WHAT HAPPENED TO PROBATION? MANAGERIALISM, PERFORMANCE & THE DECLINE OF AUTONOMY

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Abstract
In the last 25 years or so, the concept of ‘performance’ and its concomitant suffixes ‘culture’ and ‘indicators’ have come to dominate discourse surrounding public service policy and practice, as a consequence of a radical shift in the ethos of public sector provision that emerged following the election of the Conservatives under Margaret Thatcher in 1979. The Probation Service was one of the last public sector agencies to come under the spotlight of public sector reform as, following the scrutiny of the health service, education, social work, it was required to address central issues of accountability, effectiveness and cost. This article examines the effects of this shift on the practice and management of probation over the past quarter of a century or so, particularly in terms its professionalism and organisation. Attention is paid to the ways in which ‘performance’ is understood and interpreted within probation practice. Whilst the focus, especially in terms of the timing, is on the experience of the probation service in England and Wales, it is suggested that the arguments put forward could be generally applicable to other parts of the UK and to systems in other parts of the world where neo-liberalist, market-dominated ideologies have been introduced.

The introduction of explicit performance targets and the more general performance culture into public sector policy over the past few decades represented a radical or ‘seismic’ shift (Dorey, 2005; McLaughlin et al, 2001: Carter et al, 1992) in policy thinking and public practice. This is not to suggest that the idea of ‘performance’ – or doing a good job – was alien to people working within the public sector before the 1980s, but it was something which practitioners tended to take for granted, a self-evident consequence of behaving professionally and of taking responsibility for upholding the values and aims of your agency. (McWilliams, 1983; Boswell, 1985; Eadie, 2000) According to Peter Dorey (2005) it was believed at the time that ‘policy failures could be attributed to excessive or unwarranted government interference’ which could only be redeemed by ‘rolling back the state’ (2005: 215). At the same time, rhetoric notwithstanding, Dorey continues:
...in many public services, the state actually became more directive and intrusive, via various reforms, targets, performance indicators, audits and funding mechanisms... (which aimed to)... restore the authority of government (2005:217).

Consequently, in recent decades, increasing emphasis has been placed upon demonstrating professionalism and responsibility, upon proving the effectiveness of one’s practice, and accounting for the decisions made. Few would argue against such aims but, for many working in the public sector, they begged a number of questions: how could such abstract concepts and processes be rendered concrete enough to indicate good or bad performance? Within the probation service, for instance, the suggestion that what they did could be reduced to measurable and clearly definable performance indicators was anathema to many probation officers. The very nature of the work, which involves ‘transformation’ through understanding and addressing the individuality, the diversity and uniqueness of offenders (Garland, 2001; Nellis, 2005; Hough et al, 2006), throws into question the usefulness of some of the standardized and measurable indicators of probation performance. For example, how can the effectiveness of the time taken to develop a working relationship with an offender be measured? What does ‘effectiveness’ actually mean in these circumstances – reducing or stopping offending, or something more subtle such as providing a source of understanding and respect for the first time in an offender’s life that might one day lead to a questioning of behaviour and attitude? Can the drive toward a measurable concept of performance take account of the latter? If not, what does it mean for practice?

In this article, I propose to address some of these questions from the point of view of a former probation practitioner, but also in the light of my subsequent experience of teaching and training probation officers. My argument is that the impact of the central government’s imposition upon the probation service of market forces and business models, incorporating market-driven terms such as cost-effectiveness, efficiency, measurable outcomes and performance indicators, served to distract probation officers and their managers from probation’s central purpose, to distort its priorities, and in some measure at least to alienate an otherwise committed workforce. This is not to say that some changes were not needed, but that the changes that were imposed turned the probation service from its role as a potential ‘bridge’ between the state and the criminal to another arm of the state’s control and suppression of offenders. Probation, having long been criticized as a ‘soft option’ (Brake & Hale, 1992; Hughes & Lewis, 1998; Worrall & Hoy, 2005) was to become ‘harder’, tougher and more standardized in its delivery. This is not a new debate, but it is one that deserves further consideration in the light of developments in the probation service. I will argue that one of the most damaging consequences of these developments for probation has been the loss of a distinct professional identity and role for the probation service. As we have, as a society, become more obsessed with risk and risk avoidance, so probation has been required to take a narrower approach to working with offenders, predicated largely on the need to contain, control or otherwise eliminate that risk. Notwithstanding the developments in ‘restorative practice’ with young offenders, the current probation approach is to categorise, label and otherwise contain adult offenders according to the degree of threat
they pose. It is on these criteria that the performance of the probation service has come to be judged.

