TRANSFORMING REHABILITATION: TRANSFORMING THE OCCUPATIONAL IDENTITY OF PROBATION WORKERS?
Anne Robinson, Principal Lecturer, Dept. of Law, Criminology and Community Justice, Sheffield Hallam University

Abstract
This article explores the tensions and threats to the occupational identity of practitioners working with offenders, and identifies areas where the positive aspects of the probation service's values and humanitarian approach might endure under the changes being brought about by the Coalition's Transforming Rehabilitation agenda. It does so by reviewing change in the probation service and the nature of employee engagement with the service, drawing on recently published research with probation officers and trainee probation officers. It also reflects upon the literature analysing organisational change in the youth justice system and multi-agency working in children's services, as well as the author's own experience and views as a manager experiencing change and, currently, as an academic working with probation service officers (PSOs) on qualifying programmes for probation officers. Systems and structures may alter, but the process and pace of adaptation for individuals working within them is markedly slower, with resistance and reworking rather than radical overhaul, of occupational and professional identities. The article goes on to anticipate issues that might arise as the probation service and its workforce is divided across public, private and voluntary sectors.

Keywords
probation; rehabilitation; occupational identity; penal policy; corrections
The probation service is no stranger to changes in structure and remit. During its early decades it experienced relative stability despite expanding its activities, for example, into the parole system and community service (now badged as ‘unpaid work’). However, the extent and pace of change since 1997 has been unremitting, as New Labour, first, created the National Probation Service (NPS) in 2001 and then later brought prisons and the probation service together within the National Offender Management Service (NOMS) (Mair and Burke, 2012). Probation services, previously relatively autonomous and linked both to the magistracy and to their local authorities, thus became Probation Areas and then, following the Offender Management Act 2007, incorporated bodies in the form of Probation Trusts (Cavadino et al., 2013). Alongside this, the public protection agenda, the What Works initiative, the use of technologies, and increased attention to enforcement and compliance have each impacted on the day to day routines and working lives of probation workers. So it might be assumed that probation officers, PSOs and other staff are well used to change and able to accommodate its effects. But the probation service is now facing surely the most radical overhaul in its history, as ‘probation services’ are contracted out for delivery across public, private and third sectors. What does this mean for those presently working in Trusts? And what differences might offenders notice as more agencies are involved in their supervision and support? This article raises questions about the essential nature of probation supervision and the occupational identities associated with probation, exploring their relevance within new delivery organisations and potential areas of resistance, adaptation and eclipse.

Accounts of the origins of probation and its realisation in organisational form give different emphases to its role in social justice, redemption, and control or separation of ‘suspect populations’ from respectable society (see Vanstone, 2004). The history of the service has frequently been described in terms of ‘phases’, one notable example suggesting that it moved from the missionary phase through welfare and diversion from custody phases towards more recent orientations towards punishment in the community and then public protection (Chui and Nellis, 2003). The reality of practice is less clear-cut, although changes in social and political norms certainly mean that the ‘problem’ of offending – and, inevitably, law-breakers – becomes framed by practitioners in different terms: ‘redeemable or damned, treatable or recalcitrant, safe or risky, motivated or unmotivated’ (Canton, 2011: 29). Current reference to offender management rather than probation supervision as the dominant way of describing the work of the probation service is a case in point. To what extent does this represent a real shift towards a technocratic and businesslike approach? Or does the term seek to mask the essential continuity in both human interactions between probation officers and probationers, and the normalising function (benign or otherwise) of probation?

These questions are certainly not settled. Yet, in the face of the Transforming Rehabilitation reforms (MoJ, 2013a; MoJ, 2013b), they become highly significant when we consider the practices and values that might transfer out of the probation service into the new Community Rehabilitation Companies (CRCs) as staff move from one to the other. They are also relevant in anticipating what motivations and values might guide this new version of the NPS, tightly focused on work with higher risk offenders and in the courts to assist sentencing and enforcement procedures. From a critical perspective, Cavadino et al (2013: 134) fear the ‘withering away’ of supervision of probationers and even question the
continued existence of the probation service. Similarly, Mair and Burke (2012: 181) look to a bleak future and fear that ‘a small island of decency and humanity in the criminal justice system may be disappearing’. Elsewhere, Whitehead (2010) wonders whether reform and modernisation of the probation service have moved it so far from its original role in humanising justice that its ability to retake that role in the penal system has been damaged beyond repair.

