BEYOND MARKETISATION: TOWARDS A RELATIONAL FUTURE OF PROFESSIONALISM IN PROBATION AFTER TRANSFORMING REHABILITATION

Matt Tidmarsh, School of Law, University of Leeds; Ian D. Marder, Department of Law, Maynooth University
Contact info: m.j.tidmarsh@leeds.ac.uk

Abstract

The Coalition Government pledged to maintain 'professionalism' in probation through its market-based Transforming Rehabilitation (TR) reforms; however, the recent decision to reverse these reforms came as the service's professionalism has been downgraded and diminished. TR eroded the networks of relationships, between and among people and organisations, which constitute probation's essence (Senior et al., 2016) – that is, its ability to overlay the distinct, but interlinked spheres of corrections, social welfare, treatment and the community. This paper looks to the future of professionalism in English and Welsh probation after TR. We argue that the service lies at a crossroads, between a continuation of the punitive and marketising policies imposed in recent decades, and opportunities to recapture its essence through a relational re-professionalisation agenda. We advocate for a strategic and evidence-based professionalism in probation practice that emphasises relational co-production. Here, a restorative practice model can support relationship building in client facing and multi-agency contexts, begin to rebuild relationships within the service and offset the worst excesses of other agendas.

Introduction

Among the topics debated at a 2016 conference on the future of probation in England and Wales was the *essence* of the service (Senior et al., 2016). The participants concluded that probation traverses four distinct, but interlinked, social worlds: corrections (prisons, police, courts); social welfare (employment, housing and benefit provision, education and training); treatment (mental and physical health, substance use); and the community (local authorities, community organisations and social networks). The service occupies the space *between* these spheres; its *essence* is to overlay them to produce meaningful change in offenders. To achieve this, Senior et al. (2016) argue that probation services should support and empower those for whom it is responsible through 'relational co-production'. In other words, probation practice is at its best when delivered by reflexive, emotionally literate practitioners, guided by explicit values that inform ethical decision-making and working *with* their clients to build an evidence-base and strong links with local communities. Moreover, probation work is reliant on *relationships*, most prominently those between probation officers and their clients, and those between their clients and others in their communities. These facets of culture, identity and practice 'demand a permanent place at the table of probation' (Senior et al., 2016:13).

Such discussions took place against the backdrop of the Coalition Government's (2010-2015) much-maligned *Transforming Rehabilitation* (*TR*) reforms to probation in England and Wales. From June 2014, services were divided between the publicly owned National Probation Service (NPS) and 21 regional, privately run Community Rehabilitation Companies (CRCs). Maintaining 'professionalism' in probation was a key theme within Government documents which sought to rationalise the reforms (Ministry of Justice [MoJ], 2010, 2013). Just four years after implementing *TR*, however, the then Conservative Government announced that further restructuring was necessary 'to stabilise probation services' (MoJ, 2018:3). The 'Payment by Results' (PbR) mechanism through which private providers were paid was abandoned and the NPS will assume responsibility for the day-to-day management of *all* offenders in 2021 (Her Majesty's Prison and Probation Service [HMPPS], 2020a). Far from restoring professionalism to the service, a key factor in the demise of *TR* has been a 'deplorable diminution of the probation profession' (HMI Probation, 2019a:3).

This paper looks to the future of 'professionalism' in probation in England and Wales, building upon Senior et al.'s (2016) observations on the importance of relational co-production. Bovaird (2007:847) defines co-production 'as the provision of services through regular, long-term relationships between professionalized service providers (in any sector) and service users or other members of the community'. Various typologies seek to distinguish between individual, group and collective forms of co-production (Brudney & England, 1983). For the purpose of this paper, given the centrality of relationships to probation practice as described above, we focus predominantly on the individual benefits of relational co-production for probation professionals and offenders, although group and collective benefits are highlighted where relevant. We argue for a model of probation practice that draws from the training, knowledge, skills and professional values of probation practitioners, as 'professionalized service providers' (Bovaird, 2007:847), to involve offenders and members of the community in establishing strategic, intentional and purposeful relationships. This relational approach can be developed systematically and intentionally with reference to restorative practices, a philosophy and set of skills that places the building and maintaining of positive relationships between service providers and citizens at its core.

The first part of the paper traces the historical groundings of probation professionalism, along with their purported collapse. In a probation context, relational co-production extends beyond 'bilateral relationships' (Bovaird, 2007:857) between professionals and offenders to include 'brokerage': recognising the value, and facilitating the inclusion, of other stakeholders in the supervisory process (Senior et al., 2016). While such an approach was at the heart of *TR*, the second part reviews the impact of the reforms on professionalism in probation, highlighting the (further) decline of relationships between people and organisations that followed. The final part of the paper looks beyond *TR*, considering two possible futures for probation services. Re-nationalisation is necessary (Carr, 2020), but 'professionalism' in probation is at a crossroads. On the one hand, the Government's plans for the future of criminal justice in England and Wales broadly continue the punitive, marketising policies that have characterised probation reform in recent decades and acted

to the detriment of professionalism. On the other hand, a relationship-focused re-professionalisation agenda, alongside new initiatives that help facilitate 'brokerage' between offenders, victims and communities, could aid probation in recapturing its *essence* (Senior et al., 2016). We conclude that forms of professionalism in probation that emphasise strategic and evidence-based approaches to relational co-production – such as a restorative model of practice (see Weaver, 2011; Loeffler & Bovaird, 2020) – can help offset the worst excesses of other agendas.

Professions, professionalism and the probation service

'Profession' is a much-disputed concept, its meaning changing over time and space (Evetts, 2013). Academically, its most common use has been structural, signifying a distinct category in the occupational division of labour (Abbott, 1988). Inspired by the increasing number of occupations that laid claim to professional status in the nineteenth century, Carr-Saunders and Wilson (1933) identified several traits that characterise 'professions'. They argued that a profession's defining feature was a client-centred *ideology of service*. This 'sense of responsibility' (Carr-Saunders & Wilson, 1933:471) was augmented by *abstract knowledge*, learned through prolonged *education and training*, and *autonomy* over the social and technical organisation of work. Their approach typified early research on the professions, presenting the 'life history' (Abbott, 1988) of different occupations and analysing the extent to which their characteristics conformed to more established professions, such as medicine and law.