Writing in 1999, Loveday noted how ‘the introduction of performance culture within public services has been the object of considerable analysis and evaluation in the last decade’, adding that the ‘impact of performance culture on criminal justice agencies has not been the focus of the same degree of analysis (1999:351). This was largely due to the fact that reform of the criminal justice agencies proved ‘to be the last public sector bodies to be subjected to private sector disciplines by the Conservative Government’. (ibid) Being the last, however, did not mean getting off lightly. Flynn (2007:102-3) agreed, saying that ‘(a)lthough the organizations of the criminal justice system were relatively late in receiving the attention of the reformers, when it happened they were by no means immune from it.’ McAuley (citing Raine & Wilson, 1997 in Johnson & Scholes, 2001) suggested that ‘governments since 1979 have tended to understand criminal justice as pervaded by a culture that is alleged to be “spendthrift, idiosyncratic and unaccountable”’ (2001:251). However, some of the agencies in the system were rather stronger and more able to resist this assault than some other groups. The judiciary and the police, for instance, were able to call on their connections with powerful interests. The probation service was less well connected.

To set a further context for the discussion, it is important to remember that, until relatively recently, the qualification to become a probation officer was a CQSW (Central Qualification in Social Work) and the ‘motto’ of the service was ‘advise, assist and befriend’ (dating back to the Probation of Offenders Act, 1907), which indicated that the focus of the probation officer’s endeavours should be on the relationships which could be forged with offenders to encourage, support and guide them to change their behaviour rather than controlling, threatening and forcing such change. Into this background, the changes imposed by the demands of the performance-led, managerialist culture came as something of a challenge. Exworthy and Halford (1999:2) noted how this experience was mirrored elsewhere in the public sector. Their comments on the distinction between the professional and the managerial approaches are apposite; they note how during the 1990s the emergence into public sector policy of what was termed ‘new managerialism’ was regarded by several commentators as a critical juncture in relations between professional and managerial staff. They summarised the differences in their approaches in terms of a number of factors: objectives, sources of legitimacy, regulation and reference groups (1999:25), which highlight potential sources of contestation surrounding priorities and practice management. This is not to suggest that no differences existed prior to the introduction of new managerialist principles, but that they were not so clearly demarcated.

In connection with professionalism in the criminal justice system, Loveday (1999), noting how policy changes during the 1980s and 1990s ‘reflected the high salience attached to law and order issues’ by successive governments, describes the criminal justice system as representing a ‘fractious, often mutually contradictory mélange of competing interests’ (1999:353). He notes how agencies within the criminal justice system have traditionally enjoyed ‘a high degree of discretion and operational independence’ and have ‘demonstrated
a bias toward exclusion rather than inclusion as a means of managing services’. This
tendency toward independence and exclusion has in effect led to ‘a high degree of secrecy
designed to resist effective public scrutiny’ (Loveday, 1999:353). I would suggest that the
‘secrecy’ within the Probation Service was less deliberate or conscious than elsewhere. As a
relatively new profession (compared with the judiciary, for example), the Service was keen to
develop its standing and status within the criminal justice system; to do this, it had to claim
an expertise not shared by other professions and hence to establish a discrete and
identifiable body of knowledge. This is not the same as attempting to avoid accountability.
Nonetheless, it did mean that probation officers were able to operate largely autonomously
and to use a fair amount of professional discretion in their day-to-day contacts with
offenders. The introduction of performance indicators and the demand for measurable
evidence of effectiveness called such autonomy and discretion into direct question. Perhaps if
the probation service had been more conscious of the implications of ‘secrecy’, they would
have sought ways to be more openly accountable before it was imposed on them. In that way,
they might have been able to dictate, or at least influence, the form that such accountability
would take – it would have been on their terms.

