

# Professional Legitimacy, Identity, and Practice: Towards a Sociology of Professionalism in Probation

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This paper draws from Foucauldian understandings of the sociology of the professions to explore legitimacy, identity, and practice in probation after the *Transforming Rehabilitation* (TR) reforms to services in England and Wales. A discourse of ‘professionalism’ was crucial to the Coalition Government’s mobilization of TR; however, the contested nature of the term is rarely acknowledged in a probation context. Based on an ethnographic study of a privately-owned Community Rehabilitation Company, the paper demonstrates how professionalism in probation has been reshaped by punitive, managerial, and rehabilitative ‘adaptations’. It argues that professionalism has been detached from its ideal-typical groundings, becoming a malleable practice of (self-)government which is integral to how probation professionals demonstrate their legitimacy to multiple (and competing) actors in a network of accountability – the state, the public, offenders, adjacent organizations, and, additionally, private providers. Accordingly, appeals to a discourse of professionalism are a source of meaning for staff and a disciplinary mechanism that governs their conduct ‘at a distance’.

**Key Words:** probation, professionalism, *Transforming Rehabilitation*, legitimacy, professional identity

## INTRODUCTION

‘Profession’ and its derivatives are disputed concepts: understandings differ based on when and where ‘professional’ groups arise and are contingent upon their relationship with the state (Burrage *et al.* 1990). In a probation context, such contestation is seldom acknowledged; when mentioned, debates on ‘professionalism’ typically refer to what the service has allegedly ‘lost’. This literature draws upon the ideal-typical tenets of professional legitimacy to highlight attempts to change the service’s culture, identity and values (Robinson and Ugwudike 2012); erode its knowledge, education and training (Farrant 2006); and constrain its autonomy overwork (Fitzgibbon 2007). The alleged demise of ‘professionalism’ was integral to the Coalition Government’s (2010–2015) articulation of the *Transforming Rehabilitation* (TR) reforms to probation in England and Wales, which divided services between the publicly-owned National Probation Service (NPS) and 21 privately-owned Community Rehabilitation Companies (CRCs). Professionalism in probation, it was argued, had been stymied by government interfer-

ence; *restoring* it by establishing markets for low-to-medium risk offenders was vital to attempts to create an efficient, cost-effective service (Ministry of Justice (MoJ) 2010; 2013).

A desire 'to unlock... professionalism' (MoJ 2010: 9) to improve performance sought to overlay the interests of diverse groups – the public, private providers, practitioners and offenders – with appeals to the superiority of the market over the state. However, the detrimental impact of TR on probation has been widely observed (see HMI Probation 2019; 2020; NAO 2019), culminating in the decision to return *all* services to the public sector in June 2021 (HMPPS 2020). For example, then-Chief Inspector of HMI Probation Dame Glenys Stacey described how a transactional model of probation had 'downgraded' and 'diminished' the profession (HMI Probation 2019). Commercial pressures undermined the norms and values on which professional practice depends, exacerbated by a Payment by Results (PbR) mechanism through which private providers were paid that was 'not well suited for probation services' (NAO 2019: 9). These criticisms of TR stand, therefore, in stark contrast to the Coalition Government's articulation of market logic as the means through which to reinvigorate 'professionalism'.

The well-documented struggles of CRCs have prompted questions on the legitimacy of private probation providers. Such scholarship draws attention to the 'multidimensional' nature of legitimacy, of the stakeholders to whom the service is accountable (Robinson *et al.* 2017; Fitzgibbon and Lea 2018) and how authority is established and maintained (Deering and Feilzer, 2017; Carr and Robinson 2020). Robinson (2020) highlights *external* and *internal* dimensions of legitimacy: the former concerns recognition from extraneous groups and organizations; the latter relates to the identity and self-image of the service and its staff. This paper brings another dimension, *professional legitimacy*, to this literature, foregrounding probation staff as the translators of practice. It provides a lens through which to explore sustained efforts to transform the traits on which probation's status as a profession was founded and how these changes have impacted staff attempts to demonstrate the service's legitimacy to multiple stakeholders, such as the state, the public, offenders, overlapping professions and, most recently, private providers. 'Professionalism' – defined, in a Foucauldian sense, as a practice of (self-)government which is crucial to establishing and maintaining a profession's (ongoing) legitimacy with numerous constituents (Fournier 1999; Evetts 2013) – is thus central to the analysis.

Drawing on an ethnographic study of 'Elizabeth Street', a pseudonym for a privately-owned probation office in England, the paper takes TR as a case study through which to explore how professionalism in probation has been *reshaped*. It utilizes Foucauldian interpretations of the sociology of the professions to situate the reforms on a late-modern continuum of social, economic, political and cultural challenges to the foundations and legitimacy of the probation profession. The first part locates probation on a 'network of accountability' (Fournier 1999: 286) which has expanded the constituents to whom the service is answerable. The second part provides an overview of the methodology. The third part highlights the importance of the language of 'probation' in attempts to (re)assert legitimacy and identity at Elizabeth Street, while the fourth part explores how the service's need to demonstrate its legitimacy to other stakeholders has permeated staff understandings of professionalism. The final part scrutinizes the tensions between market metrics and the service's traditional, client-centred ideology of service. Amidst a decades-long challenge to professional legitimacy in probation, the paper argues that a discourse of professionalism is fundamental to how staff translate their norms and values into identities and practices commensurate with multiple (and conflicting) ends. In this way, it is a source of meaning for staff and a mechanism which disciplines their conduct 'at a distance' (Miller and Rose 1990; Fournier 1999).

In the absence of broader sociology of professionalism in probation, scholarship on the service arguably points to a loss of its 'roots, its traditions, its culture, its professionalism' (Mair and Burke 2012: 192). This paper, therefore, seeks to challenge this narrative of decline. It can

enhance theoretical understandings of professionalism in probation while adding another dimension to a growing literature on the service's legitimacy. In addition, the study's empirical findings can inform debates on the impact of marketization on staff, in probation and beyond – especially in jurisdictions susceptible to such trends.