This taxonomic approach to assessing the claims of would-be professions emphasised patterns of organisation and development (Abbott, 1988). Occupations underwent a process of 'professionalisation' in which their professional status became linked to the acquisition of the aforementioned ideal-typical traits (Wilensky, 1964). McWilliams's (1983, 1985) account of probation's professionalisation in the first few decades of the twentieth century corresponds with the life history approach. From its origins in the philanthropic work of the Church of England Temperance Society, religious influences on probation were gradually displaced by *social work knowledge* learnt through *education and training*, as practitioners were trusted to diagnose offenders' problems and *work autonomously*

towards solutions (McWilliams, 1983, 1985). Attempts to cultivate relationships with offenders, captured in the words 'advise, assist and befriend' (Mawby & Worrall, 2013:2), constituted probation's *ideology of service*.

For much of the twentieth century, the state, public and probation practitioners shared the common goal of offender rehabilitation (Mawby & Worrall, 2013). Mutual understandings of the service were strongest in the post-war years - a period in which probation's caseload (not all of whom were offenders) tripled between 1951 and 1981 (McWilliams, 1987). However, confidence in the service was undermined by rising crime, culminating in the 'Nothing Works' (Martinson, 1974) movement of the 1970s (Garland, 2001). Cohen (1985) alleged that criminal justice professionals had no incentive to reduce the size and scope of the system, as rising crime provided a rationale for their growth. The logic of professional knowledge contributed to the definition of new 'at-risk' populations who were drawn into the penal net.

Cohen's critique of criminal justice professionals, including probation practitioners, resonated within emergent critiques of professionalism as a project of occupational closure (e.g., Freidson, 1970) – that is, of attempts to coordinate labour in such a way as to maintain professionals' privileges, including control over the technical organisation of work. Indeed, probation's crisis of legitimacy stemmed, in part, from its determination to preserve its historic autonomy: for too long, the service 'ignored the question of effectiveness... relying instead on the belief that the public and the government would recognise that it was doing good work with bad people and that was its own justification' (Mair, 2016:5). Criticisms of monopolistic provision generated a first wave of interest in community co-production in public services (Bovaird et al., 2015). For criminal justice, however, the politicisation of crime from the late-1970s onwards drove a shift in penal rhetoric and bipartisan punitive policies which undermined approaches considered to be 'too lenient' (Garland, 2001:71). In turn, this led to sustained increases in the prison population and in the lesser explored phenomenon of 'mass supervision' in the community (McNeill & Beyens, 2013).

Marketisation, rather than co-production, shaped public service administration in the 1980s

(Bovaird et al., 2015), and particularly in criminal justice (Weaver, 2011). Moral discipline was overlaid with the twin market disciplines of 'efficiency' and 'effectiveness', as successive governments sought to render criminal justice services more accountable to the public purse from the 1980s onward (Garland, 2001). The result has been a reshaping of professionalism in probation. The imposition of performance targets and National Standards, enforced via regular audit, sought to constrain practitioner autonomy over their work (Phillips, 2011). These market-based modes of accountability questioned the role of abstract knowledge, culminating in the abolition of social work education and training requirements for practice in 1996 (Mawby & Worrall, 2013). Risk management came to dominate the service, providing a language through which probation could frame its work with offenders and a knowledge base on which staff could draw to evidence decision-making (Farrant, 2006). However, it also downplayed the significance of social context in offending behaviour (Robinson, 2008), challenging the diagnostic norms on which the service was built (McWilliams, 1985). While risk assessment technologies have enhanced consistency in practice, they have thus lessened the scope for professional autonomy (Robinson, 2003; Hardy, 2014). These shifts became entrenched through numerous organisational restructurings and intertwined with new penal aims, part of an attempt to transform probation's ideology of service (Robinson & Ugwudike, 2012).

The Coalition Government's use of 'professionalism' as one of the rationalisations for *TR* seemed to reverse successive governments' approaches to probation. Their criminal justice reform sought to build upon a second wave of interest in co-production (Bovaird et al., 2015), 'to unlock the professionalism, innovation and passion of experts from all walks of life' (MoJ, 2010:9). Greater marketisation and involvement of private and voluntary sector providers was necessary to improve performance (MoJ, 2013). A renewed emphasis on 'professionalism' united discourses of 'collective co-production' (Brudney & England, 1983) and marketisation: by giving practitioners 'greater flexibility and professional discretion' (MoJ, 2010:46) to engage stakeholders in the public, private and voluntary sector, reoffending, and thus the size and costs of criminal justice, would be reduced. As the next section demonstrates, however, the *TR* reforms further undermined not only the ideal-typical traits on which probation's claim to professionalism is grounded, but also the crucial

relationships between and among people and organisations.

Professionalism after *TR*

TR was predicated on four structural reforms to the probation service: extending post-sentence supervision to all those released from prison; creating markets for the supervision of offenders deemed to be low- or medium-risk of harm; continuity of service 'Through the Gate', from prisons to the community; and implementing a PbR mechanism to pay providers (MoJ, 2013). The NPS remained responsible for assessing risk, advising the courts on sentencing and determining where offenders are allocated; CRCs, by contrast, were expected to 'innovate' to reduce reoffending (NAO, 2016). The preoccupation of academics and quasi-governmental bodies with private CRCs has meant that culture(s) and practices in the NPS have been under-scrutinised (Carr, 2020), not least because, there, the quality of probation work has been 'noticeably better' (HMI Probation, 2017:23) than in CRCs.

