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Making Good?: A Study of How Senior Penal Policy Makers Narrate Policy Reversal

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This paper provides insights into the predominant styles of political reasoning in England and Wales that inform penal policy reform. It does so in relation to a particular development that constitutes a dramatic, perhaps even unique, wholesale reversal of a previously introduced market-based criminal justice delivery model. This is the ‘unification’ of probation services in England and Wales, which unwound the consequential privatization reforms introduced less than a decade earlier. This paper draws on in-depth interviews with senior policy makers to present a narrative reconstruction of the unification of probation services in England and Wales. Analogies with desistance literature are drawn upon in order to encapsulate the tensions posed for policy makers as they sought to enact this penal policy reform.

KEY WORDS: penal politics, penal change, probation, privatization, insourcing

INTRODUCTION

To make good is to find reason and purpose in the bleakest of life histories. (Maruna 2001: 10)

In 2020, the English Ministry of Justice (MoJ) announced it was returning all probation services to the public sector (Ministry of Justice 2020).¹ This ‘unification’ (as it came to be termed) represented a wholesale reversal of the Transforming Rehabilitation (TR) part-privatizing and part-marketizing reforms that had radically transformed the probation field less

1 Due to the complexity of what can be meant by ‘probation services’, some services will still be delivered by private organizations.

than a decade prior. It is 'a landmark case of government recognizing that outsourcing hasn't worked' (Sasse 2019).

We provide in this paper a narrative reconstruction of the unification of the probation service in England and Wales, sensitive to the underlying political sensibilities that allowed some possibilities and processes to make sense while others did not (and potentially could not). We excavate the stories that were told about this period in probation's history—its insourcing as a national service—by national policy participants (PPs), to themselves and others. What ideas and meanings were particularly salient for key actors? How are these narratives situated within the broader history of probation? Both its longer history, and the more proximate privatizing 'other' to which the unification was a response?

We do not seek here directly to evaluate the success or otherwise of the unification programme: rather, we examine *whether* it was considered to have succeeded by those involved (it was), *why* that was the case, and *what* that says about the wider cultural sensibilities and styles of political reasoning in play (Brangan 2021). We show that this period was understood by many policy participants as representing their effort to 'make good' to probation, to rectify the harm caused by the discredited TR privatization reforms.

We provide insights into respondents' views on the key factors that supported the insourcing of probation back into the public sector. We see glimpses of dedicated, perhaps even 'sentimental' (Anderson 2016), senior civil servants, who are strongly committed to probation. We show that this connects to a redemption script that casts probation as having overcome its challenging recent past, able to draw on this in order to press forwards into a more positive future, becoming (or perhaps restoring) its true self.

We argue, however, that the story of English probation's renationalization resists simple categorization, containing elements of both heroic and tragic narratives. This is partly due to ongoing exogenous shocks that have prevented probation from settling. This is also due more fundamentally, we argue, to the 'thought styles' (Douglas 1986) that are in play. Probation (in England and Wales) can be understood as reflecting and drawing upon an ideational history that is predominantly egalitarian in character (Whitehead and Statham 2006; Mair and Burke 2011). By contrast, the dominant approach within English government is strikingly hierarchical (Hood 1998: 26–28). We thus present an interpretive account of an attempted 'rescue' of probation by government actors operating within, and often holding, beliefs that contributes to a misalignment between the relevant forms of reasoning in play.

In this way, this paper serves as a response to Brangan's (2021: 26) encouragement for close study of the 'inner working' of policy worlds. It constitutes a close examination, in relation to a particular case study, of 'political struggle and ideas in determining the character of crime control, and [points] to the contingency and open-endedness of social and political systems that such struggles disclose' (Loader and Sparks 2004: 26). It thereby provides emerging lessons from what might be understood as, if not a progressive reform *per se*, a dramatic unwinding of a near-universally decried and immensely consequential penal development in England and Wales.

SITUATING PROBATION UNIFICATION

The reforms

Probation in England and Wales has experienced four major restructurings in two decades. The latest of these resulted in the wholesale return to the public sector—'insourcing'—of probation services in England and Wales. This reform was a direct rebuttal of the same government's enormously consequential, and disruptive, privatizing reforms—TR—that were implemented only 6 years prior.