### PROBATION, 'PUBLICS' AND PROFESSIONAL LEGITIMACY

There is remarkable consistency across competing theoretical traditions within the sociology of the professions as to the ideal-typical traits that render 'professions' a distinct category in the division of labour (Evetts 2013). An occupation's legitimacy as a profession, this literature contends, is derived from state-approved *jurisdiction* over a particular activity; mastery of *abstract knowledge* learned through prolonged *education and training*; socio-economic and technical *autonomy* over the organization of work; and a client-centred *ideology of service* (Freidson 1970; Abbott 1988). Probation's professional project also depended upon the acquisition of, and state support for, these ideal-typical traits. McWilliams (1983; 1985), for example, charted the professionalization of the service in the early twentieth century. From its origins in the philanthropic work of the Church of England, probation established itself as the *only* service authorized to provide supervision in the community. Religious influences on probation were gradually displaced by *social work knowledge* acquired through Home Office-funded training, as practitioners were trusted to diagnose offenders' problems and *work autonomously* towards solutions. Attempts to cultivate relationships with offenders, captured in the words 'advise, assist and befriend' (Mawby and Worrall 2013), constituted probation's *ideology of service*.

Professional legitimacy is most secure when practices, knowledge and identities align with the 'norms and values of other actors' (Fournier 1999: 286). Indeed, for most of the twentieth century, the state, public and probation staff shared the common goal of offender rehabilitation (Garland 2001). However, postwar confidence in the service was undermined by rising crime. A failure to reduce the size of the criminal justice system, Cohen (1985) alleged, was an important rationale for the continued growth of its professions. Such enlargement constituted a dispersal of discipline, albeit concealed within the penal-welfarist rhetoric of decarceration. With scant evidence as to the successes of penal-welfarism in reducing crime, probation was no longer perceived as competent (Garland 2001). Such pressures resulted in a challenge to the service's legitimacy and, over the course of a generation, practitioners were forced to adapt their practices to the demands of late-modern society (Robinson 2008). After all, as Freidson (1970: 73) observed, a profession must maintain contact with 'the knowledge and values of its society' if it is to survive.

Since the 1980s, governments have shown that they could question the professions and their social functions (Evetts 2013). Here, Foucault's (2008) exposition of the neoliberal turn has exerted considerable influence over the sociology of the professions. Foucauldian accounts foreground the professions' (changing) role in the exercise of 'governmentality', a term that encapsulates the transformation from sovereign power to government 'at a distance' (Miller and Rose 1990). The liberal political economy that defined the nineteenth century sought to govern through the freedom of autonomous subjects: dispersal of professional knowledge in fields such as medicine and law served as a mode of translation between established authority and citizen-subjects, providing the latter with the 'truths' to govern their lives in a free and responsible manner (Dean 2010). And yet, merely possessing such knowledge was insufficient; professionals also had to act 'professionally' to 'establish their legitimacy in the eyes of those in the name of whom they govern' (Fournier 1999: 285). Thus, 'professionalism' has normative connotations, for professionals must *demonstrate* that they are worthy of such status.

Under neoliberal governmentality, [Fournier \(1999\)](#) argues, professionalism is no longer grounded in ideal-typical 'professional' traits; rather, it has been appropriated and extended as a (self-)disciplinary device. This shift can be situated within changes to the structure of work. A 'discourse of professionalism' ([Evetts 2013](#): 780) has become a compelling resource with which to align workplace identities across a range of organizational contexts with emergent rationalities of autonomy and flexible accumulation. Organizations encourage employees to prioritize clients while demonstrating their legitimacy to other constituents (shareholders, the state, taxpayers, etc.) through 'budget controls and audit' ([Fournier 1999](#): 288). The former can be a source of meaning that is self-imposed through professionals' values; the latter is a form of regulation and control which is enforced via market metrics ([Evetts 2013](#)). Appeals to 'professionalism' convey normative expectations for conduct, functioning as a (self-)guiding mechanism in professionals' (ongoing) demonstration of legitimacy. In this way, professionals can be located on a 'network of accountability' ([Fournier 1999](#)) in which competence is translated in divergent ways according to the needs of a particular stakeholder.

[Robinson et al. \(2017](#): 140) draw upon the legal, moral and normative dimensions of legitimacy to argue that the probation service operates in a 'polyarchic context'. Legitimacy is a 'social process' ([Robinson et al. 2017](#): 138) that reflects the shifting expectations of multiple constituents. They identify five key stakeholders to whom the service must demonstrate its legitimacy: the public, offenders and victims, ministers and civil servants, sentencers and probation staff and their representatives. The conduct of probation professionals, it follows, is crucial to the service's legitimacy: as the 'street-level bureaucrats' responsible for delivering services, they mediate the relationship between government and its representatives, offenders and the citizenry ([Lipsky 2010](#)). Hence, as a mode of conduct through which norms and practices are aligned with multiple (and conflicting) interests, 'professionalism' becomes integral to the communication of legitimacy ([Fournier 1999](#)).

For [Newman and Clarke \(2009\)](#), the 'public' is one such entity that is not defined by collective interest, but by a conflict of ideologies. If the meaning of the 'public' was fixed, spatially and temporally, in a Keynesian chain that linked state and citizenship with the collective benefits accrued from public(ly-funded) services, then they suggest that late-modern attempts to realign the boundaries of the state have disrupted the ways in which the term is mobilized. The 'public' has thus become a key resource in the process of 'modernization', entangled within and contested through the interests of government and markets, family and state, the individual and the social. In a probation context, the public interest has come to be expressed through *punitive*, *managerial* and *rehabilitative* penal 'adaptations', deployed to strengthen the service's legitimacy ([Robinson et al. 2012](#)). This has been accompanied by efforts to reshape the ideal-typical traits on which professional legitimacy was predicated.