Still, *TR* unleashed chaos across the full breadth of probation practice. HMI Probation (2019a:9) argued that relationships between service providers and users were not 'sufficiently protected' during the transformation. For Robinson et al. (2017:142), the manner in which staff and offenders were allocated among the public and private sectors communicated 'a strong message about the "rightful" remit of the State'. The NPS was presented as a specialist body, 'drawing on the expertise and experience of its staff... and managing those who pose the greatest risk of harm to the public' (MoJ, 2013:4). Most qualified probation officers were shifted to the NPS, while less qualified staff were moved to the CRCs (Kirton & Guillaume, 2019). As such, some staff in Robinson et al.'s (2016:167) ethnography of the transition to employment in a CRC reflected on 'the pains of separation from service users with whom they had built good working relationships but who were now in the process of being transferred to the NPS'. That policymakers were so quick to impose market reforms at the expense of long-held relationships seems to indicate a poor understanding of desistance research among those whose reforms claim to be predicated on improving effectiveness, as measured by reconviction rates (McNeill, 2013).

This approach to the reallocation of staff and clients further spoke to the Government's view on professionalism in CRCs. A subsequent neglect of education and training in the CRCs

continued a decades-long process in which the responsibilities of (both less qualified and lower paid) Probation Service Officers have gradually encroached upon Probation Officers, as part of an attempt to render services more 'efficient' through cheaper labour (Tidmarsh, 2020a). Many staff left the service in protest at the reforms, leaving a much diminished 'pool of collective professional knowledge' (Kirton & Guillaume, 2019:12), and meaning that the less qualified staff in the CRCs were doing work formerly undertaken by qualified officers (HMI Probation, 2019a). This contributed to inter-organisation tensions, exacerbated by an ideology of service in probation that is rooted in a *public sector ethos* (Robinson et al., 2016). The NPS are perceived, by both sides, as the superior organisation in a 'two-tier' system (HMI Probation, 2017). Indeed, HMI Probation (2020a:12) recently observed an emerging 'two-tier system *within* CRCs' (emphasis added): whereas some private providers, including Sodexo and Management Training Corporation, have invested in their services, others, such as Interserve (Purple Futures) and Reducing Reoffending Partnership, have continued to reduce budgets.

The financial strain under which CRCs operate reflects contracts that overestimated business volumes. Initial estimates suggested that CRCs would supervise 80% of offenders (NAO, 2016), but the reality is closer to 59% (NAO, 2019). Moreover, concerns over the CRCs' quality of services have meant fewer are assessed as low-to-medium risk (NAO, 2019) - with serious implications for those whose risk level was determined by factors relating to organisational structures, rather than personal characteristics. Yet, while organisational caseloads have decreased, individual workloads have *increased* following the expansion of post-sentence supervision to approximately 50,000 new offenders per year, many of whom are low-to-medium risk of harm but have multiple and overlapping needs (HMI Probation, 2017). *TR* was predicated on the assumption that 'people who represent a low or medium risk of *harm* (but who often represent a high risk of *reoffending*) don't need skilled and intensive support' (McNeill, 2013:84; emphasis in original), but CRCs had a dearth of professional knowledge and experience to respond to this cohort's multiple needs. This was exacerbated by funding shortfalls: HMI Probation (2019a:74) inspections of CRCs showed 'substantial reductions' in staffing, and that 56% of those who remained found their workloads 'unmanageable'. One such implication is a loss of professional autonomy:

practitioners in the CRCs have been focused on meeting the 'fee for service' targets through which providers derive the majority of their income, reducing the time available to build relationships with offenders (Tidmarsh, 2020a, 2021). HMI Probation (2017) have thus criticised the extent of telephone supervision under *TR*, accounting for some 40% of 'meetings'.

Having defined professionalism as encompassing relationships between probation staff and others with a stake in their work, it is significant that relationships with other organisations have also deteriorated under *TR*. HMI Probation and HMI Prisons (2017) have shown that 'Through the Gate' provision is over-reliant on signposting to other agencies, particularly in the voluntary sector. CRCs (and the NPS) refer to such agencies, many of whom are external to supply chains, without being financially obligated to contribute to their delivery (NAO, 2019). This has disincentivised many smaller voluntary organisations from involvement in probation (NAO, 2019) while entrenching a 'tick-box culture' of monitoring (Clinks, 2018:24) among those that continue to deliver services, as downward pressures have inhibited their ability to build meaningful relationships with clients and partners. The financial instability that now characterises partnership working with the voluntary sector demonstrates how *TR* damaged probation's function as a 'broker' between different social spheres (Senior et al., 2016). Dominey (2019) conceptualises probation relationships through notions of 'thick' and 'thin' supervision. The former refers to a productive relationship with the offender, embedded within the community; the latter is predominantly office-based, with poor links to the community. She concluded that, if probation is underpinned by networks of relationships, both among people and between people and organisations, then the *TR* reforms have pushed supervision in the CRCs 'in the direction of thin supervision' (Dominey, 2019:298; see also Tidmarsh, 2021).

The contractual pressures under which CRCs operate created barriers to an ideology of service premised on working *with* offenders and other stakeholders. Research has consistently emphasised the durability of 'probation values' (Mawby & Worrall, 2013; Robinson et al., 2016; Grant, 2016). These values, if not officially articulated, are predicated on a recognition of the socio-structural disadvantage underpinning offending behaviour and

a belief in the capacity of an individual to change (Deering & Feilzer, 2015). The practitioners in Tidmarsh's (2020b) ethnography of a CRC struggled to reconcile a client-centred ideology of service with caseload pressures and a heightened focus on performance targets. In one CRC (Dorset, Devon and Cornwall), these tensions compromised professional ethics: 'immutable lines [were] crossed because of business imperatives' (HMI Probation, 2019b:4).

While Dorset, Devon and Cornwall CRC present perhaps the most egregious example identified so far of a breakdown in ethically-informed decision-making, it seems that supervisor-offender and probation-community relationships have been diminished nationally as a result of *TR* (HMI Probation, 2019a), producing increasingly 'thin' practice(s). This also permeated intra-organisation relationships. Staff in Coley's (2020:237) study of a CRC valued supervision time with Senior Probation Officers; however, the combination of caseload pressures and staff shortages meant that staff supervision time was often 'compressed, offering less space for individual and personalised activities'. Likewise, in the NPS, Phillips et al. (2016) observed the 'relentless' emotional impact of working exclusively with high-risk offenders, for which practitioners do not receive enough organisational support. This suggests that practitioners lacked the space to reflect critically upon their practice (Senior et al., 2016).

