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CAREER IN THE PROBATION SYSTEM IN ROMANIA

In Romania the National Probation Directorate is subordinated to Romanian Ministry of Justice and is separated by National Administration of Prisons. Taking into consideration their professional duties the probation employees are included in the correctional staff.

The normative act that regulates the activity of the personnel from the Probation System in Romania is Law 123/2006 regarding the Status of the Probation personnel, law subsequently modified by the Government Ordinance no. 26/2010 and Law no. 224/2011. Currently, the National Probation Directorate has developed a new statute but it has not yet been adopted, being in the stage of discussions at the level of the Ministry of Justice.

The principles that govern the professional conduct of the workers within the Probation Services in Romania are:

- a) compliance with the law and court decisions;
- b) respect for human rights, human dignity and avoidance of discrimination on any grounds;
- c) responsibility and impartiality;
- d) effectiveness in the service of the general interests of the community;
- e) efficiency in the use of resources;
- f) organizational and functional hierarchy;
- g) supporting the victims of crimes in overcoming mental disorders and traumas caused by committing crimes;
- h) the permanent support and encouragement of the supervised, assisted and advised persons, in order to reintegrate them in the society and to assume the responsibility of their own actions, by forming a correct attitude towards work, the rule of law and the rules of social coexistence.

For the Probation Service in Romania, a Career Guide that establishes ways and rules of evolution in the professional career for probation workers doesn't exist but aspects about probation staff career is in aforementioned legislative framework.

1. The conditions that must be met in order to become a probation worker

The staff structure of the Probation System in Romania consists of:

- a) probation counsellors (who exercise the function of execution);
- b) heads of probation services, called heads of service;
- c) probation inspectors (execution staff with attributions of control of the activity of the probation services, which carry out their activity within the specialized direction, respectively the National Probation Directorate).





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The conditions for becoming a probation counsellor are provided by Article 20 of Law 123/2006 on the Status of Probation Personnel and refers to:

(1) In order to be appointed to the position of probation counsellor, the person must meet, cumulatively, the following conditions:

- a) to have full exercise capacity;
- b) not to have a criminal record, not to have a criminal record;
- c) to know the Romanian language, written and spoken;
- d) to be medically and psychologically fit for the exercise of the function, fact proved on the basis of the specialized medical and psychological testing organized for this purpose;
- e) to enjoy a good reputation;
- f) to be licensed in social assistance, psychology, sociology, pedagogy or law;
- g) to promote the competition organized for the position for which he is running.

(2) Within 60 days from the employment, the person must present to the specialized directorate the proof of the establishment of the residence in Romania.

2. The professional training course for those who are preparing to become workers within the Romanian Probation Service

There is no professional training course, although in some places master's programs have been designed in some universities or certain contents are achieved in the curricula of specializations such as Sociology, Social Work, Law or through internships for students from these specializations. Examples of this are: Master in Probation, developed within the Faculty of Sociology and Social Work, University of Bucharest; Probation, Mediation and Social Assistance of Victims of Crimes conducted by the Department of Social Assistance, Alexandru Ioan Cuza University of Iasi. However, completing these training courses or master's programs is not a guarantee for obtaining a position of probation counsellor, the conditions of access to the profession being presented above.

After obtaining the position of probation counsellor, initial on-the-job training is usually organized, focused mainly on practical activities in the activity of a probation counsellor: conducting the first meetings with supervised persons, risk assessment of recidivism, assessment and editing conditions, the report / evaluation report requested by the court, the structure of the probation file according to the non-private measures ordered for the supervised person, as well as the practice with the courts. The novice probation counsellor is monitored in the first year of activity by a probation counsellor who carries out specific supervisory activities.

Supervision, as a process of initial and continuous internal training of probation staff, contributes to the improvement and maintenance of professional skills, in order to adapt the standards of work in the field of probation. The supervision activity is performed by probation counsellors appointed by order of the Minister of Justice.