Part of the 'politicization' of crime, the *punitive* discourses that were largely absent from public debate in the postwar years was a prominent feature of Margaret Thatcher's ascension to government in 1979 ([Garland 2001](#)). However, a failure to reduce crime in the 1980s inspired *managerial* objectives oriented towards a more accountable, cost-effective criminal justice system ([Robinson et al. 2012](#)). Such developments are characteristic of neoliberal governmentality, in which market-like metrics are imposed to transform institutional and individual practices in accordance with macroeconomic benefits ([Dean 2010](#)). Once an individual or group is perceived to be a hindrance to these ends, 'they can be legitimately cast off or reconfigured' ([Brown 2015](#): 84). [Sommerlad's \(2004\)](#) research on legal aid lawyering, for example, shows how the ideological manufacture of the user of welfare services as a burden can be utilized to justify reductions in expenditure. The 'real client of publicly funded services' ([Sommerlad 2004](#): 358) is not the service user but the public-as-taxpayer, who is entitled to 'value for money'. Indeed, greater central control over probation was justified through assertions as to the efficiencies that would

result from curtailing the autonomy of practitioners, chief officers and locally administered services (Robinson *et al.* 2012). Mirroring broader patterns of public services administration (Power 1997), these efficiencies were pursued via market-like mechanisms such as performance targets and audits (Phillips 2011).

However, continued rises in crime in the early-1990s brought responses to criminality that were perceived to be too 'soft', like probation, into sharp focus. The former Conservative Home Secretary Michael Howard's (in)famous 'prison works' speech, in 1993, prompted a precipitous increase in the prison population (Raynor and Vanstone 2007). Such *punitivism* filtered into community sanctions and measures, part of their 'quest for legitimacy' (Robinson *et al.* 2012: 327). The repeal of social work training requirements for practitioners in 1995 established further cultural divergence from the service's traditional values and practices (Farrant 2006). Attempts to eradicate the subjectivities of social scientific knowledge built upon the introduction and regular revision of National Standards in 1992, which sought ever-greater consistency in practice (Phillips 2011). These guidelines for practice not only challenged practitioners' autonomy overwork, but also excluded the service's historic 'advise, assist, befriend' ideology of service from the guidelines (Deering 2010).

That probation can be considered 'dirty work' (Mawby and Worrall 2013) has rendered it vulnerable to efforts to reshape professionalism, particularly under New Labour's 'modernising' agenda. Social work training was not reinstated when they assumed power in 1997, as trends towards centralization intensified (Mawby and Worrall 2013). The creation of the NPS in 2001 expected '[n]othing short of deep-rooted culture change in the organization' (NPS 2001: 5), as 'enforcement' became the service's key performance metric (Robinson and Ugwudike 2012). Accordingly, probation conveyed its legitimacy to the public, as a 'law-abiding majority' (Faulkner 2008: 76) who must be protected, through punishments for offender non-compliance. Before these reforms could become settled, the Carter Report (2003), and the subsequent establishment of the National Offender Management Service, also sought to demonstrate probation's legitimacy to the public-as-taxpayer via the efficiencies generated through (unrealized) efforts towards greater 'contestability' (Mawby and Worrall 2013). Here, organizational restructurings under New Labour were both conflicting and complementary: the service's attempts to demonstrate its legitimacy to the public as a *punitive* force, and the resultant increase in the prison population, heightened the need for *managerial* (and market-based) efficiencies.

The pressures placed on the service as a result of higher caseloads meant that risk management discourses, objectives and techniques became embedded within probation under successive New Labour governments (Hardy 2014). Whether risk management represents an assault on professionalism (Fitzgibbon 2007) or a necessary step in the reinvigoration of rehabilitative legitimacy (Robinson 2008), there is widespread consensus on the extent to which it has reshaped probation practice. As a technology of (probation) governance, risk management presented a 'claim to a disinterested truth' (Miller and Rose 1990: 10), a mutually constitutive language within which rehabilitation could co-exist alongside punitive and managerial ends. Risk management, therefore, provided a means for the service to demonstrate its legitimacy to different 'publics' in its emphasis on public protection *and* cost-effectiveness.

The surrender of some of the 'mystique' of abstract knowledge to the consistency promoted by risk management has been augmented by the disciplinary logic of targets and audit (Hardy 2014). However, while practitioners have had to internalize market-led dynamics to 'justify the service's existence' (Phillips 2011: 111), their implications for autonomy have arguably been overstated. Studies have consistently shown that, while some control overwork has been lost to managerial processes, professional discretion remains integral to probation practice (Robinson 2003; Hardy 2014; Phillips 2011). For example, in their evaluation of 95 recorded probation supervisions, Raynor and Vanstone (2016: 1142) found that 'the skills observed... are clearly part of the skills repertoire traditionally valued and taught in social work'.



Accordingly, the introduction of knowledge and practices supposedly antithetical to the logic of professionalism does not mean that it will be supplanted (Freidson 1970). As Robinson *et al.* (2012) have argued, rehabilitative interventions often occur as part of or alongside other penal 'adaptations'. This suggests an entwining of the 'old' and the 'new', of the service's historic focus on *rehabilitation* with emergent *punitive* and *managerial* ends. The ways in which the service demonstrated its legitimacy, and thus how probation staff expressed their professionalism, were reshaped by the norms and values of late-modernity.

For the Coalition government, however, New Labour's managerial approach to probation services had stymied professionalism, driving increases in the size and cost of the criminal justice system (Moj 2013). As argued above, a discourse of 'professionalism' was mobilized to justify the TR reforms, overlaying the interests of multiple stakeholders – the state, the public, probation staff, offenders and private providers. What follows, therefore, demonstrates how 'professionalism' has been further *reshaped* by the TR reforms, beginning with a brief explanation of the methodology.

## METHODOLOGY

The research explored probation staff understandings of 'professionalism' following the TR reforms. A CRC was selected for study because of the way that professionalism was deployed as a means to simultaneously enhance public protection, increase cost-effectiveness, and improve professional discretion (Moj 2010; 2013). Data were derived via the ethnographic study of Elizabeth Street, a probation office in a large city in England. Ethnography was utilized to study the transition to private employment as a result of TR (e.g. Robinson *et al.* 2016), but this research is unique in its focus on the everyday aspects of work *after* the reforms. Informal access was obtained following contact with a 'gatekeeper', a research officer employed by the parent company that led Elizabeth Street. Thereafter, the research was ratified by HM Prison and Probation Service's National Research Committee, aided by a letter of support by the parent company's board of directors.