Carter, Klein and Day (1992) referred to the ‘revolution’ begun by the Thatcher
administration which involved the introduction of performance indicators as an ‘essential
part (of) making evaluation a feature of the new Whitehall structure’ (1992:1). Clarke &
Newman (1997:38) referred to the ‘transformation agenda’ that was devised for the public
sector. McLaughlin, Muncie and Hughes (2001) described the huge, almost seismic changes
introduced by the Conservatives as the ‘permanent revolution’. They wrote:

In line with what was happening in the rest of the UK public sector, the principles of
new public managerialism (NPM) were identified as the pathway to post-bureaucratic

One of the ways in which this was to be achieved was through the introduction of ‘explicit
targets and performance indicators to enable the auditing of efficiency and effectiveness’
(2001:302). Carter et al (1992) noted that the emergence of NPM was not just a technical
exercise but raised ‘some fundamental questions of governance’ including ‘what counts as
good performance?’ ‘How do we define the various dimensions of performance?’ And ‘who
determines what good performance is?’ All of which, according to McLaughlin et al
(2001:303), signalled ‘a fundamental assault on the professional cultures and discourses and
power relations in the public sector’. These questions, and others, were part of a sometimes
fierce debate between practitioners and managers within the probation service during the
latter part of the 1990s (see for instance, Senior, Crowther-Dowey and Long, 2007). The
debate centred on the issues of ‘professionalism’ and ‘bureaucracy’. Davies & Kirkpatrick (in
Kirkpatrick & Lucio, 1995), in reference to higher education in Britain, noted how the
sector was ‘characterized by a mixture of bureaucratic and professional controls’; key
elements of the latter were ‘self-regulation, collegiality, credentialism and semi autonomy’
which served to create an ‘aura of indeterminacy precluding managerial or user involvement’
(1995:92, emphasis added). Much of what they describe could be attributed to the probation

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service prior to the institution of what might be called ‘performance thinking’; the service was predicated on notions of professionalism and individual expertise which were largely self-regulating and self-evaluating (Harman in Senior & Woodhill, 1990; Nellis, 1990). The development of NPM signalled a move away from this concept of professionalism to one predicated on the ability to manage and control. Thus, it can be argued that the concept of ‘the professional’ underwent a significant shift away from the idea of someone with practice-based knowledge and expertise to someone who could manage and organise others.

Following this theme, Goodman (2008:44) noted how the early-mid 1980s was the period when ‘the standing of professionals was challenged as clinicians and practitioners lost their power to management professionals’. More specifically, Davies & Kirkpatrick (1995) argued that ‘(p)erformance indicators provided management...with...a “rational” justification for exerting increased bureaucratic control’ (1995:93, emphasis in original). The desire for such increased bureaucratic control derived from the political agenda of the Conservative Government which, whilst advocating free market liberalism on the one hand, was concerned with somehow forcing efficiency and cost-effectiveness in the public sector on the other. McLaughlin & Muncie (1994 in Gelsthorpe, 2001) refer to the development of a ‘mixed economy of criminal justice’ during the 1980s and 1990s which sought to ‘establish new boundaries of state responsibility and new modes of regulation’ (2001:107). So, whilst the state was seeking to absolve itself of its traditional role as the natural and primary provider of law and order, it was not seeking to divest itself of control. To make this control simpler, and practice within criminal justice agencies more transparent, changes were made to introduce greater formalization of tasks and routine, specialization of roles and increased hierarchy, more standardization and, where possible, simplification of tasks, and clearer objective and target setting.

Alongside the Conservative Government’s introduction of market-oriented management principles into the public sector, the other dominant focus for governmental policy was crime. Concern about crime had been growing as statistics produced during the 1980s and 1990s showed significant increases in the level and seriousness of offending (see Hicks & Allen, 1999). The consequences of an upsurge in crime, in terms of prison over-crowding, recidivism, sentencing injustices, mounting fear of victimization, and the perceived failure of rehabilitation as the dominant approach to dealing with offenders, led politicians on all sides to develop what amounted to an obsession with the subject of crime control. In the light of this, performance was now to be judged on tangible and measurable results which were, according to the economic rationality of the growing enterprise culture, the key measure of quality. Thus, Kirkpatrick and Lucio (1995:8) argued: ‘Quality as it has been understood in the public sector during the 1980s was associated with a fundamental critique of established organizational structures, cultures and working practices.’ They suggested that, in the name of quality, interventions in public sector functioning were legitimated (1995:9).