The procedure for selecting probation counsellors who perform supervisory activities, as well as conditions for the organization and conduct of supervisory activity is established by a methodology approved by order of the Minister of Justice.





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The activity of probation counsellors exercising supervisory duties is evaluated every 4 years by a special commission established according to the supervisory methodology, in order to maintain the quality of practice supervisor.

In the field of vocational training, probation counsellors who carry out the activities of supervising the exercise, mainly the articles assigned:

- a) initial training and supervision of newly hired counsellors;
- b) supervision of probation counsellors who return to work after an absence of more than one year;
- c) the supervision of probation counsellors who expressly request it, including in the supervision process;
- d) the supervision of probation counsellors who obtain the grade "weak" or "very weak" when assessing the individual professional performance of probation staff;
- e) organizing the training activity at the level of the probation service by carrying out training courses on various topics, in accordance with the training needs of the staff;
- f) the contribution of the annual evaluation of the professional performances of the probation staff that was supervised.

3. How does the career evolution of the probation worker take place and what are the conditions that must be met? (*promotion of competitions / exams, seniority criteria, annual qualifications, professional conduct norms, specific conditions for holding positions, conditions regarding medical and psychological skills*)

I. The position of PROBATION ADVISOR / probation counsellor

For probation counsellors, the career evolution refers to obtaining professional degrees according to the provisions of art. 8-11 of Law 123/2006 on the Status of Personnel in Probation, law subsequently amended by Government Ordinance no. 26/2010 and Law no. 224/2011.

According to the criterion of probation seniority, the position of probation counsellor has 4 professional degrees, as follows:

- a) novice probation counsellors (person with less than one year of experience in the specialty on the date of appointment, who completes one year of internship until completion);
- b) final probation counsellors:
 - probation counsellors degree III - seniority in probation from one year to 4 years;
 - probation counsellors degree II - seniority in probation from 4 years to 6 years;
 - probation counsellors degree I - seniority in probation over 6 years.

Probation seniority means the seniority acquired by carrying out the activity in the probation system, in the positions of: counsellor for social reintegration and supervision of the execution of non-custodial sanctions, counsellor for protection of victims and social reintegration of offenders, probation counsellor, head of service of social reintegration of offenders and supervision of the execution of non-custodial sanctions, head of the victim protection and social reintegration service of offenders,





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head of the probation service, inspector of social reintegration of offenders and supervision of the execution of non-custodial sanctions, inspector for the protection of victims and social reintegration of criminals, probation inspector or, as the case may be, director of the specialized directorate.

Seniority in the specialty means seniority in the specialty of the bachelor's degree.

Persons who, at the date of employment, have at least one year of experience in the specialty will be employed in the position of probation counsellor, grade III. They can register for the exam for promotion to the next professional degree after completing 4 years of probation.

If the person has previously held positions in the probation system and has left the system for reasons not attributable, in the case of re-employment he benefits from the recognition of seniority in probation.

The internship represents the period preceding the finalization in the position of probation counsellor and aims at the professional training at the beginning of the exercise of the position. It is effective and mandatory.

During the internship, the novice probation counsellor exercises all the attributions provided by law, having the obligation:

- a) to deepen the theoretical knowledge in the field of probation and protection of crime victims - notions of criminal law and criminal procedure, criminology, methodology of probation and protection of victims, mental health and crime, addiction, institutional development and institutional cooperation, developmental psychology, applied sociology, social informatics;
- b) to develop basic skills, necessary to carry out the activity of probation and protection of victims.

The activity of the novice probation counsellor is supervised by the head of the probation service or by the probation counsellor performing supervisory activities.

The internship also applies accordingly to the staff who had the seniority in the specialty required for the position of permanent probation counsellor, but who has not previously held a position in the field of probation.

The finalization of the probation counsellors for beginners is detailed in art. 22-29 in Law 123/2006 on the Status of Personnel in Probation. In summary, we can say that after completing the internship, the novice probation counsellors are obliged to register for the final examination in office. The final exam for the position of novice probation counsellor must consist of a written test of a theoretical nature and a written test of a practical nature.