I was present at Elizabeth Street for three to four days per week over a period of six months (April–October 2018), conducting unstructured observations on a range of probation activities (supervision meetings with offenders, unpaid work, team meetings, multi-agency meetings, etc.). These observations facilitated the identification of potential informants for an interview as well as refining the themes to be explored. Sixty-one observations were conducted: 47 were between a single offender and their supervising practitioner, of which 41 were at Elizabeth Street. Twenty staff with a range of experience in probation were selected for a semi-structured interview. Informants consisted of ten Case Managers (CMs), five Senior Case Managers (SCMs), three Interchange Managers (IMs), and two Senior Managers. These job titles reflect changes made by the parent company when they assumed control of the CRC: probation service officers became CMs, probation officers became SCMs and senior probation officers became IMs. The sample broadly reflected the demography of the office, and probation in general (Deering and Feilzer 2015), in that 70 percent of interviewees were women. The names presented below are pseudonyms, selected by the researcher. Interviews were conducted in private and digitally recorded, before being transcribed verbatim. Data derived from observations and interviews were sorted, thematically coded and analyzed using NVivo.

The small-scale nature of the study means that the findings are not generalizable to other CRCs. However, this should not be construed as a methodological weakness, for single-site research can provide 'thick' understanding of one (probation) environment (Geertz 1973). Ethnographic methodology has proved an expedient approach for micro-level study of professionalism (Evetts 2013). The next section, therefore, highlights the impact of the enforced 'mi-

gration' (Burke *et al.* 2017) of most probation staff to the CRCs as a result of *TR* on professional identity and legitimacy at Elizabeth Street.

### 'WELL, WHAT ARE YOU?' PROFESSIONAL LEGITIMACY AND IDENTITY IN THE PRIVATE SECTOR

Reviewing the literature on the working identities of those responsible for supervision in the community in the UK, Grant (2016) contends that a commitment to offenders has remained 'durable' in the face of the abovementioned penal 'adaptations' (Robinson *et al.* 2012). In their study of occupational cultures *within* probation, however, Mawby and Worrall (2013: 141) found no 'monolithic probation culture that pervades the organization'. Their *lifers, second careerists* and *offender managers* typology is the most comprehensive account of occupational identities. Despite their distinct characteristics, Mawby and Worrall (2013) identified several themes that cut across each ideal-type. For instance, a value set based on a commitment to offenders was evident in all groups. They were also united in their attempts to find meaning in their work through *professionalism*, which Mawby and Worrall (2013) associate with recognized credentials, knowledge and expertise, and autonomy. This shared professional identity acted as a buffer against efforts to reshape the service's organizational culture.

Mawby and Worrall's (2013) ideal-types provide a useful analytic framework; however, they are difficult to apply to Elizabeth Street due to the demography of the CRCs. The overwhelming majority of their interviewees were qualified practitioners, whereas the CRCs were largely populated by unqualified probation service officers (Kirton and Guillaume 2019). That the Coalition Government sought to empower 'professionalism' in the private sector while allocating most qualified practitioners to the NPS warrants analysis of Elizabeth Street through a Foucauldian lens. The manner in which the term was mobilized suggests a discursive shift, an extension of 'professional' to those typically outside of such status (Fournier 1999) – a point echoed by Kate (IM):

... because it is a profession, probation officer, senior probation officer, or *even probation service officer*. (my emphasis)

George (SCM) questioned (then-Justice Secretary) Chris Grayling's rationale for how staff were allocated under *TR*:

At the time [of the split], Chris Grayling spoke about the NPS as being some kind of crack service. [...] You understood why he was doing that, as a politician, because he could be challenged on how the riskiest people would be managed, by a much smaller organization.

Here, 'crack service' refers to George's perception of Grayling's presentation of the NPS as a small, specialist organization 'drawing on the expertise and experience of its staff' (MoJ 2013: 4). This conveyed 'a strong message about the "rightful" remit of the State' (Robinson *et al.* 2017: 142) – which, as George continued, had hierarchic implications for Elizabeth Street:

The perception at the start was that the CRC, because it was of lower risk, was of lower importance. That's fed through to how the CRC and the NPS view each other. There's a perception that the CRC are not that good at managing risk compared to the NPS.

The *TR* reforms prompted critical engagement with the ways in which the organizational legitimacy of CRCs was established and maintained (Deering and Feilzer 2017; Carr and Robinson

2020). [Robinson \(2020\)](#), for example, differentiates between *external* and *internal* legitimacy. The former refers to ‘confidence’ in probation from extraneous stakeholders; the latter concerns self-perceptions of the service and its staff. Indeed, the *external* legitimacy of staff at Elizabeth Street was immediately challenged by the NPS. This was particularly evident within the courts, a *jurisdiction* ([Abbott 1988](#)) from which CRCs were prohibited:

I went to [the] magistrates’ court to tell them about what the CRC do. We took a bunch of leaflets to the staff canteen and there were a number of NPS colleagues there. [...] One of the staff said ... ‘you’re private sector now, so you’re in it for profit’. [The] NPS sees itself as elite. These are the symptoms; it’s not personal. (Sarah, IM; my emphasis)

That the legitimacy of the work performed by the CRC and, by extension, its staff was questioned on the grounds of the profit-motive highlights the potency of a *public sector ethos* that pervades probation ([Robinson et al. 2016](#)). Sarah’s experience thus illustrates the difficulties of attempts by private providers to displace an established organizational entity, like a Probation Trust (Carr and [Robinson 2020](#)).

The animosity that developed between the CRC and the NPS in many regions in England and Wales entrenched a distorted perception of the former ([HMI Probation 2019; 2020](#)). Like the respondents to [Deering and Feilzer’s \(2015\)](#) surveys at the time of the split, staff at Elizabeth Street consistently expressed this divide in terms of ‘us’ and ‘them’:

... we feel a little bit like we’re a second class service, really, ‘cos we are; it’s an ‘us’ and ‘them’. We’re not the same, even though we are. (Camilla, CM)

This supports findings from a subsequent study by [Deering and Feilzer \(2017: 168\)](#) in which staff reflected on perceptions of being a ‘second class service’, thereby affirming impressions of probation as ‘two-tier and fragmented’ ([HMI Probation 2017: 6](#)). Camilla’s comment also hints at a loss of *internal* legitimacy ([Robinson 2020](#)) – which was exacerbated by the parent company that led Elizabeth Street, through changes to staff job titles. Ashley (Senior Manager) explained the rationale for this decision in terms of establishing cultural distance from the NPS:

[The parent company] wanted new titles [and] ownership of it. They didn’t want to call people probation officers; they wanted Senior Case Managers and Case Managers. [...] They wanted to move away from the NPS.