Transforming Rehabilitation saw probation being fractured (Robinson *et al.* 2016), both structurally and culturally, in service of a governmental desire to radically increase the extent to

which both the management of people subject to probation supervision, and the interventions provided to them, would be provided by the private sector. The existing system of 35 English and Welsh public sector Probation Trusts was replaced by a network of public and private organizations. Demarcation lines were based ‘horizontally’ on geography and ‘vertically’ on risk.² The 21 new Community Rehabilitation Companies (CRCs) together covered England and Wales and were to be responsible only for the supervision of medium- and low-risk offenders. A newly-constructed National Probation Service (NPS) had seven geographical divisions and was to be responsible for the supervision only of offenders assessed to be high risk, as well as the provision of services to courts including pre-sentence reports. The CRC contracts were awarded to eight new providers, seven of which were private sector companies or partnerships led by private sector interests.

These reforms were vociferously contested, albeit with little ultimate success. Indeed, probation’s history has been marked by enduring debates about its values and its nature, its essence much contested but never settled. As [Mair and Burke \(2011: 6\)](#) among others have argued, in particular from the 1970s there has been a loss of certainty about probation’s purpose, prompting a number of attempts to redefine probation and its role. This contestation is amplified by probation’s practical character: its work has never been defined by a single method ([Vanstone 2004](#)), nor have the tasks considered appropriate for the service remained constant ([Mair and Burke 2011: Chapter 9](#)). It has been understood and contested through its relationship with a wide range of substantive areas, and more principled notions, including social work, localism, rehabilitation, redemption, public protection, punishment, (non-state) innovation, and humanistic ideals (see variously [McWilliams 1983, 1985, 1986](#); [Garland 1985](#); [Whitehead and Statham 2006](#); [Mair and Burke 2011](#)).

In 2018, a consultation was launched on the future of TR, in light of increasingly powerful criticisms being voiced by [HM Inspectorate of Probation \(2019\)](#), the [National Audit Office \(2019\)](#), and the House of [Commons Justice Select Committee \(2018\)](#). At that point, the stated intention was that ‘new and improved contracts’ would be developed that would enable the better working of the marketized system established by TR ([Ministry of Justice 2018](#)).

In May 2019, the government announced that a new probation system would be established: from January 2021 in England (and a year earlier in Wales), all offender management would be brought back into the public sector. This wholesale ownership of offender management by the National Probation Service (NPS) would reverse the split introduced by TR, whilst a significant proportion of services relating to resettlement and rehabilitation (such as education, training and employment, and accommodation), unpaid work, and structured interventions would continue to be contracted out to the private and voluntary sectors.

However, in June 2020 the Justice Secretary announced that the delivery of unpaid work and structured interventions would also return to the public sector; with the new model going live in June 2021.³ This would involve the transferring of 113,000 cases and over 7,000 staff from 54 separate organizations; the timetable was ‘ambitious’ ([Johal and Davies 2022: 2](#)). This was even more the case given that the Ministry of Justice decided to press ahead with these reforms, to this timescale, notwithstanding the emergence of the COVID-19 pandemic in March 2020. The reforms would also involve additional investment of £155 million in probation services, as a permanent uplift on its prior annual budget.

The Target Operating Model for Probation Services in England and Wales (TOM), which set out the ‘aspirations for the future of probation services’ ([HMPPS 2021: 4](#)) and substantive

2 For a discussion of the fundamental problems of this approach, see [Robinson \(2016\)](#).

3 Rt Hon Robert Buckland QC MP, HC Deb, 11 June 2020, Volume 677 [Commons Chamber].

plans for this to be effected, made clear that the reforms were intended to achieve the establishment of a regional probation structure that, while far removed from its historical self-identity (for many practitioners) as a locally-oriented service, would nonetheless empower 'regional leaders to make decisions about what works in their communities and to make effective plans for future delivery' (HMPPS 2021: 132); with the national centre (the Ministry of Justice and HM Prison and Probation Service) supporting them 'to transform the services they provide to their communities by working in partnership across a range of providers to implement their Regional Reducing Reoffending Plan' (HMPPS 2021: 136).

