publishing.

Lind, E. A., & Tyler, T. R. (1988). *The social psychology of procedural justice*. Plenum Press.

Liu, L., Miller, S.L., & Visher, C. A. (2021). The strain of procedural injustice in parole among former prisoners: A test with mixed-gender sample. *Justice Quarterly*, 38(4), 653–677.

Liu, L., Visher, C. A., & O'Connell, D. J. (2019). The strain of procedural justice on parolees: bridging procedural justice theory and general strain theory. *Crime & Delinquency*, 66, 250–276.

Mazerolle, L., Bennett, S., Davis, J., Sargeant, E., & Manning, M. (2013). Procedural justice and police legitimacy: A systematic review of the research evidence. *Journal of Experimental Criminology*, 9, 245–274.

McCarthy, D., & Brunton-Smith, I. (2018). The effect of penal legitimacy on prisoners' post release desistance. *Crime and Delinquency*, 64, 917–938.

Ministry of Justice (2019). *Offender Management statistics quarterly: October to December 2018*. London. Retrieved from:
<https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-october-to-december-2018>

Rice, M. E., & Harris, G. T. (2005). Comparing effect sizes in follow-up studies: ROC area, Cohen's d, and r. *Law and Human Behavior*, 29, 615–620.

Reisig, M. D., & Mesko, G. (2009). Procedural justice, legitimacy, and prisoner misconduct. *Psychology, Crime & Law*, 15(1), 41–59.

Rosenthal, S. (2017). *Data imputations*. *The international encyclopedia of communication research methods*. Retrieved from:
<https://doi.org/10.1002/9781118901731.iecrm0058>

Sorsby, A., Shapland, J., Farrall, S., McNeill, F., Priede, C., & Robinson, G. (2013). *Probation staff views of the skills for the effective engagement development (SEED) pilot*. Centre for Criminological Research Occasional Paper 4, Sheffield: University of Sheffield.

Sunshine, J., & Tyler, T. R. (2003). The role of procedural justice and legitimacy in shaping public support for policing. *Law & Society Review*, 37(3), 513–547.

Tyler, T. R. (1990). *Why people obey the law*. Yale University Press.

Tyler, T. R. (2008). Procedural justice and the courts. *Court Review*, 44, 26–31.

Wakeling, H., & Fitzalan Howard, F. (2022). Prison staff's perceptions of procedural justice in English and Welsh prisons: A quantitative study. *Howard Journal of Crime and Justice*, 1–18.

Appendix A

Your Views Matter Procedural Justice Survey Questions

- Probation staff treat me in a respectful way
- Probation staff are usually on time for our meetings
- Probation staff give me the chance to give my views
- Probation staff listen to me
- I trust the probation staff I see
- I understand what probation staff expect of me
- Probation staff explain their decisions to me
- Probation staff are fair when making decisions about my licence or supervision
- Probation staff care about the person I really am