Changes to job titles, Charlie (Senior Manager) noted, were also intended to communicate new expectations for practice:

... a Case Manager implied more about project management, coordination of cases, and that has always been the ideal scenario: Case Managers, yes, will see the service user on whatever frequency, but would be the lynchpin for coordinating services around that.

Such dissociation can be interpreted as a form of ‘brand recognition’ (Carr and [Robinson 2020: 7](#)), a way to articulate a distinct identity and mode of working to staff and service users. However, the CRC was simultaneously engaged in ‘symbolic borrowing’ ([Fitzgibbon and Lea 2018: 555](#)), in which private sector organizations seek to enhance their legitimacy by drawing upon the signs and symbols of the public sector. Corporate branding was absent at Elizabeth Street, such that an outsider would struggle to deduce which company led the CRC ([Tidmarsh 2021a](#)). Instead, the parent company continued to utilize the logo designed for the National



Probation Service reforms in 2001, supporting Carr and Robinson's (2020: 8) analysis on the survival of public sector branding in the CRCs.

As such, divergence from the language of the public sector through the CRC's attempt to cultivate new private sector identities posed further problems for staff when dealing with other agencies. Identifying as 'probation' allowed staff to preserve their *external* legitimacy and to offset any 'stigma' around the CRC:

There's a stigma attached to the new terms, definitely. I still say 'probation officer' with other criminal justice agencies. I don't explain that I'm from the CRC, either; I just work for probation. (Trudy, CM)

Here, the title of 'probation' conferred a measure of authority, an air of trustworthiness that is a part of the process of professional legitimation (Fournier 1999). This corresponds with informants in Robinson *et al.*'s (2016) ethnography of a newly established CRC, for whom such language was utilized to maintain credibility with local organizations.

For Kate (IM), attempts to establish distance with 'probation' had consequences for staff that extend beyond the practicalities of *external* legitimation:

Taking away the title, it's just the little things. [...] It all happened gradually; it seems very small and trivial, but in the bigger scheme of things, it's sort of moved people away from their identity.

Amidst challenges to the *external* legitimacy of the CRC, *internal* legitimacy was (re)asserted via allegiance to the *profession* over the organization. In other words, staff eschewed the CRC and its labels and, instead, retreated into positive self-perceptions of their legitimacy *as* professionals. Resistance coalesced around the symbolic importance of 'probation' discourse as a means for staff to 'locate themselves within a professional community' (Trede 2012: 161):

I've [said Case Manager on the phone] quite a few times and they'll go, 'a what?' And I'll go, 'it's like probation but not'. And they'll go, '*well, what are you?*' [...] I worked bloody hard to get this job and to be called 'probation', so I'm still going to say it. I will continue to do it; *I want that recognition.* (Camilla, CM; my emphasis)

As a result, staff worked *in* but were not *of* the CRC:

... we've just switched off since [the parent company] took over. I mean, I suppose we moaned back in the day – you're always moaning about something, aren't you? – but the Trust looked after us; *they were part of us.* (Rhonda, CM; my emphasis)

Identification with the profession was not limited to staff whose employment predated the reforms. A self-professed 'product of TR', Matilda (SCM) joined the service in 2014 – after staff had been allocated to the new organizations, but before the parent company had officially taken over at Elizabeth Street – quickly progressing from a temporary administrator to qualified SCM. Despite entering the service after 'probation' had been removed from the organization by the state and from job titles by the parent company, she commented on the negative impact of such changes:

Whilst I've been qualified, it's always been Senior Case Manager, but I do not call myself Senior Case Manager because I'm a probation officer. Nobody knows what a Senior Case Manager is; it undermines us and makes us seem inferior to the NPS.

Matilda argued that these challenges to legitimacy, *internal* and *external*, also constituted a challenge to her ‘professionalism’:

On my ID card, it says probation officer/Senior Case Manager and on my email signature it does the same thing. I asked reception to put ‘probation’ on my card. If I’m ever in meetings, I’m always a probation officer. By changing it, [the parent company] reduced our professionalism.

Matilda’s (re)appropriation of ‘probation’ displays how the CRC’s attempt to foster an identity distinct from the NPS failed to galvanize staff, even amongst new recruits. Here, ‘probation’ discourse became a means through which to convey a *professional* identity distinct from the organization that was crucial to sustaining both *external* legitimacy with partner agencies and the *internal* self-image of staff. That it was mobilized by staff of all job grades suggests a *professional legitimacy* no longer exclusively grounded in ideal-typical ‘traits’ but in discursive association with probation work as a meaningful endeavour. The next section thus highlights normative understandings of ‘professionalism’ at Elizabeth Street, of ‘doing the right thing’ as a way to maintain professional legitimacy.

### ELIZABETH STREET: DISCOURSES OF PROFESSIONALISM

As argued above, challenges to the core tenets of professionalism in probation – jurisdiction, training and knowledge, autonomy and values – were fundamental to efforts to reshape the service’s culture(s), identities and practices. Deprived of such resources, professional legitimacy becomes more difficult to articulate. For Fournier (1999), a break with the traditional signifiers of professionalism represents a discursive shift in understandings of the term. As Trudy (CM) observed, its meaning is seldom substantiated:

I guess professionalism in probation is quite a loose term. Through my experience, it’s never been defined by anybody – managerial or above, really.