TR has (further) undermined the wide range of relationships on which professionalism in probation is founded. Professional knowledge was lost in the CRCs, eroded by an enforced contractual focus on 'fee for service' payments. An ideology of service persists within probation, but the convergence of increased workloads and the financial consequences of a failure to conform to PbR targets have impeded the autonomy to enact such values. As the National Audit Office (2019:10) put it, the 'Ministry [of Justice] set itself up to fail in how it approached the Transforming Rehabilitation reforms.' The ways in which *TR* failed to enhance professionalism in probation raises questions as to how the service can reclaim its ideology of service and the frameworks needed to recapture meaningful relationships with offenders and other stakeholders. Despite a seeming continuation of the punitive, marketising policies that have defined the service in recent decades, the next section

advocates for a relational, evidence-based, person-centred and co-productive approach to the future of services.

The future of professionalism in probation

In England and Wales, the pace of change within probation service structures renders conjecture about its future directions challenging, with plans sometimes abandoned as quickly as they are announced. As a 'less powerful professional group than those usually focused upon in the public services professionalism literature' (Kirton & Guillaume, 2019:14), the probation service has lacked the socio-political capital to resist government-imposed reorganisations. Since the announcement that the *TR* contracts would be prematurely terminated (MoJ, 2018), government documents have hinted at several possible futures for the service. This section outlines two contrasting visions for probation. The first is the continuation of marketisation against the backdrop of penal populism; the second proposes a restorative framework to prioritise relationships with offenders, victims and communities.

Beyond marketisation?

Initial plans for the next iteration of probation retained the commitment to a 'mixed market approach' (MoJ, 2018:3) to service provision. A Government consultation, *Strengthening Probation, Building Confidence* (MoJ, 2018), acknowledged that the *TR* reforms had become unsustainable, proposing a reduction in the number of probation regions in England and Wales to eleven and aligning them with the NPS boundaries. The Government pledged to work with private providers to 'establish a more effective commercial framework which… ensures that providers are adequately paid to deliver… core services' (MoJ, 2018:13). Later, however, the Government's response to the consultation revealed that the NPS would assume responsibility for the day-to-day management of *all* offenders when *TR* contracts expired, although they would be 'expressly required to buy all [accredited interventions and unpaid work] from the market, spending an estimated £280m a year' (MoJ, 2019:4). These changes were confirmed in the *Draft Target Operating Model for the Future of Probation Services*, which proposed to create twelve new probation regions that would outsource rehabilitative interventions to private and voluntary 'Probation Delivery Partners' by establishing a 'Dynamic Framework' (HMPPS, 2020a) for commissioning.

However, the *Update to the Draft Target Operating Model for Probation Services in England and Wales*, in June 2020, terminated the tendering process for Probation Delivery Partners; in a decision influenced by the COVID-19 pandemic, *all* rehabilitative interventions are instead to be delivered by the NPS (HMPPS, 2020b). The probation regions will be housed within the Civil Service and will adopt a new performance management framework (HMPPS, 2021). While *TR* depended on the *monetising* incentive of PbR, these proposals seek to hold providers, managers and practitioners to account through familiar *marketising* practices (HMPPS, 2020c). As such, market logics still dominate assumptions around probation governance and reform, with service quality assessed and rated via regular audits (HMPSS, 2021). For Carr (2020:195), centralisation raises questions about 'the scope of professional autonomy of probation staff as civil servants'. As the preceding analysis shows, when excessive individual workloads coincide with stringent expectations to meet centrally imposed performance metrics, practitioners can lack the capacity to cultivate relationships with clients (see also Tidmarsh, 2020a, 2020b).

Probation staff may also experience difficulty in (re)articulating a distinct ideology of service from within the Civil Service, especially if such values conflict with Government policy (Carr, 2020). The punitive shift in penal rhetoric since Prime Minister Johnson's ascension to power in July 2019 is perhaps best exemplified by the Home Secretary Priti Patel's claim that she wants offenders to 'literally feel terror' in the course of committing a crime (Gayle, 2019). In September 2020, a white paper entitled *A Smarter Approach to Sentencing* (MoJ, 2020a) mostly contained 'tough' measures, including longer sentences for sexual and violent offenders, and 'second' and 'third' strike minimum custodial sentences, respectively, for offenders convicted of possession of a knife or offensive weapon and domestic burglary (MoJ, 2020a). Accordingly, recent MoJ (2020b) projections suggest that the prison population could rise to 98,700 over the next six years.

A Smarter Approach to Sentencing commits to providing probation practitioners with 'the time, support and tools to develop productive relationships with those they supervise' (MoJ, 2020a:8), albeit alongside proposals to 'toughen' community sentences. During his

tenure as Justice Secretary, David Gauke (2019) consistently referred to 'smart' justice as a way to bridge the divide between 'soft' and 'hard' punishments. This referred to replacing short custodial sentences of under six months with community-based alternatives by expanding GPS-enabled electronic monitoring (EM) of offenders. When campaigning for his party's leadership, however, Johnson pledged to abandon this approach (Morris, 2019). Instead, in the most recent white paper, 'smart' justice refers to efforts to render supervision in the community more punitive through longer and more restrictive curfews (MoJ, 2020a). In this way, EM will be utilised to 'win back the confidence of the judiciary and the public in our delivery of community sentencing' (MoJ, 2020a:6). We would argue that appeals to 'tough on crime' initiatives not only undermine public confidence in community sentences, but in perpetuating pro-punitive sentiments, mean that probation services can struggle to gain credibility (Robinson et al., 2012). Weaver (2011) reminds us that offenders are also *part* of the community; however, punitive discourses often seek to undermine and eschew such membership. The rest of the paper, therefore, looks at the ways in which offenders and communities can be 'constructively engaged in the process of change' (Weaver, 2011:1052). We propose an alternative future for probation services in England and Wales, replacing punitive and marketised cultures and rhetoric with restorative and relational approaches.

Towards relational co-production?