Others are more guarded in the way they anticipate the future, and Canton (2011) in particular, stresses the importance of what the probation service continues to represent and its values, such as belief in the possibility of change and social inclusion. McNeill (2011) characterises probation as a justice agency, with key roles in advocating for probationers in relation to access to social goods that have been denied and mediating between law breakers, their communities and social institutions. This ideal view contrasts with the reality of delivering community sanctions in a tough penal climate dominated by public protection but, he argues, is critical for the long term legitimacy and credibility of probation. At this point, it is uncertain whether a doom-ridden or a phoenix-rising vision of the probation future is more likely to come about, although some hints might be gathered from empirical evidence gathered from probation officers and trainees.

The occupational cultures of probation officers have received much less attention than those of police and prison officers (Mawby and Worrall, 2013); the probation service has a less institutional structure, and its cultures and associated values are perhaps more varied and nebulous. Although for many years, probation was encompassed within the social work profession, a separate, agency-specific training programme has been available since 1998. The initial version, the Diploma in Probation Studies (DiPS) sought to combine academic studies with competence-based assessment in the workplace. The present iteration takes this a stage further by recruiting and targeting training at existing employees at PSO grade, who are expected to balance a significant operational role with their academic and workplace learning. This is a huge demand on each individual learner and it is very much to their credit that they have committed to training and stuck with it in these turbulent times. As course leader for one of the present qualifying programmes, my experience of learners is that they are highly motivated, interested in working with people and believers in personal change, although, as would be expected in a training structure linked more explicitly to the employer needs and the workplace, there is also evidence of instrumental rather than reflective learning and the ‘culture of utility’ noted by Millar and Burke (2012).

This resonates with the findings of Mawby and Worrall’s (2013) research with existing or former probation workers, which roughly grouped them into ‘lifers’, ‘second-careerists’ (who had significant work lives or careers before joining the probation service), and ‘offender managers’. This latter group had trained under the Diploma in Probation Studies arrangements, and were characterised as being predominantly female, fully conversant with administrative systems and technology, but markedly less conscious of community and social-structural conditions than the other two groups. Compared to the more vocational orientation of ‘lifers’ and ‘second-careerists’, they also took a more pragmatic view of their work-life and valued aspects of their job such as security, status and salary (bearing in mind the fieldwork for this study was conducted in 2010/11).
Yet the authors note that ‘beneath the surface, however, was a principled rehabilitative approach to working with offenders and a readiness to move on if they were not allowed to work in the way that they wanted’ (2013: 34). Furthermore they found that ‘regardless of age or experience, our interviewees shared a belief in the worthwhileness of working with offenders in the community’ and were struck by the determination of individuals in all three groups to maintain a positive sense of self-identity and, above all, to ‘ “make probation work” ’ (2013: 40).

These continuities are also reflected in Deering’s (2010a) research with DiPS trainees and in the summary of three studies presented by Anison et al (2008). The latter notes that, despite efforts to change the profession by removing it from social work training, the essential nature of the probation task is still ‘peoplework’ which demands sophisticated skills in order to respond to complex situations and individuals who may be damaged, disadvantaged or even dangerous. Mawby and Worrall (2013) further identify probation as “dirty work” of a kind that is necessary for society, but which has lost status and public trust, in particular through the service’s closer links with the prison service and highly vilified groups such as sex offenders. In this context, despite the impulses towards managerialism and increased tolerance of punishment, probation continues to need – and it would seem has continued to recruit – individuals motivated and capable of engaging and showing empathy towards offenders and their capacity to make positive change; individuals who are also able to maintain a view of this work as worthy and valuable even in the face of public ignorance or even antagonism.

So there may be aspects of professional identity and core beliefs that have remained consistent (Deering, 2010b), alongside tensions and conflicts about the performance of tasks, attention to targets and dominance of risk-thinking which may vary more significantly according to the worker’s experience and training background. It may be helpful to look further at the question of values and occupational cultures, an important element of which are constituted through common practices and routines, as well as expectations and organisational requirements. These have changed in dramatic fashion in the past 20 years since the initial introduction of National Standards. Practice has since been shaped by increased use of technology, structured one to one and group interventions, the norms around interagency working and more circumscribed interactions with offenders. The location of practice in large open plan offices often sited on industrial estates also impacts upon its feel and texture. Offenders are seen in offices, rarely in their homes, and there is regrettably little of the community engagement that Senior (2013) remembers from his practice in the 1970s and 1980s. Relaxation of contact requirements in the 2011 National Standards (MoJ, 2011) may have enabled probation workers to prioritise spending time on cases of greater risk, need or vulnerability, but research nevertheless still suggests that too often workload pressures result in short interviews that function as a ‘checking in’ rather than a meaningful intervention (see, for example, King, 2013). All of these practical and organisational arrangements affect the culture of the agency as played out in the interactions between workers and the norms that develop around routine tasks. These may conflict with the underlying values that workers hold, and it is interesting that studies involving experienced probation officers have uncovered resistance (Gregory, 2010) or creativity around the margins of practice standards and expectations (Mawby and Worrall, 2013) rather than a uniform
and mute conformity to organisational behaviours. The room allowed for professional discretion (Deering, 2010b) and the agency of probation workers (King, 2013) can thus be used to mitigate against pervasive managerialism and people-processing.