Shaw (1995, in Kirkpatrick and Lucio) referring to what he called the ‘rhetoric of quality’, suggested that one of the consequences of successive governments’ use of such rhetoric was to obscure the fact that:
...there is no way that the rhetoric could “work” in some unambiguous, instrumental manner, if only because different interest groups arguing for quality have different and possibly incompatible objectives (1995:137).

Relating this to the probation service, it is possible to identify a range of potentially competing objectives. For instance, there was the public’s desire that crime, and thus their fear, should be reduced; the government’s goal of cutting expenditure; politicians’ desire to fulfil the public’s wish and therefore gain political support; the probation officer’s aim of helping to effect change; and, at the same time, the probation officer’s desire to keep his or her job. Whilst not necessarily incompatible, these aims could certainly conflict.

During the 1990s, in the light of the general ‘shake up’ of the public sector, questions were asked which directly challenged probation officers’ professional individual autonomy and responsibility, and thus their understanding of their role. With mounting fear of crime and growing pressure on the prison system through apparently endemic recidivism, regular breaches of probation and bail conditions, and alarming increases in juvenile offending, attention was paid to the cost effectiveness of what was being done with offenders (Home Office Research Study, 1998). Public interest in crime was at a peak, public fear of crime was growing apace; it was not unreasonable that people, and their political representatives, would look to those agencies to have their fears assuaged. The problem was that such reassurance was predicated upon a punishment-orientated way of working that was alien to how many probation officers defined their task (Nash, 2008:31).

Within the probation service during the 1990s, arguments raged about the validity of the determinedly managerialist and bureaucratic approach being imposed (Nash, 2008; Bailey et al, 2007). On the one hand were the managers who were coming under increasing ideological and financial pressure to comply with the tide of managerialism that was sweeping through the public sector. They grew concerned about the threats to funding and the possibility of even more swingeing attacks on the autonomy of the service if they did not show willing and comply with the required particular management approach (Senior et al, 2007). Practitioners, on the other hand, whose day to day rationale and existence consisted of direct working with offenders and who knew intimately the problems associated with creating and sustaining a relationship that might help effect behavioural change, were alarmed that a good deal of what they did could be discounted, ignored or invalidated by the changes that were being introduced.

One of the implications of what Newman refers to as the ‘restructuring of state services around the twin principles of managerialism and marketization’ (2005:89) has been the way in which the clients of such services who have complex needs or problems are ‘shunted off’ to the responsibility of their families and communities. For probation, where (as Davies
argues elsewhere in this edition) time has become an increasingly rare commodity, probation officers are no longer necessarily the experts but are now responsible for making time-limited assessments before passing offenders on to programmes and schemes provided elsewhere (Goodman, 2008). Newman (2005:89) says we now have a ‘fragmented array of services which need to be co-ordinated’. Such co-ordination is now the probation officer’s task. They are also charged with what has become a focal concern – identifying risk.

Alongside the focus on evidence-based working as a central element of the growing performance culture was the emphasis on risk as a determining factor in decisions about sentencing, managing and dealing with offenders. Clear & Candara (in Stenson & Sullivan, 2001) consider what Feeley & Simon (1992) dubbed ‘the new penology’ in which preoccupation with risk represents:

...a fundamental shift in correctional ethics...(involving) a migration away from traditional concerns for offender reform and humanitarian programs...toward a ‘warehousing’ ethic, in which bodies are sorted according to formalized assessments of their risk and their time and movement under penal authority managed according to rationalized images of ‘control’ and ‘desert’ (2001:51-2, emphasis added).

The recognition of risk as an important factor in dealing with offenders was due, in part, to acknowledgement of the legitimacy of the victim perspective. An indirect consequence of the burgeoning ‘law and order’ rhetoric which came to dominate so many party political conferences during the 1980s, the public’s fear of crime and the way in which victims’ views were side-lined in the criminal justice system emerged as a significant strand of law and order discourse (Williams & Goodman Chong in Green et al, 2008). The increased acknowledgement of the victim and public’s fear gave rise to the focus on risk and how the latter might be limited in order to assuage the former. We have become what has been described as a ‘risk society’ (Stenson, 2001; Hudson, 2001; Beck, 1992) or, I would suggest, a ‘risk averse society’, especially in relation to crime where the growth of a huge industry surrounding personal protection, insurance and surveillance is testament to the level of concern people have about crime.