The role of the staff-client relationship in supporting desistance is salient in probation literature (McNeill, 2006; Robinson & McNeill, 2008). Yet, increasingly punitive narratives, centralised structures and over-reliance on technology can be detrimental to relational practice. We discuss narratives and structures above; in relation to technology, personal contact supports supervisors and their clients to build relationships, but austere times saw moves towards remote supervision. An HMI Probation (2019c) review of evidence on remote supervision – such as through (mobile) telephones and (fixed) kiosks enabling communication between practitioners and clients – found several potential advantages to these technologies. This included the ability to convey complex information in visual forms for clients with literacy issues, as well as greater flexibility for those who work a-typical hours or travel long distances for supervision. The use of kiosks in America, for instance, increased the convenience of supervision, enhancing *formal compliance* (DeMichele &

Payne, 2009), insofar as the minimal behavioural requirements were reached (Robinson, 2013). At an individual level, the use of such technologies could be considered a rudimentary form of co-production, for the offender must take some responsibility for their own supervision (Bovaird, 2007). Yet, an over-reliance on remote technologies limits scope for relational supervision approaches that promote *substantive compliance* within clients – that is, 'active engagement and cooperation' (Robinson & McNeill, 2008:434). Other research indicates that relationship building skills are among two staff skillsets significantly associated with reducing reoffending, and that these skills 'can be developed through conscious attention and specific training' (Raynor et al.*,* 2014:245).

Key to the Government's plans to smooth the transition to the new centralised body is the creation of 'an independent statutory register for probation professionals' (MoJ, 2019:4), with the intention of (re)forging a common identity amongst all staff. This register recognises 'probation work as a professional vocation' (HMPPS, 2020:7), building upon similar proposals by HMI Probation (2019a) to bring the service into line with other certified professions, such as medicine. The probation register will mandate professional training and seek to ensure that clients and the public are protected from gross negligence via debarment (MoJ, 2019). To this end, HMPPS's (2021) most recent *Target Operating Model for Probation Services in England and Wales* aims to recruit 1,000 trainee probation staff in the financial year 2021/22, with the professional register providing 'access to high-quality, practical learning resources that… support day-to-day tasks' (HMPPS, 2020c:9). That HMI Probation (2019a:74) have warned of 'a shortage of professional staff for some years yet' suggests that the benefits of recruitment and upskilling strategies will take time to realise.

In the absence of co-production, traditional professional-client relationships predicated on expert knowledge can feel judgemental, humiliating and depersonalising for offenders (McCulloch et al., 2016). Indeed, efforts towards greater 'personalisation' in work with offenders were piloted in Interserve (Purple Futures) CRCs as part of *TR*. While many staff received these positively, the challenging organisational context in which it was implemented meant the benefits were not fully realised (Fox et al., 2018). As offender management is reintegrated into a single body in England and Wales, the professional

register provides an ideal resource through which to establish clear values for practice. Like Senior et al. (2016), we see the potential in relational co-production to promote evidence-based and ethical probation practices, predicated on enabling and facilitating strong relationships between and among relevant stakeholders, and working *with* all parties to produce ongoing opportunities for desistance and reintegration. Its underpinning values should have a strong theoretical basis and coherent logic to inform the processes used and their expected outcomes. They should be responsive to local contexts, with evidence to indicate their applicability in probation work and which illustrates existing approaches that can be refined. Crucially, at their core should be relationship building and stakeholder participation in decision-making. Ideally, these values might even support the 'healing' of extant tensions between staff in CRCs and the NPS.

As one of us wrote elsewhere (Marder, 2020a), restorative practice (RP) could represent such a framework for probation. RP is a set of values (including stakeholder participation, the goals of addressing and repairing harm, and a focus on cultivating positive relationships), as well as the language (open, non-judgemental questions, encouraging emotional expression and reflection) and processes (including circles, family conferencing and mediation) through which those values are enacted. In this sense, RP incorporates the logic and the processes through which 'a partnership between the state and individuals, victims, families and communities as co-producers of justice' (Weaver, 2011:1048) can be realised. As the recent (2018) Council of Europe framework on restorative justice states (Marder, 2020b), RP has a wide range of applications across probation, although we will focus herein on its use in offender supervision, for multi-agency work and for healing internal divisions.

RP supports relational work and collective decision-making among Probation Officers, clients and other stakeholders. In encouraging emotional expression, it provides 'a subjective experience of justice amongst people who have experienced an injustice' (Bovaird & Loeffler, 2020:214). Marder (2020a:4) said that a probation service with a restorative culture would 'actively build positive relationships with and among colleagues, clients and the community [and] enable those who hold a stake in a given issue to

participate voluntarily in dialogue and decision-making around that issue'. It would also 'adopt these as the principles of its internal and multi-agency operations, as well as in its work with citizens' (Marder, 2020a:5). As probation scholars have argued, professionals do not 'own' the process of desistance (Albertson et al., 2020). Rather, Maruna (2006:24) suggests, its 'rightful owners [are] victims, offenders and communities'. This corresponds closely with restorative theories around conflict ownership and the notion of justice as identifying and meeting stakeholders' needs (Christie, 1977; Schiff, 2007). Beyond this normative alignment with relational co-production, a range of restorative processes – incorporating circles, conferences and similar practices – provide the methods and language through which these values can be realised in practice.

The Council of Europe promotes much greater participation through a restorative lens, encouraging probation professionals systematically to enable clients, victims, families and any other relevant persons to play a meaningful role in decision-making and desistance as early as, but not limited to, the sentence planning process (Marder, 2020a, 2020b). This is supported by recent research which indicates that services can be improved if we enable meaningful citizen participation. HMI Probation (2019d) argue that service user involvement in service provision benefits staff by providing insights into how clients experience probation. Consultation is a way to 'democratise engagement with service users' (Weaver, 2011:1045): learning about clients as individuals rather than cases, as one member of staff put it, enabled him to '*see the person behind the risk*' (HMI Probation, 2019d:15; emphasis in original). Desistance literature emphasises not what is *done to* an offender in the course of a criminal justice sanction, but rather, the importance of acquiring positive internal narratives (Maruna, 2006; McNeill, 2006). Relational co-production approaches that draw from offender involvement, such as RP and consultation, thus have the potential to expedite the acquisition of pro-social and non-criminal identities (Weaver, 2011).