The theoretical test aims to test knowledge in the field, including: methodology of probation and protection of victims, institutions of criminal law and criminal procedure, criminology, institutional development and institutional cooperation, social informatics, mental health and crime, addiction, applied sociology and developmental psychology.

The practical test consists in the elaboration of an applied written work.

The conditions for organizing and conducting the final examination in office shall be established by a regulation approved by Order of the Minister of Justice.

Beginning probation counsellors who have obtained a final average of at least 7, but not less than a grade of 5 in each of the two tests are declared admitted.





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Beginner probation counsellors declared admitted to the final examination for office are appointed to a position of probation counsellor grade III.

Unjustified non-appearance of probation counsellors who are new to the final examination or their rejection at two sessions will result in dismissal.

II. The position of HEAD OF SERVICE

Regarding the position of Head of the Probation Service, according to the provisions of art. 13 of Law 123/2006 on the Status of Personnel in Probation, law subsequently amended by Government Ordinance no. 26/2010 and Law no. 224/2011 states:

The heads of services are appointed by the Minister of Justice, from among the probation counsellors, grades III - I, taking into account the professional qualities, the managerial skills, especially the capacity for organization and decision, integrity, the ability to manage situations, crisis, communication skills, teamwork, planning, self-control and motivation for the job.

In order to hold the position of head of service, the person must cumulatively meet the following conditions:

- a) to have a probationary experience of at least 3 years;
- b) not to have been disciplined in the last 2 years, by applying one of the disciplinary sanctions;
- c) to have obtained the grades "good" or "very good" in the evaluations of the professional performances from the last 2 years;
- d) to have promoted the contest organized in accordance with the law.

The appointment of the head of service is made by order of the Minister of Justice, for a term of 4 years, with the possibility of reinvestment under the law.

Upon termination of the term of office, the person returns to the position of probation counsellor.

III. The position of PROBATION INSPECTOR

Regarding the probation inspectors, the same Statute of the Probation staff describes in art. 16-18 the conditions of appointment, as well as the attributions they fulfil. Probation inspectors are appointed by order of the Minister of Justice, from among probation counsellor's professional grades II - I, taking into account professional qualities, communication skills, tact in service relations, integrity and objectivity, as well as the ability crisis management.

In order to be appointed as a probation inspector, the person must cumulatively meet the following conditions:

- a) not to have been disciplined in the last 2 years, by applying one of the disciplinary sanctions;
- b) to have obtained the grades "good" or "very good" in the evaluations of the professional performances from the last 2 years;
- c) to have promoted the contest organized in accordance with the law.





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According to the criterion of seniority in probation, the position of probation inspector has two professional degrees, as follows:

- a) probation inspector grade II, with a length of probation from 4 years to 6 years;
- b) first degree probation inspector, with a probationary seniority of over 6 years.

Probation inspectors have the following responsibilities:

- a) performs the control of the probation services through periodic probation inspections;
- b) propose to the director of the specialized direction legal and opportune solutions in solving the issues identified on the occasion of carrying out the inspections and in order to streamline the activity of the probation service, based on the findings of the inspections;
- c) carries out, at the disposal of the hierarchical heads, the preliminary disciplinary investigation of the personnel from the probation services;
- d) participates in the activity of recruitment, selection and professional training of probation staff;
- e) contributes to the annual evaluation of the professional performances of the personnel from the probation services;
- f) carries out the legal dispositions and other tasks ordered on a hierarchical line, within the limits of the legal and regulatory competences.

The promotion in grades I and II of the probation services personnel, as well as the promotion in the first degree of the probation inspectors are made on the basis of an examination, in relation to the probation seniority, professional competence and results obtained in the activity, proven on the basis of annual evaluation of their professional performance.

4. During the career, how often are training courses, professional specialization organized and how accessible are they to probation workers?

Within the National Probation Directorate there is the Methodological and Vocational Training Service that develops and conducts vocational training programs for probation staff.