In reference to the emergence of ‘risk’ as a dominant factor in criminal justice discourse, Barbara Hudson (in Stenson & Sullivan, 2001:144) raised a serious concern about justice as an ‘endangered concept’ suggesting that modern Western societies such as the UK and the USA were ‘losing sight of the importance of justice as a regulative ideal’. She continued:

‘Justice’ is now very much less important than ‘risk’ as a preoccupation of criminal justice/law and order policy; the politics of safety have overwhelmed attachment to justice in the institutions of late-modern democratic polities (2001:144).

In a similar vein, it could be argued that, in the government’s (and, by extension the probation service’s) concern to avoid, limit or eradicate risk, they have lost sight of the individual as a holistic and separate entity. The central focus is not on the individuality of
the people they work with, but on how far and to what extent they pose a risk; in doing so, they overlook the essential humanity of the person in front of them. As ‘risk’ has moved centre-stage, Parton & O’Byrne (2000) argue:

...society, especially the media, has developed an insurance mentality and is quick to lay blame when things go wrong. This situation has changed the relationship between workers and service users (potential and actual) and often seems to result in workers seeing those they are assessing as ‘the enemy’ (2000:146).

Here we come to the crux of the matter in relation to the probation service’s ability and willingness to embrace and deal with ‘diversity’. In the risk-dominated language and approach of current political and policy discourse, ‘difference’ can easily come to be seen not as an essential human quality, but as a source of potential threat and disruption to our otherwise ordered and manageable lives. This order and manageability is directly mirrored in the systems which have been introduced throughout the public sector generally, and the criminal justice system in particular, to define and measure risk. The effect of this change has, in my argument, been particularly damaging to the Probation Service because of its hitherto unique position within the criminal justice system. The gradual erosion of the principles relating to ‘care’ in favour of those concerned with ‘control’ has tended to undermine the service’s underpinning professional ideology and rationale, as well as the day-to-day practice of probation officers.

Weissman (2006) wrote, in reference to the demise of therapeutic work, which underpinned much of what probation officers did:

The long-haul therapeutic journey is now considered to be an activity that lacks a proper evidence base and is castigated for being too costly, and an inefficient use of scarce resources. It has also been criticized for its professional overindulgence, lacking the rigour and structure to evaluate both its purpose and effectiveness (2006:169).

Although probation officers did not consider themselves ‘long-haul therapists’, they did, as they had been trained to do, draw heavily on the skills and case work approach developed by psychodynamic disciplines. For many years, the ‘case-work relationship’ was one of the central approaches to working with offenders; for a time, it dominated other ways of working. The focus was on the individual and his or her needs and circumstances. Acknowledging and working with difference and diversity were central themes in practice as well as in principle. Developing a relationship with individual offenders was deemed critical to influencing change. This relationship was predicated upon an understanding and an acceptance of difference; at its best, the essential difference between the offender and the officer was not merely acknowledged, but actively incorporated into discussion so that, as Parton & O’Byrne put it, ‘human engagement is required where the worker comes from “not knowing” and is able to listen’ (2000:141). They point out, however, that this ‘is rather difficult to do in one meeting, particularly if one has to deal with the current risk culture that tends to dominate how assessments are devised’ (2000:142). Other ways of working,
more behavioural in their approach, were developed to take account of the increasing time constraints and, for some, the need to develop more pragmatic ways of working. It might be argued that the emergence of these alternative approaches represented a response to external pressure to develop a more structured and accountable way of working; at the same time, they signalled a change in practice as probation now lacked a coherent (or uniform) practice base. It may be that this lack of coherence has been responsible for the way in which the service has been effectively undermined by the developments in public sector policy over the past few decades.