The European legal framework similarly promotes using RP to support relationship building in multi-agency contexts, encouraging probation officers to make supervision more inclusive, and to facilitate referrals and co-working where appropriate to meet individual

needs. Crucially, despite the failings outlined above, there is evidence of good practice in CRCs and a growing recognition of the benefits of involving external stakeholders in service design and delivery. For example, some CRCs introduced local 'community hubs' to support multi-agency working with external organisations, an innovation that staff and service users generally received positively (HMI Probation, 2020b). Community hubs illustrate probation's potential for 'group co-production' (Brudney & England, 1983) – that is, as the connective tissue that binds together different social spheres and the communities they represent (Senior et al., 2016). Albertson et al., (2020:6) suggest that the range of actors involved makes hubs 'well placed to affect structural impediments to desistance at the nexus of community, society and the individual'. That said, a recent report found that probation staff were unaware of the services available within the local hub, while differing expectations and a lack of mutual understanding about the essence of probation work led to 'cultural clashes' among and between professionals from different organisations (HMI Probation, 2020b:29). The circle process – a restorative method of structuring dialogue in which the right to speak revolves around a group sequentially and conversations are designed to build relationships, encourage reflection, share perspectives and information, and build new group consensuses - could play a central role in enhancing co-working and relational co-production (see Loeffler & Bovaird, 2020) within community hubs.

Despite the positives identified above, the potential gains of *TR* in terms of finding new ways of working and enhancing professional discretion, particularly in the CRCs, were largely lost to the market logic of performance metrics (see Tidmarsh, 2020a). Years of institutional chaos mean that most staff about to be shifted to the new probation body will likely welcome the changes, while remaining anxious about further restructuring (HMI Probation, 2020a). Moreover, antipathy towards staff who worked for private sector providers is not likely to dissipate immediately upon reunification. Research from a range of criminal justice contexts indicates that relationships among staff are a defining factor of a positive organisational culture (e.g. Ostrom et al., 2007). The new probation body could thus explore dialogic and restorative models when responding to stress, conflict and mistrust, and negotiate a new culture to which all staff buy-in (Pranis, 2007; O'Connor et al., 2019). RP skills exist across probation following years of training, experiments and projects. Now is

the time to put these to use.

Conclusion: Professionalism at a crossroads

The *TR* reforms can be situated on a continuum of public services provision in which market mechanisms have focused on 'efficiency', 'innovation' and 'cost-effectiveness'. And yet, as this paper demonstrates, the imposition of markets on the probation service has proved detrimental to professional practice – particularly, but not only, in CRCs. *TR* has brought many of probation's underlying issues to the surface; its *essence* (Senior et al., 2016), if not lost altogether, has been further tainted by the logic of competition and profit. The 'national service of second chances' (House of Commons Hansard, 2020), as the Shadow Secretary of State for Justice recently described probation, itself requires a second chance. The next iteration of probation should be reconstructed around the professionalism of its staff and restorative values, with the goal of building and maintaining a wide 'network of relationships' (Dominey, 2019:284), between and among people and organisations, at its core.

The Chief Inspector of Probation has warned that while the renationalisation of services 'is not a magic bullet for improving performance' (HMI Probation, 2020a:8), structural reform can provide the stability from which to rebuild. A renewed focus on 'professionalism' is welcome, given that it is rooted in a recognition of the need to re-professionalise staff through knowledge, education and training, and to engage them in an evidence-base. Reintegrating services, alongside resources like the professional register, can also help to re-emphasise shared values and create a positive service identity. Challenges around professional autonomy and punitive discourses remain (Carr, 2020), and represent a barrier to a client-centred ideology of service. Co-production, it should be noted, 'is not a panacea' (Bovaird, 2007:856) and can be undermined by inadequate public investment, lack of engagement (from professionals, communities and service users) and over-regulation, among other things (see Loeffler & Bovaird, 2020). That said, it provides a collaborative, bottom-up focus on *relationships*, between and among offenders, communities and professionals, which clearly overlaps with RP (Weaver, 2011). In this way, the individual benefits of co-production can also benefit community groups and society as a whole.

Professionalism in probation is thus at a crossroads, densely signposted with familiar language. In the Government's terms, it 'must command the confidence of the public and the courts, punish and rehabilitate offenders appropriately, reduce crime by tackling reoffending and protect the public' (MoJ, 2019:16). As ever, probation is asked to be 'all things to all people' (Robinson et al., 2012:332), forging a path between punitivism, managerialism and marketisation on the one hand and relational co-production on the other. Greater efforts to engage stakeholders can underpin a relational basis for a new 'professionalism', respecting the service's unique history and culture while emphasising its contemporary relevance as a social, legal and moral arbiter between offenders, the state, victims and communities. With sufficient institutional support, probation can pursue 'thick' (Dominey, 2019) relationships that temper the worst excesses of an increasingly politicised criminal justice system and help the new service to recapture its essence.

References

Abbott, A. (1988) *The System of Professions: An Essay on the Division of Expert Labor.* Chicago, IL: University of Chicago.

Albertson, K., Phillips, J., Fowler, A. and Collinson, B. (2020) Who owns desistance? A triad of agency enabling social structures in the desistance process. *Theoretical Criminology*, 0(0):1-20. DOI:10.1177/1362480620968084

Brudney, J.L. and England, R.E. (1983) Toward a definition of the coproduction concept. *Public Administration Review*, 43(1):59–65.

Bovaird, T. (2007) Beyond engagement and participation: user and community coproduction of public services. *Public Administration Review*, 67(5):846–860.

Bovaird, T. Stoker, G., Jones, T., Loeffler, E., and Roncancio, M.P. (2015) Activating collective co-production of public services: Influencing citizens to participate in complex governance mechanisms in the UK. *Journal of Social Policy*, 44(1):1-23.

Burke, L., Millings, M. and Robinson, G. (2017) Probation migration(s): Examining occupational culture in a turbulent field. *Criminology & Criminal Justice*, 17(2):192-208.

Carr, N. (2020) Probation renationalised: Another twist in the tale for the national service of second chances. *Probation Journal*, 67(3):193-197.

