

THOUGHT PIECE

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RISK AND PRIVATISATION

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A privatised probation service will involve a plurality of providers with different histories, working practices, priorities and skills. This has implications for the management of risk. The most obvious aspect is the risk of leakage of sensitive data about offenders and their victims. Probation always handled data from other agencies - from prisons and police, shared data via Multi-Agency Public Protection Arrangements (MAPPAs). Usually the problem was risk assessment data on individuals not being efficiently passed between agencies (e.g. from prison to probation) leading to wrong risk assessments. This will now be joined by the problem of data leakage to the media and the 'lost laptop' problem will increase as members of consortia share sensitive data on offenders. Low cost, low skill private providers will increase the probability and frequency of the 'lost laptop' problem in turn raising issues of human rights and privacy.

The most effective solution for collaborating agencies is data centralisation in a separate, secure location accessible only to specified personnel. The logical solution would be that National Probation Service (NPS) holds all data. This would minimise problems of disposal of sensitive data when contracts terminate. But it would also increase the direct control of NPS over private Community Rehabilitation Companies (CRCs) thus undermining the whole privatisation project. NPS will in any case be much too small to handle such a central monitoring task.

Leakage is one problem, data falsification is another. Individual and system failure was the general explanation for failures to pass information (notably estimates of risk of further offending) from one public sector agency to another - in the Sonnex case from prison to probation (Fitzgibbon, 2011). Privatisation brings the additional problem that private providers with an eye to contract renewal have a disincentive to share data which might render them likely to blame. Thus in a 'Sonnex' scenario the private CRC might be

incentivised to hide or even falsify data which could show that it failed to report and refer back to NPS a change in the risk profile of a low or medium risk individual and thus undermine its chances of contract renewal. Serco and G4S have already (allegedly) demonstrated an ability to technically defraud government (Travis, 2013).

Yet the management of difficult offenders with dynamic, changing risk profiles requires maximum inter-agency trust and collaboration. That's what MAPPA was all about. Where taking responsibility has resource implications even in the public sector cash-strapped agencies have an incentive to adopt a stance of 'it's your problem not ours'. But the likelihood of multi-agency collaboration turning into a variety of buck passing is maximised where competing providers are looking over their shoulders at Payment by Results and contract renewal. Multi-agency collaboration between a mix of private probation (CRCs) and those agencies still in the public sector (e.g. social services, police) will be more difficult. All these problems - data leakage, buck-passing, inadequate interagency consultation and data sharing, will all be greatly facilitated by the mismatch of CRC geographical areas and those of other agencies, including local authority social services, police and notably the NPS.

But probably the most important consequence of privatisation will be an increasing disincentive to manage qualitative aspects of risk. Binary calculations such as re-offending or not over a given period marginalise issues such as risk of serious harm to self - including alcohol and drugs, to others - including children and harm to those suffering mental health problems. Whether clients are not re-offending due to self-harm through drugs, or indeed progress indicated by re-offending but of a less serious nature, would not be measured.

To adapt a payment-by-results model to measure such qualitative issues as whether offenders are desisting due to increases in quality of life, though not mathematically impossible, would create extended delays in measurement of outcomes prior to payment for results. This would penalise smaller voluntary sector agencies and play into the hands of big security industry providers such as G4S and Serco who could sustain delayed payments. Yet it is the latter who, unlike the voluntary sector and probation mutuals, inhabit a security culture where success is defined in simply binary terms. This may well explain the periodic failures of such organisations in the area of management of privatised prisons (Grice, 2012).

Probation mutuals are being forced to bid for contracts only as part of consortia and, together with voluntary sector agencies are most likely to win contracts when in consortia with large security providers. This will inevitably result in the dominance of binary forms of risk management, a process that will be exacerbated in the long run by the haemorrhaging of skilled probation staff towards YOT and social work. The old probation staff with sophisticated understandings of the complex lives of ex-offenders will be gradually displaced by the box-tickers. And of course public probation has already gone a considerable way down this road. In the short term there will simply be a chaos in which a common language of risk - as a basis for MAPPA collaborations and clear referrals up and down the risk scale to NPS will dissolve in the mix of multiple providers from a diversity of backgrounds, educational levels and motivations.

With failure of private management in the prison sector the possibility of return to the public sector exists but for probation such an infrastructure will rapidly disappear. The residue of the NPS will be too small and have too few qualified staff to be able to re-embrace the workloads of failing CRCs. The long term outlook is either the consolidation of a society based on surveillance, control and warehousing of an underclass or the resurrection of tradition probation through social work with offenders provided by extending the remit of local authority social work - if, that is, it has in the meantime managed to escape a similar fate.

References

- Fitzgibbon, W. (2011). *Probation and Social Work on Trial: Violent offenders and child abusers*. Basingstoke: Palgrave MacMillan
- Grice, A. (2012, 8th November). Bungling Olympic security firm G4S loses contract to run Wolds prison and fails to win any additional prison contracts. *Independent*.
- Travis A. (2013, 12th July). G4S faces fraud investigation over tagging contracts. *Guardian*.