This absence of direction implies the necessity of self-direction. A discourse of professionalism governs through ‘technologies of the self’ (Fournier 1999: 287), as a normative mode of conduct that helps staff to make sense of different situations, internally and externally:

[Professionalism] starts with how I conduct myself in probation. I think it’s about how you conduct yourself both inside and outside of probation. (Matilda, SCM)

The desire to work *with* clients was the primary motivator in the decision of most staff to enter the service (see Annison *et al.* 2008; Deering 2010); they are the traditional actor to whom probation professionals are answerable:

I think [professionalism is] about doing the right thing. [...] I want the service user to get the best service; it’s why I come into work. (Sarah, IM)

Here, ‘doing the right thing’ suggests an ‘ethical government of the self’ (Dean 2010: 26) is crucial to probation practice, enabling staff to find meaning in their work. Cultivating relationships is at the heart of this understanding of professionalism. As Sarah continued, they cannot be taken for granted but must be *established*:

I think that's about being human and building a rapport with service users so they see me as genuine because, actually, the key thing about helping people to change their own behaviour is having understanding and building up some kind of trust in a relationship.

The relationship is thus the key site in which to foster legitimacy with offenders (McNeill and Robinson 2013); it is the most important resource in the construction of a professional identity, providing an opportunity to translate an ideology of service into 'appropriate' forms of conduct.

However, offenders are no longer the only client to whom probation professionals are accountable. Camilla (CM), for example, stressed the importance of 'providing a service', but also framed professionalism in terms of enforcement:

I see [professionalism] as providing a service. [...] You've got to provide that service, that help and assistance, but also ensure that if enforcement needs to be taken – the people we work with have committed offences, some appalling in some cases – you've got to ensure that you fulfil the legal requirements.

Her response illustrates how probation's responsibilities to the public, and thus expressions of professionalism, have been reshaped by a more punitive focus on enforcement (Robinson and Ugwuodike 2012). This development is not unique to TR; rather, it highlights the continued prominence of the 'control' aspect of the service's role on its communication of legitimacy.

In a Foucauldian sense, professionals must 'forge connections, operate translations, between their own systems of knowledge and the discursive formations of other agents' (Fournier 1999: 286). Given the abovementioned signposting expectations for practitioners after TR, interactions with other agencies assumed greater prominence in the display of professionalism:

When I'm thinking about being professional, I think about being careful about who I speak to about work, where I speak to people about work. [...] When I go to outside meetings, I am the face of where I work so I'd never be derogatory or undermining the service. (Matilda, SCM)

Again, expectations for practitioners to utilize voluntary sector providers was not introduced with TR. However, as members of a privately-led organization that struggled to demonstrate its *external* legitimacy (Robinson 2020) to other agencies, staff conduct, or how they 'sold' themselves, acted as a vital counter to organizational prejudice:

... when we're going to meetings and when we're talking to external partners, I think it's... when we need to be professional and sell ourselves. (Vicky, CM)

Much to the frustration of some staff, autonomy at Elizabeth Street was primarily deployed not through the work performed *with* offenders, but through decisions on which organizations in the voluntary sector should deliver frontline services on their behalf (see Tidmarsh 2021a):

Resource-wise, [practice] doesn't look very professional 'cos you can't really do much; you're basically signposting. In terms of service user perspective, it doesn't really look professional because all you're doing is signposting, giving the work to other agencies. (Mo, CM)

This not only accentuates how the discursive resources of professionalism signify expectations for particular standards of conduct – which, Mo implied, were in decline at the CRC – but also

implies that a mode of practice dependent upon the voluntary sector undermined practitioners' professional legitimacy in the eyes of offenders.

Expanding on the importance of the CRC's ability to demonstrate its legitimacy to external partners, Fizz (SCM) alluded to probation work as a higher professional calling:

... there's an expectation that you're going to be trustworthy, like a police officer. For me, it's a position that should mean that you are a member of the public who somebody could seek help from and that you would do your utmost to help that person.

While the service lacks the unmistakable cultural symbols (i.e. the blue uniform and helmet) of the police, which means direct involvement with the public is minimized (Mawby and Worrall 2013), the probation officer is, in Fizz's view, similarly obliged to help. Professionalism, she added, is something to be *constantly* demonstrated:

I think of [professionalism] as something that, like when you are a doctor you are a doctor 24 hours a day: you don't switch off if a crisis happens. For me, it's the same sort of thing: you don't switch off; you are somebody who is worthy of that position of all the time.

Appeals to a discourse of professionalism served to self-direct conduct, for attempts to demonstrate that they are 'worthy of that position' structured how staff presented *themselves*. As Rhonda (CM) stated:

... for me, personally, professionalism is about how you behave and present yourself – not just with other professionals, but [also] anywhere. [...] It's about how you behave in front of them and what information you give, because it's on a need to know basis.

The need to present oneself as professional at all times inculcated staff with a disciplinary subjectivity; it acted not only as a potent source of meaning but also as a self-regulatory mechanism that governed conduct in different ways according to the needs of a particular stakeholder. This suggests that 'professionalism', as a malleable form of conduct, is integral to *external* legitimacy at Elizabeth Street:

I suppose, in terms of the job we do, *we've got a responsibility to clients, the public, the government, to criminal justice*, to make sure that the sentences that are passed are delivered in the way that they were intended to be delivered. I think, as an organization, we need to... be mindful of that, and I think that all links with professionalism and ensuring that we follow things through to do as thorough a job as is possible. (Louise, IM; my emphasis)

Here, probation is required to be 'all things to all people' (Robinson *et al.* 2012: 332). For staff, attempts to balance the requirements of numerous constituents fed into *internal* legitimacy, in discursive expectations that the job is performed *and* presented in the 'right' way:

I would say professionalism is... *not just doing the right thing, but being seen to do the right thing*. Professionalism is a judgement based on those things, I suppose. (George, SCM; my emphasis)

Professionalism, as a practice of (self-)government, demands moral reflection on personal actions, alongside consideration of how conduct is perceived by others. In this Foucauldian sense, it is a source of meaning and a means to discipline 'at a distance' (Fournier 1999: 281).

A discourse of professionalism instils within staff normative modes of conduct, of ‘doing the right thing’ – ways of acting that are (re)negotiated with reference to multiple (and competing) interests in a network of accountability. The final section explores a key tension at the heart of late-modern expressions of professionalism in probation, and particularly after *TR* – between market ‘criteria of legitimacy’ (Fournier 1999: 288) on the one hand and a client-centred *ideology of service* on the other.