The unification played out against the ongoing backdrop of the COVID-19 pandemic that had forced the service to adopt remote working and had subsequently created significant backlogs in the provision of unpaid work and accredited programmes (see Carr 2021). The pandemic undoubtedly exacerbated the complexity of, and the challenges involved in, these unification reforms.

Our approach

This paper provides an interpretive account of the unification of the probation service in England and Wales, from the perspective of the national-level policy participants who were closely involved in this process. We use the term 'policy participants' to denote the range of individuals who were directly responsible for probation unification and the proximate developments leading up to it, as well as individuals who were closely involved in deliberations about it from a number of relevant perspectives. Many of those involved with these developments were senior civil servants. But closely involved also were politicians and political advisers, and a range of wider stakeholders including those with a background in the private sector (and to a lesser extent, the third sector). Some individuals had a long-standing involvement with probation, while most did not.

We explore the narratives that were in circulation, those relied upon by these policy participants, and those that were pressed outwards to relevant audiences. We interpret, but in doing so we seek to explain (Annison 2018a). Our work here is inspired by Loader and Sparks' (2004: 26) encouragement for researchers of penal change 'to do justice to the importance of political struggle and ideas in determining the character of crime control, and to the contingency and open-endedness of social and political systems that such struggles disclose'.

It builds upon the lead author's earlier analysis of the role of storylines in penal policy change (Annison 2022), which took the TR reforms as its case study. In that earlier paper, the lead author argued that storylines play the essential role of suggesting—and if successful, providing—a coherent unity in the face of the 'bewildering variety of separate discursive component parts' that swirl around complex social problems (Annison 2022: 391). They 'stabilise a political space', and 'provide a simplified and compelling path for actors through the messy thickets of complexity, delay, diverse views and political contestation' (Annison 2022: 391).

We extend this earlier analysis, examining in more detail the organizational stories in play and the ways in which the relevant policy participants placed themselves within the developments and the meanings ascribed therein. We are able to do so, in large part, due to our success in obtaining access to a wide range of relevant senior policy participants and these respondents' openness to engaging in detailed research interviews (see further, section 1.3).

Stories about probation as a policy field proliferate in the scholarly literature, with a rich body of work that reflects on the historical shifts of the meanings attributed to probation over time (e.g. Garland 1985; Whitehead and Statham 2006; Mair and Burke 2011, Burke and Collett 2014).⁴ There is, however, a dearth of work on developments in probation that examines, via

4 These stories are largely told from an Anglo-Welsh perspective, but broader comparative work suggests commonalities in narratives in many other European nations (Robinson and McNeill 2015).

detailed empirical research, those responsible for policy change, their views and experiences. This perhaps reflects criminology's uneasy relationship with politics (Loader and Sparks 2010), and more specifically probation scholars, tendency to have a suspicious view of central government and national politics.

Work on narratives has emerged from various lineages: alongside work on policy narratives, there has developed within life course criminology a growing interest in desistance narratives. In pointing to the conceptual apparatus of Maruna's (2001) *Making Good*,⁵ as we do below in order to reflect upon how probation was framed by national policymakers, we do not make a crude analogy between government action and individual desistance from criminal offending. Rather, the concept of redemption scripts provides a sensitizing device with which to examine the policy participants' efforts to 'have a story for something that's happening' (Bevir and Rhodes 2010: 128), an activity that is integral to successful policymaking (Rhodes 2011; Weller *et al.* 2021): to make sense of the policy, and themselves as its advocate (Annison 2022: 403).

RESEARCH METHODS

The research on which this article is based was undertaken as part of a wider study exploring the reconstitution of probation services following the decision in 2020 to unify the public and private elements of probation delivery in England and Wales. This project, *Rehabilitating Probation*, seeks to explore a series of questions related to the challenges of reuniting a fractured workforce following a period of extensive reforms.