Structural changes to date have reshaped and reformed the probation service and its governance: the current proposals (MoJ, 2013a; 2013b) aim to break it apart. This means that change will not happen gradually, but over a much shorter timescale with a large portion (albeit unclear exactly how much) of the probation workload prospectively moving out of the public sector. As I write, the work of identifying which areas of work and work teams will stay in the public sector and which will transfer to the CRCs is underway. Earlier I suggested that key elements of the occupational culture of the probation service have changed progressively, with probation workers adapting to altered ways of approaching tasks and organisational arrangements. The time and space for adaption will be radically reduced in the current structural upheaval. To anticipate what might happen, it may be helpful to look closely at the reforms of the youth justice system in 2000 that literally threw professionals from different areas together and asked them to reinvent practice. Further learning may come from the attempts to integrate children’s services under the Every Child Matters agenda (DfES) and the development of inter-professional teams there.

The experience of youth justice is instructive. In the 1990s, practice was primarily located in social services departments, with probation playing a lesser role and specific interventions being delivered by the voluntary sector or the police. The Crime and Disorder Act 1998 reforms were radical in terms of bringing youth justice work out of the established agencies and creating new inter-agency teams. This was motivated by New Labour’s professed belief in ‘joined-up’ solutions to complex social problems, but was also an expression of the antagonism towards social work (Robinson, 2013) evident in the No More Excuses White Paper (Home Office, 1997) that had preceded the legislation. However, my own experience as a manager in a youth offending team (YOT) suggests practitioners in the new system did not immediately take on board the practice model promoted by the Youth Justice Board, focused on the risk factor prevention paradigm and prioritising prevention of offending. In reality, welfare concerns and the influence of social work, although under pressure, were still very much apparent in the early life of YOTs (Boden and Ellis, 2004; Field, 2007; Souhami, 2007). Indeed, on the basis of their study of a developing YOT, Burnett and Appleton (2004: 40) comment that, even in the midst of change, still ‘the social work ethos is a hard nut to crack’. Souhami’s (2007) ethnographic research over the first year of a YOT examined in more depth the experiences of practitioners and the way that their occupational identity was called into question. This happened both for the social workers who had formed the basis of the pre-existing youth justice team and for the practitioners from other disciplines who joined that core group, creating a crisis in meaning and security of purpose which Henderson (2013: 170) identifies as ‘professional ontological insecurity’. Naturally, in these circumstances practitioners look to familiar roles, routines and shared language to bolster their sense of self, and consequently change in the norms around practice and culture tends to be gradual and perhaps uneven, prompted by new procedures, technology or the physical environment over time. Small scale research around the setting up of a Sure Start local programme (Morrow et al, 2005) suggests that change cannot be achieved quickly and
should take into account professional anxieties. In the context of creating multi-
disciplinary teams in children’s services, Anning et al (2010) also describe how
occupational identities may be destabilised as role boundaries are blurred and tasks and
responsibilities are allocated or shared in unfamiliar ways. The experience in children’s
services and in youth justice reveals the pain, confusion and uncertainty for individuals
involved in rapid change forced by external pressures or directives.