### TR: MARKET ‘CRITERIA OF LEGITIMACY’

*TR* did not represent the genesis of marketization in probation; rather, it was the culmination of a decades-long period of reform (Tidmarsh 2020a). During this time, the service has been characterized by ‘reflexive government’ (Dean 2010: 207), in which the primary function of the state is to ensure the integrity of governmental practices. In other words, the legitimacy of the service was expressed, in part, through the efficiency of ‘internal processes rather than “effectiveness” in relation to any overarching objective’ (Robinson *et al.* 2012: 325). The governance of risk is central to reflexive government; it subjects ‘targeted populations’ (Dean 2010: 221), such as offenders, to calculation and quantification. That this information can be *visualized*, represented on risk assessment technologies and through the (market) logic of targets and audit (Dean 2010), has rendered it an important means through which to communicate probation’s legitimacy while providing an evidential, or ‘defensible’ (Kemshall 1998), basis for professional judgement (see Robinson 2003).

The relationship between risk management and market-based modes of accountability has permeated professional identity in probation (see Phillips 2011; Mawby and Worrall 2013). Will’s (CM) rationalization of working with offenders through market ‘criteria of legitimacy’ (Fournier 1999) provides an example of how such calculative logic has expanded the network of accountability:

[Professionalism is] about who I’m working with. [...] There’s a level of dependency on me from these individuals, I need to work to my peak efficiency, if you like, so I’m *not only meeting targets, but reducing the risk of reoffending* – which is the bottom line, essentially. (my emphasis)

The disciplinary consequences of market metrics on professional knowledge and discretion have been the subject of much probation scholarship in recent decades (Phillips 2011; Hardy 2014). Indeed, the impact of performance targets on professionalism proved the basis for the Coalition Government’s rationale for *TR* (MoJ 2010; 2013). Further marketization, they argued, would empower probation professionals and stimulate greater cost-effectiveness. The reforms thus sought to displace the bureaucracy of state-imposed metrics with *additional* market criteria of legitimacy – namely, the logic of competition and profit.

However, the structure of the probation ‘marketplace’ renders it different from other services subject to privatization and marketization (see Tidmarsh 2020b). The state’s ‘authority is stamped upon... outsourcing arrangements’ (Fitzgibbon and Lea 2018: 550): services did not operate in a ‘free’ market; rather, the Ministry of Justice, probation’s ‘principal agentic actor’ (Robinson 2020: 5), fixed the prices at which CRCs were paid. While this accountability to the Ministry of Justice helped CRCs to communicate their legitimacy to the public (Fitzgibbon and Lea 2018), their dependence on the state for funding (and thus profit) meant that, for staff, attempts to demonstrate legitimacy after *TR* had to account for another layer of accountability – that is, to the parent company, albeit expressed through the familiar logic of performance targets. As Sarah (IM) observed:



I think we are very much focused on performance targets. There's very much a message from the top about, 'we must do this, it's critical; and it's linked to our integrity and reputation.'

From a Foucauldian perspective, the *monetization* of the relationship between staff, offenders and the CRC's 'integrity and reputation,' via the implementation of a PbR mechanism, further transformed professional conduct in accordance with the logic of the market (Brown 2015; Tidmarsh 2021b). Given their inability to generate new business, CRCs were dependent upon 'fee for service' payments as opposed to 'payment by results' for most of their income (NAO 2019; Tidmarsh 2020b). *TR* intensified the necessity of *visualizing* the information required for payment and, for some at Elizabeth Street, this came at the expense of relationships:

It takes time for people to open up. [...] You have to say when you see them, 'can you just give me something based on these headings, just something?' I understand that, because you have to have something written down. (Fizz, SCM)

This implies that, despite pledges to eliminate 'overly bureaucratic inspection regimes' (Moj 2010: 82), *TR* continued to reshape professionalism in accordance with digitized modes of accountability. In this way, the intensification of 'reflexive government' (Dean 2010) was a necessary prerequisite of marketized probation governance – a point supported by Charlie (Senior Manager):

From our perspective, we're closely scrutinized. *We're audited to death*. For example, in [this region], we've had three [HMI Probation] inspections in six months, which is absolutely ridiculous. (my emphasis)

The logic which informed the probation marketplace thereby entrenched a culture of performance. For Maddie (SCM), attempts to decompose practice into a series of standardized processes through which providers were paid failed to capture the nuances of individual circumstance:

Because [the parent company are] getting paid for it, it's got to be measurable. For something to be measurable, it has to be reduced into something that's not as complex as an actual person.

The CRC's financial stability was dependent upon an accurate and timely recording of information. Nevertheless, this (enforced) mode of working negatively influenced staff perceptions of the parent company's motives:

[The parent company] are just money-orientated. How I see it, they want somebody, whatever they've done, to come through the system and get through an order with no breaches, no recall, because that costs them money, because that's deemed a failure to them. (Camilla, CM)

While practitioners blamed the parent company for the ubiquity of targets in their professional lives, a failure to meet 'fee for service' metrics meant the parent company could be penalized via the withdrawal of (state) funding (Tidmarsh 2020b). This shows how efforts to plot rehabilitation on 'a grid of economic intelligibility' (Foucault 2008: 248) further transformed professional legitimacy: despite the profit-motive being antithetical to understandings of professionalism, the parent company became a key stakeholder to whom staff were accountable.

Against the backdrop of the shift towards unqualified labour, the collapse of *external* legitimacy and the monetization of practice through PbR, client-centred probation values re-

mained central to expressions of professionalism at Elizabeth Street. As argued above, the *people-oriented* nature of probation practice is a source of meaning for staff (Annison *et al.* 2008; Deering 2010). Many were unequivocal in their willingness to prioritize offenders over the recording responsibilities which enabled the CRC to remain competitive in the probation marketplace:

I try to make sure that I spend more time applying the job that I'm paid to do, but there have been times where I am three or four weeks behind on my write-ups. [...] That's not to say that the information is not there because it's not recorded. If you've got people coming in crisis or there's something going on, then that's my priority. (Jo, CM)

This demonstrates the tensions between an offender-centric ideology of service and administrative duties (Tidmarsh 2021a). Here, professionalism provides a lens through which to develop how legitimacy in probation is established and maintained. An offender-centric ideology of service was crucial to how staff made sense of their work, a way to sustain a positive self-image, but was also the basis for a failure to identify with the CRC (and, by extension, the parent company). This, in turn, resulted in a disinterest in the (administrative) means through which *external* legitimacy was communicated.