This article utilizes data from one strand of the wider project (see also Millings *et al.* 2023), which examined national policy participant experiences of probation unification. Research interviews were conducted with 19 national policy participants, between May and August 2022. As explained above, respondents were closely involved with the development, decision-making and implementation of the unification. While ethical assurances limit the detail that can be provided, we can state that the range of respondents (i.e. the sample) was highly representative of the range of relevant policy participants (i.e. the population). Interviews lasted 60–90 min, with half conducted in person at the Ministry of Justice headquarters. The remainder were conducted via online video call. All were recorded and transcribed.⁶

Interviews were initially coded, using NVivo, against a codebook of anticipated themes. These were underpinned by our narratological approach (see above), and comprised nodes based on project research questions, the interview schedule, and emerging relevant findings from other elements of the project. Emergent themes were also identified during this process, added as additional nodes. These additions were usually amalgamated as they were refined. An initial provisional draft discussion of dominant themes was shared by the lead author and discussed within the project team. Drafts were then produced, iteratively returning to the underlying data to ensure that the analysis was supported by it.

To preserve anonymity, quotes are attributed to 'policy participant 1' (or PP1 for shorthand) and so on. It is not possible to delineate respondents into sub-groups such as civil servant/non-civil servant as this would potentially enable identification of individuals. These 'elite interviews' were complemented by analysis of relevant policy papers, reports, Hansard debates and speeches. Ethical approval was obtained from the HMPPS National Research Committee (reference 2021-254), LJMU (reference 21/LCP/015), and University of Southampton (reference 71772).

⁵ See survey in Maruna and Liem (2021).

⁶ A small number of quotes have received minor amendments to ensure a level of anonymity that is in accordance with ethical assurances provided to interviewees.

JUSTIFYING UNIFICATION

Our reform of probation services offers a valuable opportunity to not only stabilise the probation landscape, reinforce its ethics and ensure that core services are properly delivered, but also to innovate and improve the way these services are delivered such that we can better achieve probation's key aims... aims that relate to protecting against further offences (protecting the public, empowering those that commit crimes to want to make positive changes and reducing the likelihood of reoffending) and addressing the harm caused by the original offence. (HMPPS 2021: 6)

We begin with these public articulations, before drawing on our research interviews to understand the internal dynamics and reported experiences of this period. The above quote from the 'Target Operating Model' (TOM)—the intended destination for the probation service in terms of structure and practice—exemplifies the policy narrative that was pressed in justification of the reforms. It is possible to identify a classic redemption script (Maruna 2001) that was publicly articulated in support of this.

Maruna (2001) argued that people who manage to 'make good', to move beyond their offending past, tended to draw on a 'redemption script'. Such scripts establish the narrator's good core self, often explaining past offending behaviour as the product of forces outside of the narrator's control. Importantly, such desisting narratives include a shift in agency or self-efficacy whereby the person has now managed to take control of his or her life circumstances, rather than be a victim of them. Finally, redemption scripts are characterized by a desire to 'give back', to draw on their new-found agency in order to help others.

Here, past challenges are acknowledged (TR was not 'knifed off' as an unspeakable past: Maruna and Roy 2007), but was rather reframed as something that in fact strengthens the move into the future:

We would not be where we are now on this model if we had not had TR. There have been some good things and fantastic learning from TR ... but I think we can get even more under the new model.⁷

There is a shift in agency, of self-efficacy (here, the agency of the state). This was expressed publicly by ministers:

It is right that the state takes control of offender management, and the opportunity to integrate high-risk offenders with low-risk offenders gives us some opportunities.⁸

And probation was cast as becoming a reconstructed version of itself, its 'true self' (Maruna 2001), as it strides into the future⁹:

The model we are about to embark on is not a reversion to pre-TR; it builds on lots of elements and learnings that we had during Transforming Rehabilitation.¹⁰

7 Director General Probation, Oral Evidence, The Future of the Probation Service, HC 285 Q169.

8 Minister for Prisons and Probation, Oral Evidence, The Future of the Probation Service, HC 285 Q163.

9 The tone of this narrative perhaps unsurprisingly most closely resembles what Cohen (1985: 13–18) describes as an 'uneven progress' story, or 'master theory', of historical accounts of penal change.

10 Director General Probation, Oral Evidence, The Future of the Probation Service, HC 285 Q169.

[Unification will] improve clarity and accountability whilst ensuring that we make the best use of wider provision and secure the innovation that the private and voluntary sector can bring. (Ministry of Justice 2019)

It is essential to keep firmly in mind that the developments recounted here are grounded in a Westminster model of government that requires collective Cabinet agreement on policy.¹¹ Surrounding and supporting this was (and are always with major projects) a multitude of other systems and structures, including the Major Project Review Group (MPRG), the Infrastructure and Projects Authority (IPA) and an array of internal progress review and oversight mechanisms.