Carr-Saunders, A.M. and Wilson, P.A. (1933) *The Professions.* Oxford: Oxford University.

Christie, N. (1977) Conflicts as property. *British Journal of Criminology*, 17(1):1-15.

Civil Service HR (2020) *Performance Management Arrangements for the Senior Civil Service.* London: HMSO.

Clinks (2018) *Under Represented, Under Pressure, Under Resourced: The Voluntary Sector in Transforming Rehabilitation.* London: TrackTR.

Cohen, S. (1985) *Visions of Social Control*. Cambridge: Polity.

Coley, D. (2020) Probation staff supervision: Valuing 'me time' within congested spaces. *Probation Journal*, 67(3):228-245.

Deering, J. and Feilzer, M.Y. (2015) *Privatising Probation: Is Transforming Rehabilitation the end of the probation ideal?* Bristol: Policy.

DeMichele, M. and Payne, B. (2009). *Offender supervision with electronic technology: Community Corrections Resource (2nd ed.)*. Washington, DC: Office of Justice Programs.

Dominey, J. (2019) Probation supervision as a network of relationships: Aiming to be thick, not thin. *Probation Journal*, 66(3):283-302.

Evetts, J. (2013) Professionalism: Value and ideology. *Current Sociological Review*, 61(5-6):778-796.

Farrant, F. (2006) Knowledge production and the punishment ethic: The demise of the probation service. *Probation Journal*, 53(4):317-333.

Freidson, E. (1970) *Profession of Medicine: A Study of the Sociology of Applied Knowledge.* New York, NY: Dodd, Mead & Company.

Fox, C., Harrison, J., Marsh, C. and Smith, A. (2018) Piloting different approaches to personalised offender management in the English criminal justice system. *International Review of Sociology*, 28(1):35-61.

Gauke, D. (2019) *Justice Secretary David Gauke sets out long-term future for justice*. 18 February 2019. Available at: https://www.gov.uk/government/news/justice-secretary-david-gauke-sets-out-long-term-for-justice

Garland, D. (2001) *The Culture of Control: Crime and Social Order in Contemporary Society*. Oxford: Oxford University.

Gayle, D. (2019) Home Secretary Priti Patel criticised over wish for criminals 'to feel terror'. *The Guardian*, 3 August. Available at: https://www.theguardian.com/politics/2019/aug/03/priti-patel-home-secretary-wants-criminals-to-literally-feel-terror

Grant, S. (2016) Constructing the durable penal agent: Tracing the development of habitus within English probation officers and Scottish criminal justice social workers. *British Journal of Criminology*, 56(4):750-768.

Hardy, M. (2014) Practitioner perspectives on risk: Using governmentality to understand contemporary probation practice. *European Journal of Criminology*, 11(3):303-318.

HM Prison and Probation Service (2020a) *A Draft Target Operating Model for the Future of Probation Services in England and Wales: Probation Reform Programme.* London: HMSO.

HM Prison and Probation Service (2020b) *Update to the Draft Target Operating Model for Probation Services in England and Wales: Probation Reform Programme*. London: HMSO.

HM Prison and Probation Service (2020c) *Probation Workforce Strategy.* London: HMSO.

HM Prison and Probation Service (2021) *The Target Operating Model for Probation Services in England and Wales: Probation Reform Programme.* London: HMSO.

HMI Probation (2017) *2017 Annual Report*. Manchester: HMI Probation.

HMI Probation (2018) *Probation Supply Chains: A Thematic Inspection by HMI Probation.* Manchester: HMI Probation.

HMI Probation (2019a) *Report of the Chief Inspector*. Manchester: HMI Probation.

HMI Probation (2019b) *An Inspection of Devon, Dorset and Cornwall Community Rehabilitation Company*. Manchester: HMI Probation.

HMI Probation (2019c) *A Rapid Evidence Assessment on the Effectiveness of Remote Supervision and New Technologies in Managing Probation Services.* Manchester: HMI Probation.

HMI Probation (2019d) *Service User Involvement in the Review and Improvement of Probation Services.* Manchester: HMI Probation.

HMI Probation (2020a) 2019/20 Annual Report: Inspections of Probation Services. Manchester: HMI Probation.

HMI Probation (2020b) *The Role of Community Hubs in Helping Deliver Probation Services and Support Desistance*. Manchester: HMI Probation.

HMI Probation and HMI Prisons (2017) *An Inspection of Through the Gate Resettlement Services for Prisoners Serving 12 Months or More.* Manchester: HMI Probation.

House of Commons Hansard (2020) *Probation Services*. 11 June 2020. Available at: https://hansard.parliament.uk/commons/2020-06-11/debates/E848CEFB-BB7F-48C1-91FB-8EB95D6F8B8C/ProbationServices

Kirton, G. and Guillaume, C. (2019) When welfare professionals encounter restructuring and privatization: The inside story of the probation service of England and Wales. *Work, Employment and Society*, 33(6):929-947.

Loeffler, E. and Bovaird, T. (2020) Assessing the impact of co-production on pathways to outcomes in public services: The case of policing and criminal justice. *International Public Management Journal*, 23(2):205-223.

Mair, G. (2016) 'A difficult trip, I think': The end days of the probation service in England

and Wales? *European Journal of Probation*, 8(1):3-15.

Marder, I. (2020a) *Building Restorative Probation Services*. Manchester: HMI Probation.

Marder, I. (2020b) The new international restorative justice framework: Reviewing three years of progress and efforts to promote access to services and cultural change. *International Journal of Restorative Justice*, 3(3):395-418.

Martinson, R. (1974) What works? – Questions and answers about prison reform. *Public Interest*, 35:22-54.

Maruna, S. (2006) Who owns resettlement? Towards restorative re-integration. *British Journal of Community Justice*, 4(2):23–33.

Mawby, R.C. and Worrall, A. (2013) *Doing Probation Work: Identity in a Criminal Justice Occupation*. Abingdon: Routledge.

McCulloch, T., with members of Positive Prison? Positive Futures. (2016) Co-producing justice sanctions? Citizen perspectives. *Criminology & Criminal Justice*, 16(4):431–51.