Such conflict was particularly evident when practitioners encountered unexpected scenarios, such as offender crises. Rhonda (CM), for example, reflected on one such experience, which occurred on a day she had allocated for catching up on administrative work:

One day, when I was expecting to have an admin day, empty diary, I had a crisis day because [a client] was suicidal. That took three hours, three hours out of my day. [...] You can't cut people off when they're in crisis.

This conflict was at the heart of (changing) understandings of 'professionalism' after TR, illustrating how practitioners constructed their professional identity. The crude, monetising logic of PbR dictated that Rhonda's worth to the CRC was arguably greater behind a desk ensuring that her targets were completed. However, she expected herself to be able to make a difference in clients' lives, prioritising a personal response over her administrative responsibilities. This mode of working was essential to preventing harm:

If somebody's in crisis, if there's something with mental health, it would be unprofessional to say to them, 'okay, you're in crisis, but I don't have time to process all that information – goodbye'. Professional conduct would be getting in touch with the mental health crisis team, making sure they're not going to kill themselves, and make sure they get that extra support, wherever needed. (Mo, CM)

In this Foucauldian sense, appeals to professionalism both acted as a source of meaning and disciplined 'at a distance' (Fournier 1999; Evetts 2013). Time spent with offenders remained the key resource with which to develop legitimacy (McNeill and Robinson 2013) and practitioners expected *themselves* to act 'appropriately', to self-regulate their conduct in such a way as to conform to their values, even when this negatively impacted their workload. As Ashley (Senior Manager) observed:

I would say that the majority of people I know who come into this job see it as a vocation... *which is why you work harder*. [...] I think people come in with those values around fairness, equity, responsibility, rights, and supporting people through all those things. (my emphasis)

Thus, practitioners' commitment to an offender-centric ideology of service endured through organizational change. The declining importance of traditional markers of 'professionalism', particularly after *TR*, meant its discursive, norm-laden connotations were fundamental to *professional legitimacy* – a means to preserve a positive self-identity and maintain credibility with external agencies whilst making clear their antipathy towards private sector providers and techniques. Accordingly, *TR* can be situated on a late-modern continuum in which the discursive resources of professionalism have provided a way for staff to take pride in their work and to structure it in accordance with the demands of numerous stakeholders in a network of accountability.

## CONCLUSION

This paper has adopted Foucauldian understandings of the sociology of the professions to analyze professional legitimacy in probation at two levels. At a macro-level, it has demonstrated how social, economic, political and cultural changes have subjected the tenets on which probation's legitimacy as a profession was grounded to sustained challenge. This has prompted a reshaping, rather than a replacement, of how probation staff enact their professionalism – namely, as malleable forms of 'appropriate' conduct which better account for the needs of an expanded number of stakeholders in a 'network of accountability' (Fournier 1999). At a micro-level, such expressions of professionalism at Elizabeth Street were integral to the efforts of probation professionals to demonstrate their legitimacy – whether to *external* constituencies or *internally*, as a way to find meaning in their work on a changed (and changing) landscape. In this way, a *discourse of professionalism* has become crucial to the process of professional legitimation, a means through which to forge a path between the diverse demands of different 'clienteles'.

That the Coalition Government sought to empower 'professionalism' within the CRCs whilst allocating most qualified practitioners to the NPS emphasizes a discursive shift in understandings of the term. A 'professional' identity is no longer the exclusive province of the qualified but something to which all staff aspire, for 'who wants to be "unprofessional?"' (Fournier 1999: 294). Given the loss of 'probation' from the organization and from job titles after *TR*, staff at Elizabeth Street identified with the *profession* as opposed to the organization. Allegiance to the new employer, even amongst staff who began their employment *after* the reforms were implemented, was negligible but being a member of the probation service remained a source of professional pride. Here, the language of 'probation' was deployed as a practical means to (re)assert *external* legitimacy with partner agencies, as well as a symbolic way to reinforce the *internal* self-image of staff, if not the CRC. A focus on *professional legitimacy* thereby foregrounds staff as key interlocutors in the service's (ongoing) efforts to prove its worth.

While probation staff have had to internalize performance targets in recent decades, *TR* heightened the need to *visualize* (Dean 2010) such metrics. The reforms expanded the actors to whom staff had to demonstrate their legitimacy, via the profit-motive. Efforts towards enhancing efficiency and effectiveness through competition, profit and a PbR mechanism that monetized relationships with offenders further entrenched a culture of performance. Some staff felt compelled to re-evaluate the nature of their work *with* offenders; many, however, were willing to forgo the administrative requirements on which the CRC depended for payment to cultivate relationships, the traditional site of legitimacy (McNeill and Robinson 2013). For staff at Elizabeth Street, normative appeals to professionalism were contingent upon 'doing the right thing', a key resource in their attempts to demonstrate their legitimacy to numerous constituents. Accordingly, 'professionalism' was both a potent source of meaning and identity for probation staff and a way to self-regulate practice 'at a distance' (Miller and Rose 1990).

The Chief Inspector of Probation, Justin Russell, has warned that while the renationalization of *all* services ‘is not a magic bullet for improving performance’ (HMI Probation 2020: 8), structural reform can provide some semblance of stability from which to rebuild professionalism. However, political discourses on ‘tougher’ approaches to crime control (MoJ 2020) further question practitioners’ capacity to enact an offender-centric ideology of service, especially from within a centralized Civil Service structure (Carr 2020). The next iteration of probation ‘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, it seems, the service is required to be ‘all things to all people’ (Robinson *et al.* 2012: 332). Efforts towards a sociology of professionalism in probation can, therefore, enhance understandings of how the legitimacy, identities and practices of staff have been, and will continue to be, changed as the service undergoes yet more restructuring.

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