These are formal, substantive processes, with strict requirements in terms of evidence, data and so on. However, ultimately such policy processes, in the political context of government, are an exercise in ‘collective puzzlement’ (Weller *et al.* 2021: 126; after Heclo 1974: 305). For ministers, ‘the challenge is always to find the middle ground between good policy decisions and what is politically sustainable’ (Weller *et al.* 2021: 132). And this requires a clear narrative, one which can ‘stabilise a political space’ (Annison 2022) and enable the policy to ‘make sense’ (Weick 1995).¹²

In terms of the internal discussions that informed the ultimate decision to unify, justifications for the renationalization of probation were commonly framed by respondents as focussed on seven themes: impending disaster; grip (the need for control of a key public service); investment; ending of change and churn; government commitment to a neglected probation service (albeit arguably as much with a view to the needs of the wider criminal justice system); the impossibility of appropriate contractual frameworks; and the role of COVID-19. We now explore these themes.

It is important to recall that wholesale nationalization of probation was not the starting point of the policy process: while it was clearly recognized that ‘the model of CRCs and those contracts weren’t working’ (PP6) the ‘mandate’ initially ‘was to look at a system that looked relatively similar to the split in the probation service at the time, between CRCs and the NPS’ (PP1). Thus, the ministerially-agreed policy position continued to reflect what Stevens has called a ‘policy core belief’, an ‘intuitive faith in the application of private sector logic to public sector problems’ (Stevens 2011: 246).

One policy participant recalled that, in the early days of the policy development in 2018, ‘I honestly didn’t think that we would end up in a situation where we were able to bring offender management back into one organization’ (PP1). However, ‘The case just seemed to grow stronger and stronger’ (PP1).¹³ From a Treasury perspective, it was considered that ‘we’d had TR for long enough to know, this is not just bedding in a few contracts where things are going to take a while and then we’re going to see an uptick in performance’ (PP6); the concern was that mixed (if not poor) performance, and chronic instability, was a feature not a bug.

Our first driver for unification: impending disaster. In February 2019 one of the major CRCs, Working Links, fell into administration. This failure, ‘prior to the implementation of a change, was like a shock to the system ... I think that led to a lot of pause for thought’ (PP1). In March 2019, Interserve, the owner of five CRCs, similarly fell into administration (Public Accounts

11 This term is used here to denote the set of ideas, and political practices, that guide policy participants’ (and others’) views on what can and should be done, and how, within a political system and as regards specific policy issues therein: see Weller *et al.* (2021).

12 For a classic sociological discussion of ‘stories of change’ in penology, see Cohen (1985: Chapter 4).

13 In views echoing Stevens’ (2011) criticism of the internal dynamics that encourage civil servants to shape their advice to anticipated ministerial demands (see also Slater 2022), some respondents expressed frustration that despite a great deal of work, and consultation, policy officials had initially ‘artificially constrained themselves [to a view that] the whole policy isn’t up for grabs’ (PP16).

[Committee 2019](#)). Such developments posed significant practical challenges, but also were freighted with political risk.

This leads to the second driver: grip. The thinking behind unification was summarized by one civil servant as:

You can't outsource a service like probation, because you can't stomach it failing. That's the bottom line... [it] is about control and certainty. So it's having the service under our wing, having it whole, having the resilience that gives us, and being able to respond to the need to do things differently. (PP2)

Nonetheless, the perceived creative power of the private (and third) sector remained integral to the plans, and the driving narrative, of the reforms initially. The Draft TOM, a prior iteration of the intended final structure of probation, was framed so as 'to draw on the experience, innovation and skill within the private, voluntary, community and social enterprise sectors to provide effective rehabilitation services' ([HMPPS 2020: 11](#)). There was a 'clear expectation that the National Probation Service will source [interventions] from the market' and would 'drive innovation', with flexible contracts that would enable 'innovative approaches' to be 'identified and spread across the wider system' ([Ministry of Justice 2019: 4](#)).