At this point, it is worth noting that the change of government in 1997, which seemed to herald the longed-for return to what was seen as a more ethical and humane approach to criminal justice, quite rapidly came to be perceived as a monumental disappointment (Senior et al, 2005; Newman & Clarke, 2009). Probation officers at the time felt a resurgence of hope that their way of thinking and their approach to tackling crime would find a voice in government. Unfortunately, in the increasingly hysterical atmosphere that surrounded the run up to the 1997 election, the race for government was at times dominated by the Conservative Home Secretary and his Shadow ‘toughing it out’ on who had the hardest, most punishing policy and attitude toward crime and criminals. As a result, the hope that New Labour might fulfil Blair’s promise to be tough on the causes of crime faded. McLaughlin et al (2001) note how:

In the count-down to the 1997 election, New Labour’s remarkable transformation into the flag-bearers of ‘tough on crime’ policies smothered any meaningful political discussion of the Party’s proposals to tackle the underlying causes of crime (2001:304).

Notwithstanding the rhetoric which ‘offered some hope for a revival of the rehabilitationist spirit’ (Nash, 2008: 32), New Labour proved to have wedded itself to the pragmatism of the enterprise and entrepreneurial culture left behind by the Conservatives (Nash, 2008). The ‘What Works’ agenda had first been promoted in a conference in 1991; New Labour picked up on the idea demanding evidence to justify, amongst other things, key elements of probation practice. It should be noted that ‘what works’ mantra had been espoused by many within the probation service in recognition of the legitimacy of the requirement to address and demonstrate the effectiveness of what they did. However, the way in which effectiveness now came to be equated with what was measurable and definable in such terms served to limit the scope of what was deemed ‘good practice’ as only the quantifiable could be counted. As I suggest above, the embracing of the ‘what works’ mantra by probation officers may unwittingly have opened the door to this new form of assault on their professionalism.

In this regard, Flynn (1997:92) noted that the ‘autonomy of...the professions has been greatly curtailed’; for probation officers, this meant that the traditional balance between the twin peaks of care and control was tipped strongly in favour of the latter so that ‘probation officers are (now) offering punishment in the community’ rather than a traditional social work-based process applied to offenders. Flynn further noted how managers and professionals have become ‘more competitive and less collaborative’ which means, amongst
other things, ‘a reluctance to share skills, knowledge, information and good practice’ (Flynn, 1997:93). Whilst this might refer more to those professions where league tables have been imposed, it nonetheless has had an effect on probation in that awareness of the need to prove and demonstrate performance has meant that professional discretion and autonomy is geared more toward presenting a convincing picture of what is being achieved and hence a greater concentration within the organization on measurable results. At the same time as reducing professional discretion, the effect of the shift toward managerial and bureaucratic control has been to increase the influence of managers. Flynn argues:

Whether the managers were previously professional or not, the power they acquire derives from their relationship with the centre rather than their professional expertise or knowledge. Centralization shifts the balance between the professionals and managers (1997:93-4).

One effect of this has been the way in which probation officers are supervised and their work scrutinized. Prior to the emergence of the performance culture within probation during the 1990s, supervision was, as Flynn puts it, ‘conducted as a conversation between professionals rather than between a boss and a subordinate’ (2007:108).

Following the production, in 1984, of the initial “Statement of National Objectives and Priorities” for the Probation Service, which ‘signalled the Home Secretary’s intention to subject probation policy and practice to a degree of control never previously attempted’ (Morgan in Gelsthorpe & Morgan, 2007:92), National Standards were introduced in 1992.

These developments represented a challenge to the professional autonomy of individual probation officers, were associated with growing demands for management performance data and practice accountability, and were allied to increased pressure that practitioners adopt evidence-based working practices legitimated by Home Office and other research (ibid).