The professional training of the staff from the probation services is achieved by:

- a) participation in courses organized by the Ministry of Justice or in other professional training courses in the field;
- b) professional internships to adapt to the job requirements;
- c) internships and specialization;
- d) the supervision process.

The professional training of the personnel from the probation services has the following main objectives:

- a) adaptation to the requirements of the job;
- b) updating the knowledge and skills specific to the job, improving the professional training;





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- c) acquiring advanced knowledge, modern methods and procedures, necessary for carrying out professional activities;
- d) promotion and development of professional career. The training of the probation staff is carried out mainly through the trainers from the probation system, who can collaborate, when necessary, with other specialists in the field. The trainers are persons who carry out their activity within the probation system and are appointed by the Probation Directorate on the basis of a selection procedure approved by order of the Minister of Justice.

Usually the courses / training programs developed so far aim at:

- initial training for the profession of probation counsellor;
- training probation counsellors to become trainers in carrying out various social reintegration programs, programs developed at the level of the National Probation Directorate: Drink and Drive, Prevention of recidivism, Stop! Think and Change!, One to one, My Choice, Civic Education Program (PEC), Social Skills and Abilities, etc.
- preparation for the implementation of the recidivism risk assessment service and use of the SERN database.

There is no frequency of their development, the organization of training courses being flexible, depending on the requirements of the system, but especially, depending on the budget available for conducting these courses.

For example, during 2018, the National Probation Directorate continued the process of coordinating the initial training of the 188 newly hired probation counselors, offering recommendations for the initial training internship in the probation services, under the coordination of practice supervisors.

Also, in 2018, the continuous training of the existing staff was achieved by organizing training sessions, to prepare them as trainers for the development of social reintegration programs. The National Probation Directorate organized 4 professional training sessions at regional level, during which 69 probation counsellors were trained, from 19 local services, in application of the Drink & Drive program. In 2019, training sessions were organized for the development of Stop! Think and change, OTO, My Choice, but also for the use of the SERN database.

5. Evaluation of professional performance, medical and psychological testing of probation staff

The evaluation of the professional performances of the probation staff is done annually.

The criteria and methodology for evaluating professional performances are established by regulation, approved by order of the Minister of Justice, at the proposal of the specialized directorate.

The staff of the probation services is evaluated every 3 years or whenever the director of the specialized department considers it necessary, through a psychological test, in order to verify some aspects, such as:





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- a) mental mobility;
- b) attitude towards the quality of solutions and decisions;
- c) emotional balance and behavioural self-control, resistance to stress and frustration;
- d) the system of attitudes (towards oneself, towards work, towards life, mentalities);
- e) social maturity, degree of socialization;
- f) compliance with rules and regulations, the spirit of discipline;
- g) capacity for cooperation and social relations;
- h) Conscientiousness and responsibility;
- i) the existence of psychopathological tendencies.

Probation staff perform a periodic medical examination, ordered by the Ministry of Justice.

6. Who is responsible for organizing, monitoring, evaluating and guiding career management activities performed at the level of Probation Services?

The National Probation Directorate has the following attributions related to the organization, monitoring, evaluation and guidance of the career management activities of the staff under its subordination:

- coordinates the management of the human resources of the probation system;
- organizes the professional training of the staff from the probation system and training courses for persons within the institutions involved in the probation activity;
- elaborates, in collaboration with the specialized directorate of the Ministry of Justice, the drafts of normative acts regarding the organization and activity of the probation system;
- performs the evaluation and control of the activity carried out in the territorial probation structures, through the probation inspectors;
- performs the professional evaluation of the personnel within the probation system, under the conditions established by the Regulation on the organization and functioning of the probation system;
- coordinates the elaboration of performance standards, methodologies and working tools, in order to standardize and improve the probation activity;
- conducts studies, analyses and researches that will contribute to the substantiation of the criminal policy in the field, to the elaboration of work strategies and to the improvement of the practice;
- elaborates and disseminates practical guides or other materials in the field, drawing up its own materials in this respect, taking into account the practice of the judiciary.