Unsurprisingly, the belated decision in 2020 to bring the vast majority of probation work 'in house' attenuated the emphasis placed in public statements on the transformational role that was to be played by the private sector. Nonetheless, probation unification was cast still as contributing to the HMPPS Business Strategy objective to transform 'the delivery of rehabilitative and resettlement interventions by working in partnership with Commissioned Rehabilitative Services providers [which] will allow us to meet the varied and complex needs of individuals in order to reduce reoffending' ([HMPPS 2021: 85](#)).¹⁴ Further, the unification reforms were stated to be building on private sector strengths, including through 'leveraging the skills and experience built up within the CRCs' ([Ministry of Justice 2019: 9](#)).

Third, unification of offender management was cast as being essential to obtaining the kind of investment required to redress historical under-funding:

Probation needed to have the strength of its totality to be a major player, and to draw down the kinds of investment [obtained]. (PP8)

...Significant extra investment that we've managed to secure from the Treasury. It's the 155m uplift a year, on a baseline of just under 1bn, so it's about 15%, 16%, something like that, which is... I can't remember the last time we were successful, as a department, in getting that as a permanent uplift. (PP19)

This was not—nor were any of these justifications—wholly uncontested. One senior policy maker considered that while for many probation staff renationalization was unquestionably necessary and desirable, they found themselves more 'torn... I genuinely thought there was the opportunity within the landscape of NPS and CRCs, for us to explore a way of doing things differently that could ultimately bring about better service delivery' (PP8).

However, any such views struggled to gain traction. [National Audit Office \(2019\)](#) and [Public Accounts Committee \(2019\)](#) reports that argued probation to be structurally underfunded 'really landed with the Treasury' (PP19). The argument that '[the government] are not giving it the funding it needs to do what it's supposed to do' (PP19), and unification being framed as aligned with this, had been heard by Number 10 and the Treasury.

¹⁴ This was to be achieved via the much smaller 'Dynamic Framework', intended to enable third sector (and private sector) groups to bid for specific contracts for probation-related work.

Fourth, in a context where probation can reasonably have been described, at any one point over the past 30 years, as being in the teeth of one form of radical modernization or another (Whitehead and Statham 2006; Mair and Burke 2011), this latest radical upheaval was justified on the basis that it would resolve the constant churn that has beset probation for decades:

So, things might change over the top and around the regions, but the regions will, in a sense, be a constant in the way that we deliver probation. (PP4)

We hope it's the last generational structural reform. (PP2)

Fifth, the unification was seen to exemplify, and reflect, an increasing commitment by government to probation, as being a crucial public service that had been overlooked for too long. It was 'one of the highest priority areas' in the funding discussions surrounding the Spending Review (PP6)¹⁵; internal HMPPS discussions were reported to have seen senior individuals with a prisons background perhaps surprisingly advocating for 'the Probation Service to be the leading voice in HMPPS' (PP18).¹⁶

Probation's increasing importance was, equally and perhaps even predominantly, a reflection of the extent to which it could improve 'the health of the [criminal justice] system as a whole' (PP2). Salient concerns included the desire to 'load balance the prison population' (PP2), given that 'we just had a prime minister that had announced 20,000 police officers, that was going to lead to extra demand in the rest of the system' (PP6). Development of probation reforms also coincided with ministerial efforts to encourage sentencers to pursue alternatives to short prison sentences (Gauke 2018) as part of an ambition for what the Justice Secretary of the time described as his:

ambition for smart justice, that means looking beyond prison and the short-term custodial sentences that we know are ineffective so that we can look instead at the types of community alternatives that we know are better at supporting offenders to turn away from crime for good. (Ministry of Justice 2019: 3)

Policy participants thus considered that the 'killer fact that shifted the politics towards renationalisation' (PP2) was the growing evidence of the loss of faith by the judiciary in the system of probation supervision (HMIP 2017).

Sixth, it became generally accepted that full unification was required because of inherent limits in the marketized outsourcing model established under TR. In public and scholarly debate, arguments have tended to centre upon the moral acceptability (or otherwise) of the privatization of probation work (Burke *et al.* 2019).¹⁷ However for respondents, including many who in principle saw a valuable role for the private sector in criminal justice, the key failure was of government and the model that it constructed via TR combined with public sector procurement rules meaning it was 'just unfixable' (PP10)¹⁸:

The modelling and the volumes, you'll know all of this, were so wildly wrong that [TR] was doomed to failure from the beginning... The split between high-risk cases and non high-risk

15 Spending reviews usually take place every 2–4 years, led by the Treasury; intended to ensure that 'there is a set of plans for departments which fit within the total amount of spending that the Government decides it can afford... a vital part of the Government's economic management' (Institute for Government 2018).