McNeill, F. (2006) A desistance paradigm for offender management. *Criminology and Criminal Justice*, 6(1):39-62.

McNeill, F. (2013) Transforming Rehabilitation: Evidence, values and ideology. *British Journal of Community Justice*, 11(2-3):83-86.

McNeill, F. and Beyens, K. (2013) Introduction: Studying mass supervision. In: McNeill, F. and Beyens, K. (eds.) *Offender Supervision in Europe*. Basingstoke: Palgrave Macmillan, pp.1-18.

McWilliams, W. (1983) The Mission to the English Police Court 1876-1936. *The Howard Journal*, 22:129-147.

McWilliams, W. (1985) The Mission transformed: Professionalisation of probation between the Wars. *The Howard Journal*, 24(4):257-274.

McWilliams, W. (1987) Probation, pragmatism and policy. *The Howard Journal* 26(2):97-121.

Ministry of Justice (2013) *Transforming Rehabilitation: A Strategy for Reform*. London: HMSO.

Ministry of Justice (2018) *Strengthening Probation, Building Confidence.* London: HMSO.

Ministry of Justice (2019) *Strengthening Probation, Building Confidence: Consultation Response*. London: Ministry of Justice.

Ministry of Justice (2020a) *A Smarter Approach to Sentencing*. London: Ministry of Justice.

Ministry of Justice (2020b) *Prison Population Projections 2020 to 2026, England and Wales*. London: Ministry of Justice.

Morris, N. (2019) Conservative leadership contest: Boris Johnson to scrap plans to abolish short prison sentences. *The Independent*, 10 July. Available at: https://inews.co.uk/news/politics/conservative-leadership-contest-boris-johnson-short-prison-sentence-scrap-plans-312462

National Audit Office (2016) *Transforming Rehabilitation*. London: House of Commons.

National Audit Office (2019) *Transforming Rehabilitation: Progress Review.* London: Home Office.

Nellis, M. (2013) Surveillance, stigma and spatial constraint: The ethical challenges of electronic monitoring. In: Nellis, M., Beyens, K. and Kaminski, D. (2013) *Electronically Monitored Punishment: International and Critical Perspectives.* London: Routledge, pp. 193-210.

O'Connor, T., Bogue, B., Collins, S. and O'Connor, S. (2019) Staff development and practice

models: When we get better, our clients get better. *Advancing Corrections*, 8:10-28.

Ostrom, B., Ostrom, C., Hanson, R. & Kleiman, M. (2007) *Trial Courts as Organisations*. Philadelphia: Temple University Press.

Phillips, J. (2011) Target, audit and risk assessment cultures in the probation service. *European Journal of Probation*, 3(3):108-122.

Phillips, J., Westaby, C. and Fowler, A. (2016) 'It's relentless': The impact of working primarily with high-risk offenders. *Probation Journal*, 63(2):182-92.

Pranis, K. (2007) Healing and accountability in the criminal justice system: Applying restorative justice processes in the workplace. *Cardozo Journal of Conflict Resolution*, 8(2):659-675.

Raynor, P., Ugwudike, P. and Vanstone, M. (2014) The impact of skills on probation work: A reconviction study. *Criminology & Criminal Justice*, 14(2):235-249

Robinson, G. (2003) Technicality and indeterminacy in probation practice: A case study. *British Journal of Social Work*, 33:593-610.

Robinson, G. (2008) Late-modern rehabilitation: The evolution of penal strategy. *Punishment & Society*, 10(4):429-445.

Robinson, G. (2013) What counts? Community sanctions and the construction of compliance. In Ugwudike, P. and Raynor, P. (eds.) *What Works In Offender Compliance: International Perspectives and Evidence-Based Practice.* Basingstoke: Palgrave Macmillan, pp. 26-43.

Robinson, G. (2017) Stand-down and deliver: Pre-Sentence Reports, quality and the new culture of speed. *Probation Journal*, 64(4):337-353.

Robinson, G. and McNeill, F. (2008) Exploring the dynamics of compliance with community penalties. *Theoretical Criminology*, 12:431-450.

Robinson, G. and Ugwudike, P. (2012) Investing in 'toughness': Probation, enforcement and legitimacy. *The Howard Journal*, 51(3):300-316.

Robinson, G., Burke, L. and Millings, M. (2016) Criminal justice identities in transition: The case of devolved probation services in England and Wales. *British Journal of Criminology*, 56(1):191-173.

Robinson, G., Burke, L. and Millings, M. (2017) Probation, privatisation and legitimacy. *The Howard Journal of Crime and Justice*, 56(2):137-157.

Robinson, G., McNeill, F. and Maruna, S. (2012) Punishment *in* society: The improbable persistence of probation and other community sanctions and measures. In: Simon, J. and Sparks, R. (eds.) *The SAGE Handbook of Punishment and Society.* London: SAGE, pp. 321-341.

Schiff, M. (2007) Satisfying the needs and interests of stakeholders. In: Johnstone, G. and Van Ness, D. (eds.) *Handbook of Restorative Justice*. Cullompton: Willan Publishing, pp. 228-264.

Senior, P., Ward, D., Burke, L., Knight, C., Teague, M., Chapman, T., Dominey, J., Philips, J., Worrall, A. and Goodman, A. (2016) The essence of probation. *British Journal of Community Justice*, 14(1):9-27.

Tidmarsh, M. (2020a) 'If the cap fits'? Probation staff and the changing nature of supervision in a Community Rehabilitation Company. *Probation Journal*, 67(2):98-117.

Tidmarsh, M. (2020b) 'The right kind of person for the job'? Emotional labour and organizational professionalism in probation. *International Journal of Law, Crime*

and Justice, 61:1-9.

Tidmarsh, M. (2021) Transforming Rehabilitation: Probation practice, architecture and the art of distributions. *Criminology & Criminal Justice*, 21(1):72-88.

Weaver, B. (2011) Co-producing community justice: The transformative potential of personalisation for penal sanctions. *British Journal of Social Work*, 41:1038-1057.

Wilensky, H.L. (1964) The professionalization of everyone? *American Journal of Sociology*, 70:137-58.