The probation service in its present position might look closely at these experiences
because they suggest that practitioners transferring to the new CRCs may retain elements
of the ethos and practices of the probation service for some time, perhaps because of the
understandable need for security, perhaps to shore up a sense of professional purpose.
In YOTs, the change on the ground lagged behind headline policy development by some
margin, so the impact of targets, computerisation, specific National Standards for youth
justice and introduction of a formulaic assessment process (Asset) took some time to bite.
Recent research suggests that New Labour’s highly interventionist YJS has caused
practitioners to take a more conditional approach to welfare interventions, valuing them
for their potential impact on offending rather than as a moral good (Phoenix, 2009).
Bateman (2011) also found them to be more acquiescent to enforcement and the use of
custody for young people, both of which would have been anathema to a previous
generation of youth justice workers. So, over a period of time new practices and practice
expectations have become normalised, but there has also been a considerable turnover in
staff, with many now working in the youth justice system having no knowledge or memory
of youth justice before YOTs. Souhami (2009) charts the YOT trajectory, noting that YOT
work, rather than being a multi-agency enterprise, is moving in the direction of assuming a
professional status in its own right, with its own knowledge base, training, values and
skills. Thus the shared narratives that sustain the occupational identity of YOT workers,
for the majority, will no longer refer back to memories of the ‘old’ youth justice and the
particular mixture of values and principle enacted there. CRCs may develop in a similar
way. In the first instance, they will be largely populated by workers who are
knowledgeable about the probation service and may still feel the grip of loyalty to their
old employer. But inevitably, over time, there will be greater separation and these
practitioners who remain with the CRC will forge a stronger identification, distinguishing
their new roles and identities from probation through co-creating narratives with other
employees from non-probation backgrounds.

This begs some questions about the future demographic of the CRC workforce and its
possible heterogeneity. As they develop they may attract a mixture of practitioners and
managers from diverse occupational backgrounds, and consequently potential exists for
creativity or conflict in the tensions associated with bringing different groups together.
However, achieving a healthy blend of skills and experience will depend on recruitment
and the salaries and conditions offered, which may not be attractive to established
professionals. A less optimistic scenario suggests a largely de-professionalised workforce.
Most learners on the present qualifying programmes for probation officers will be
retained by the NPS and, at this stage in the contracting process, it is too early to predict
what training and development routes might be available within CRCs and whether these
will be academically accredited or primarily competence-based. A best guess is that there
will be areas of specialised practice which will receive significant training investment,
while the majority of workers will find that training is focused on their job roles and functions. However, this is not certain, and approaches may vary between, and even within, private sector organisations, as they currently do in the public sector. Predictions are further complicated by the presence of probation service mutuals amongst the possible bidders for CRC contracts, which might allow another chink of light in terms of continued commitment to staff training and development based on principled approaches and concern for individuals. Moreover, bids for CRCs will include smaller partner organisations from the voluntary and third sector (as ‘supply chain partners’), which may add significantly to the variety of roles and opportunities available. These also have their independent cultures and communities of practice (Wenger, 1998), although they inevitably make some compromise and accommodation in the process of competing and contracting for statutory work (Gough, 2010).

This all points to the probable co-existence of multiple cultures within CRCs, and in the medium term, it is reasonable to suppose that they may develop according to the degrees of freedoms and flexibilities allowed. *Transforming Rehabilitation: A Strategy for Reform* (MoJ, 2013a: 13) states that:

> While our providers will need to ensure that orders of the court are met and that licence conditions are enforced, we want them to have as much flexibility as possible in their approach to rehabilitating offenders. We want to put trust in the front line professionals who work with offenders and to free them from bureaucracy.

This is a laudable aim, but several tensions are apparent here. First, creativity and innovation requires resources to allow for experimentation and pilot projects, and this will be difficult for CRCs to commit when contracts are awarded in a tight fiscal climate. Second, true innovation inherently involves a degree of risk-taking which is unlikely to be welcome in the context of contracts and Payment by Results. Third, while National Standards and performance targets may be reduced, it is likely that CRCs will identify their own interim measures of performance against the broad outcome targets set in contracts. So it is by no means certain that practitioners on the ground will have permission for discretion and innovation in the way that *Transforming Rehabilitation* envisages, particularly in relation to enforcement and the interface with NPS. Finally, because new ways of delivering rehabilitation is an express intention of these reforms, no doubt CRCs will invest in showpiece projects but the question is whether there will be a determined will to take the learning from such projects into mainstream practice. So we might anticipate from this that there may be pockets of innovation and creativity in CRCs, but that they are likely to be dominated by routine practices and processing of offenders, bearing in mind that the numbers of low risk offenders currently under supervision to the probation service will be swelled once new responsibilities for short term prisoners come into force.

Part of the humanitarian ethos of the probation service has historically been acted out in its efforts to respond to the social needs of probationers and prisoners, needs such as housing, benefits and health. However, the recent focus of probation practice on cognitive behavioural interventions and risk management has effectively prioritised
developing ‘human capital’ over ‘social capital’ and practical assistance to overcome obstacles (Farrall, 2002; Farrall and Calverley, 2005). This is particularly a concern where individuals are in the early stages of desistance where motivation and capacity to change may be fragile (King, 2013). Here, the CRCs could be configured so that they offer more accessible and realistic help to probationers with the practical and social problems that they face, and the expectation that they do so is clearly signposted in the MoJ documentation, most explicitly in relation to resettlement (MoJ, 2013a). There may be issues about sheer volume of work and engagement with the communities where probationers and prisoners on release will live, but nevertheless there are grounds for cautious optimism.