Further, it was argued, the introduction of National Standards was an overt signal of the Government’s intent to ‘detach the Probation Service from its social work origins’ (Flynn, 2007:109). The Standards were ‘partly a description of the activities carried out by the service and partly an attempt to enforce routines of behaviour’. (Flynn, 2007:108, emphasis added) From that point, a consensus amongst commentators, and a fear amongst practitioners, was that individual probation officers and their practice decisions would be scrutinized by Whitehall bureaucrats and somehow measured to determine their justifiability and effectiveness, but no-one was quite sure how this would be done. The National Standards gave a clue and ‘(e)ach edition of the National Standards from 1992 onwards became tighter’ with increased emphasis on enforcement and control (Gelsthorpe & Morgan, op cit, 10, emphasis in original). Limits were imposed on the time between the imposition of an order and initial assessment, on the number, frequency and duration of contacts during the period of an order; the structure and content of court reports were more closely prescribed, and the assessment of the risk posed by an offender developed from being one amongst many factors to the central concern of the PSR (Pre-Sentence Report) as well as the way in which
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offenders’ progress whilst subject to probation supervision was to be gauged. In 2003, new systems such as OASys (Offender Assessment System) and OGRS (Offender Group Reconviction Scale) were introduced which aimed further to standardize and clarify decisions around risk and likelihood of re-offending and reconviction which had hitherto been largely left to the individual officer’s professional judgement and experience. As time passed, the systems became increasingly complex and specific so that, for instance, in 2000 a Risk Matrix for use with sex offenders was created, which came to be used alongside the Structured Risk Assessment and the Acute Risk Checklists developed within the Probation Service in 2004 (Gelsthorpe & Morgan, op cit, 222). Designed to ensure that all bases were covered, a ‘checklist’ approach was introduced in the preparation of reports and the assessment of what came to be referred to as offenders’ ‘criminogenic needs’.

This brief overview of the developments from the 1984 SNOP and 1992 National Standards to the introduction of OASys and similar systems a decade later demonstrates what I would suggest was an incremental challenge to traditional ways of working within probation; each ‘innovation’ was squeezed into existing practice in the hope that compliance would satisfy the government and persuade them against wholesale radical change. This was not unique to probation; Nash (2008:33) refers to the ‘compliance culture across the public sector. Unfortunately, the change happened anyway.

I would argue that there is a distinct difference and tension between the need to control, account for and standardize practice and the need to engage offenders in the process of change. Whether this tension is reconcilable is unclear. It could be argued that the probation officer’s freedom and ability to respond to each offender as an individual with different needs and different backgrounds or circumstances is enhanced by having some of the routine and generalizable factors taken care of by such systems of assessment. On the other hand, it could be argued that the necessity to think about and explore the particularities of each case is obviated as officers are relieved of the intellectual burden by being able to draw upon ready-made check lists and quantified systems for judging risk and assessing need. As Goodman notes, the espousal of the cognitive-behavioural model as a way of dealing with offenders (Maguire, 2000) has seen ‘a retreat from considering continuity with offenders as important’ (Goodman, 2008:48). He continues, commenting on the “The NOMS Offender Management Model” (Home Office, 2006, version2): ‘The report shows the influence of management consultants rather than those with a grip on the reality of working with offenders’ (2008:49).

Some recent commentators (Tallant, et al, 2008:75) have noted the shoots of a revival of interest in rehabilitation as the importance of the ‘practitioner-offender relationship’ is acknowledged in policy documents, yet it remains the case that such ‘shoots’ are being cultivated within a framework of ‘restrictive and punitive interventions and risk management’. Further, whilst it might be argued that the concept of ‘what works’ represented a ‘revived confidence in the belief that rehabilitation programmes for offenders could reduce their likelihood of re-offending’ (Merrington & Stanley, in Gelsthorpe & Morgan, 2007:440), it did not at the same time reverse the political and policy focus on
tougher sentencing and harsher community penalties and on performance targets and measures of effectiveness and efficiency. Merrington and Stanley link these trends, stating: ‘(w)hat performance management particularly does is operationalise the Government’s priorities by defining effectiveness in very specific ways which are likely to influence probation practice (2007:448, emphasis in original). From the Government’s perspective, priorities would be sustained reductions in criminality and crime, in the prison population, and in the demands on the public purse that high levels of crime and imprisonment entail. From the public’s point of view, especially those who have been victims of crime, an increased sense of ease and freedom from fear coupled with tough sentencing to punish, deter and satisfy the need for vengeance, is more likely to be a priority and, if achieved, the measure of success. However, from the perspective of the practising probation officer, whilst all these things would be welcome, ‘success’ would be something less tangible or immediate. Traditionally, probation officers have had to ‘play the long game’, sowing seeds that might bear fruit quite a long way down the line (Nash, 2008; Goodman, 2008). They recognised that change, especially in attitudes and behaviour, was not achieved overnight; that it required sustained effort, motivation and commitment – not something that many offenders have been used to in their lives (Trotter, 1999; Miller & Rollnick, 2002). To such officers ‘what works’ is a matter of degree and possibility. Measuring this, accounting for this, or even defining this is extremely difficult.