16 This was surprising because for decades English probation commentators have warned that probation, as it has been brought closer to the prison service (in terms of national management restructuring), would find itself culturally overwhelmed by the more powerful prison service.

17 There was also much work that pointed to the practical, as well as the ethical, concerns relating to the TR reforms. See for example, special issue of the *British Journal of Community Justice*.

18 For a dissection of some of the prosaic, yet immensely consequential, problems caused by the Ministry of Justice's decision to pursue privatization in a manner that 'took unnecessary risks with taxpayers' money', at 'breakneck speed' and 'without enough commercial input into its plans', see Public Accounts Committee (2019: 5).

cases and that kind of horizontal split between the NPS and the outsourced market I think was flawed. (PP5)

Similarly, one policy participant recalled his advice to ministers at the time was that, 'If we were unconstrained,¹⁹ I think you should continue with the CRCs but do it properly. If you can't do it properly, then unify and nationalize' (PP3). What is perhaps more striking than such reflections, were the stark nature of the public statements made by ministers:

When we contracted out to private providers, *they were not financially viable contracts. The reason is that we were guessing what was going to come through the system* and we got it wrong.²⁰

Finally, we have seen that the end state of unification emerged in stages. The COVID-19 pandemic was publicly identified as the primary reason for the decision in 2020 to move all probation services 'in house', a justification viewed by some observers at the time with scepticism (Robinson 2021). However, respondents considered that the publicly-stated logic was a genuine reflection of internal thinking. One respondent, instinctively in favour of greater private sector involvement, said:

When COVID hit, I thought it was a spectacularly bad idea to risk [tendering services including supervision of unpaid work]. We just had no idea what the health of these private sector companies were. We didn't really know what that appetite was to provide unpaid work... (PP5)

A civil servant considered that in a counterfactual scenario, where the COVID-19 pandemic did not occur, 'I think we would have ended up with a more nationalized model in Wales, as was the intention, and then more of a mixed economy in England' (PP19).²¹

Ultimately, unification was narrated as marking an opportunity to enable probation's true self to emerge, its redemption achieved (Maruna 2001):

[Unification is] a valuable opportunity to not only stabilise the probation landscape, reinforce its ethics and ensure that core services are properly delivered, but also to innovate and improve the way these services are delivered *such that we can better achieve probation's key aims.* (HMPPS 2021: 6, emphasis added)

THE ELEMENTS OF SUCCESS

Unification—understood specifically as the process of organizational reform and realignment has been regarded as at least a qualified success by many interested observers (HM Inspectorate of Probation 2021; Justice Committee 2021; Johal and Davies 2022), albeit against heavily attenuated expectations whereby avoiding catastrophic failures was to be celebrated. The 'lift and shift' of staff into the singular Probation Service, along with other key 'day one' essential actions, largely worked (Johal and Davies 2022), avoiding problems far from uncommon in government reform projects (Jennings *et al.* 2018).

The reforms were achieved in the face of considerable scepticism amongst a range of stakeholders who had prior experience of major organizational change. One policy participant

19 The respondent here is referring to the various constraints for public sector organizations in relation to matters such as contracting, commissioning, accounting, and so on.

20 Minister for Prisons and Probation, Oral Evidence, The Future of the Probation Service, HC 285 Q163. Emphasis added.

21 Wales, distinctive to England, had already been *de facto* nationalized due to the failure of the relevant CRC, Working Links. Wales' devolved status was used to justify this.

recalled with satisfaction the message from private sector CRC heads being, ‘Between us, we’ve got 100 years of outsourcing experience in this room. We’ve done 40, 50 major mergers and acquisitions. You cannot do [unification to that timescale]’ (PP2).

We now consider the reasons for the perceived success of the unification programme, before examining the many tensions and challenges that remain unresolved. There was a high degree of consistency amongst respondents on the key ingredients that underpinned this perceived success: widespread buy-in and a strong commitment to probation reform, excellent leadership, and the value of an immovable deadline. We will explore these here, before considering the tensions that remained, and the questions unanswered (or created), by unification and its attendant narratives.