Community engagement, of course, was a hallmark of the probation service for many decades (Senior, 2013). What are its prospects in the new NPS? A cursory glance suggests fairly poor, but certainly not entirely written out of the script. Concentrating on high-risk offenders necessarily means awareness of the community settings in which they live (or are specifically placed). Where individuals are subject to intensive intervention, they may be matched to volunteers or engaged with Communities of Support and Accountability. They may also be involved in restorative conferencing and community reparation activities. Naturally, this is different to community engagement with the aim of empowerment and enhancing community capacities, but some community focus nevertheless persists. If we consider also desistance-focused work which should encompass appropriate ‘generative activity’ (see for example, Maruna, 2001), providing it has a will to do so, the NPS could find itself connecting with a significant number of community and voluntary organisations on behalf of probationers and through the probationers’ own efforts and engagements.

This leads us to consider what supervision of high risk offenders might look like in the new NPS. The first thing to note is that the term ‘supervision’ will shortly disappear as the Offender Rehabilitation Bill proposes to merge the supervision and activity requirements on the community order within one rehabilitation requirement. It must also be noted that rehabilitation as presented in the Breaking the Cycle White Paper (MoJ, 2010) and in Transforming Rehabilitation (MoJ, 2013a: MoJ, 2013b) is largely instrumental and concentrated on the aim of reducing reoffending. Interestingly, research amongst probation practitioners shows that, while they are conscious of risk in terms of re-offending, harm and public protection, they retain a concern for individuals. John Deering, for example, in his study of 51 probation workers found that:

There was little to suggest an adherence to new penality thinking, despite the acknowledgement of the relative importance of risk and enforcement. In the main, practitioners had joined the service to offer constructive ‘help’ in the broadest sense to try and facilitate personal change, a reduction in personal problems and a reduction in offending, which together were seen as ‘rehabilitation’. (2010: 464)

Deering’s research was conducted in 2005/6 and he recognises that the tone of penal thinking since is likely to make it harder for probation workers to practice in their preferred way. On the face of it, absorption into the NPS could indeed exacerbate such
difficulties, because the focus will be so explicitly on public protection and it is a safe presumption that there will be little margin allowed for error. Already, practitioners are excessively concerned about the prospects of individuals on their caseloads committing Serious Further Offences, and this steers practice in an avowedly defensive direction. The probation service has always balanced care and control, but these changes could move it decisively further towards the control axis. Certainly control measures may be needed in cases of high potential risk, but experienced practitioners know only too well that success in managing risk and achieving change is best realised through relationships and working collaboratively with individuals. And this requires a high level of skill, professional judgement and an open, empathic approach. But what are the prospects for such an approach existing, never mind thriving, in the NPS?

Charged with public protection and, as a new agency, no doubt concerned with issues of public confidence, the NPS will clearly feel the impulse to use the powers and controls at its disposal. This could result in practice which is oppressive and impinges on rights in ways that that are disproportionate or unjust. However, the practitioners retained by the NPS will be highly trained, with the majority being qualified probation officers and so, in the right environment, capable of exercising discretion, using necessary constraints conservatively and well, and adopting strength-based approaches. The ‘right environment’ in this instance, though, is highly contingent on the calibre of the managers who stay with the NPS, their imagination and their ability to support and stimulate responsive, research-informed practice. There are tools that might help: the Offender Engagement Project will be active in the NPS; for the time being, the existing probation officer training programmes remain in place; the nascent Probation Institute could act to bolster professional identity and standards; and the body of research and literature on desistance and desistance-focused approaches to practice is growing and provides rich material for development. Much of this relates to holistic assessment of need and attention to social circumstances, so it is essential that the NPS is confident and able to look outwards to other agencies – including, critically, the CRCs who will deliver many services and interventions on their behalf.

So there are opportunities and there is a great deal of threat associated with Transforming Rehabilitation. The NPS could forge a distinct identity and status, continuing the traditional probation role as a justice agency, characterised by humanity and compassion. Or it may not. The CRCs could introduce new ideas and practices, linking to communities and providing constructive help and support for individuals. Or they may do so patchily, or not at all. At this point we can only speculate - perhaps with some hunches about what may come about, but it is still guesswork and, in the time honoured phrase, only time will tell. Many of us will be waiting and watching with not a little anxiety.
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Transforming Rehabilitation: transforming the occupational identity of probation workers?


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