No-one could disagree with the assertion that probation officers should be accountable for what they do, or that they should be working to professional standards. What could be disputed is the way in which systems to achieve these aims were devised and imposed. In my view an opportunity was lost in the 1990s when managerial approaches, procedures and language were introduced at the expense of the ‘traditional’ professionalism of the service. There can be no doubt that many of the criticisms that were being levelled at the Probation Service at that time had some large grains of truth – accountability (internal as well as external) was unclear; professional autonomy meant that individual officers were largely left with the freedom but also the responsibility for the decisions they made.

However, addressing those issues need not necessarily have entailed the introduction of ‘performance indicators’, measurable outcomes, or quantifiable assessments. Before leaping (or being helped) onto the performance culture bandwagon, the probation service could have paid closer attention to developing systems which increased accountability and transparency without sacrificing some of its central principles and beliefs. The change could have come from within rather than allowing it to be imposed from outside; that way, more probation officers might have remained in the profession instead of quitting to leave the field open for the introduction of a more punitive and intolerant ideology to emerge. Being ‘the last’ to come under the spotlight should have forewarned the probation service as to what was coming. But many of the managers at that time had come up through the ranks and were not necessarily well versed in management-speak or in how to stand against it; the impression was given that, if we ‘just comply with this bit, perhaps ‘they’ will let us off the rest’. On such naïve hopes have many foundered.
The introduction and development of the National Offender Management Service (NOMS) in 2004, following the Carter report to the Cabinet Office (2003) has continued the drive towards centralized control that emerged has been a theme of government criminal justice policy since the first Statement of National Objectives and Priorities (SNOP) in 1984 through the establishment of a National Probation Service (as distinct from regional, semi-autonomous services) in 2000 to the current conjoining of probation and prison services under NOMS. The (albeit uneasy, see Senior et al, 2007 chapter 5,) alignment of these two criminal justice agencies represents an arm of the government’s ‘joined up thinking’ whereby offenders are subject to ‘end-to-end’ supervision whether in custody or the community, and serves to erode the distinction between the aims and approaches of the two agencies, preferring the controlling, punitive aim of prison to the rehabilitative, non-judgemental approach of probation. This conjoining has meant, in the minds of the government and its policy makers at least, a loss of probation’s distinct identity and purpose. It has not, however, resulted in a more coherent and co-ordinated approach to offender supervision (Senior et al, 2007; Goodman, 2008).

As I suggest above, I believe an opportunity was lost. Not all in the probation garden was rosy – far from it – but the shake up that the service has experienced in the past 20-25 years has been imposed by people without a comprehensive understanding or appreciation of what probation officers knew, did or believed in. As a result, the service now acts largely as an extension of the criminal justice system rather than, as it used to regard itself, the ‘humanizing face’ of that system.

An interesting post-script to the portrait of the probation service’s recent history, and one which serves to remind us that history so often repeats itself, can be found in Clifford Shaw’s 1930 ground-breaking study of ‘Stanley’ entitled “The Jack-Roller: A Delinquent Boy’s Own Story”. In this study, Shaw, a prison welfare officer in Chicago, chose to present a life story which he argued ‘reveals the essentially human aspects of the problem of delinquency.’ (Shaw, 1966:17) Such ‘human aspects’ – ‘attitudes and intimate situations’ – provide the probation/parole officer with crucial insight into the ‘fundamental nature of the behavior difficulty’ which ‘affords a basis for devising a plan of treatment adapted to the attitudes, interests, and personality of the (offender)’. (1966:17) Tellingly, for the present purposes, Shaw continues:

The large amount of failure in probation and parole work is not at all surprising, since the worker is forced, under the pressure of a heavy caseload, to deal primarily with the more formal and external aspects of his cases... In the absence of detailed knowledge of the delinquent’s personal attitudes and intimate situations, the worker’s relation to his case is necessarily more or less formal, and the treatment consists chiefly of attempts to gain control and effect adjustment through threats of arrest and punishment (1966:18, emphasis added).

Shaw was writing in 1930, but the picture he paints is disturbingly familiar.
References