Widespread commitment to reform

One civil servant observed, ‘TR was a programme delivered in spite of every other stakeholder disagreeing with it and not wanting it’ (PP19), which had posed considerable challenges in terms of engaging openly during its development. By contrast, the widespread popularity of renationalization generally made it much easier ‘to bring people in and be more open wherever we can’ (PP19). This informed the policy development, as well as its implementation:

One thing that [Probation Minister] was very conscious of was just the realpolitik of what do the people on the frontline want? What do the unions want? Because in one scenario, they’re with us, and in one scenario, they’re against us. ... And there’s no question, we could not have got as far as we’ve got without the support and the passion of the staff. (PP3)

This was not without challenge. Many respondents recognized the balancing act of doing a ‘hype job’ (PP3) to stakeholders—both in terms of motivating staff (‘We wanted to excite them about all this stuff’: PP3) and in terms of achieving Treasury buy-in for investment—while also ensuring that staff didn’t expect unification itself to provide immediate benefits. Many senior respondents considered that their view of unification, and the narrative they intended to press, was that it was about stability: ‘let’s get the basics right’ (PP1), ‘let’s get investment in, let’s get staffing numbers up’ (PP2), that ‘this isn’t a high falutin new policy ambition for the probation service’ (PP2).

One civil servant spoke for a considerable minority when reflecting on their own role in unification and its motivations: ‘I think, like a lot of people, I came back to help, with a sense of wanting to fix some of the issues that had arisen from TR’ (PP19). Another said:

I feel a massive amount of professional satisfaction in being given the opportunity to help fix the challenges that I was part of introducing as part of TR, and I don’t think it’s an accident that me and [many other senior policy participants], were all involved in TR, and all wanted to be part of putting this right. And that’s grandiose language, but there is definitely, you know, a sense of having professional and personal, and ethical—that’s too strong—but skin in the game in the sense of wanting to see this through. (PP2)

There was a strong stated commitment, we might say, to making good for probation.

Leadership

In his account of storytelling in organizations, [Gabriel \(2000: 211–212\)](#) argues that in general, ‘core fantasies’ of staff about leaders centre around the extent to which a leader is (or is not) perceived to be able to offer staff ‘either recognition and support or protection’; to be accessible; to be omnipotent, unafraid, powerful; and to have a legitimate claim to power. The majority of respondents (and across the research project as a whole) expressed positive views (where

shared) about the key civil service leaders central to probation unification that echo some of these features. One respondent, a relatively independent observer on this matter, considered it had in part been a question of whether there would be the bravery by policy participants to face up to the hard choices that TR was posing:

This had been bubbling along for years within the MoJ... Everyone knew [the CRCs] were performing very badly. Were they going to rip the plaster off the wound and reunify? (PP3)

Leaders (meaning here the relevant most senior civil servants) were described as 'extraordinarily inclusive' (PP17), willing to have 'difficult conversations with ministers on behalf of the Probation Service' (PP17). Another respondent considered that, 'Without that level of leadership... I don't know that [the unification process] would have been anywhere near as successful or thoughtful or willing to change, willing to adapt. I think that requires leadership' (PP1):

There is only one reason that probation has gone better than other projects. Forget everything, the only reason is the quality of people doing it. Everything else that has gone relatively well, just derives from that point. (PP3)

Similarly, respondents considered that the relevant ministers had been willing to be brave, that they had 'decisions to make that maybe a less seasoned minister, or a more risk-averse minister, might have turned away from' (PP1).²² One civil servant said that, 'They weren't wedded to what had gone before, which I think was helpful for having a properly open set of discussions with them in terms of the pros and cons of different options' (PP19).²³

The 'Burning Bridge'

We had an Olympic date. We had a date that we had to meet. (PP18)

A central criticism of the TR outsourcing reforms were that they were carried out at an incredible pace, with no meaningful piloting, to an arbitrarily tight timetable that was ultimately informed by the anticipated date of the forthcoming 2015 General Election ([Public Accounts Committee 2019](#)). Some stakeholders therefore urged caution for the further reforms, arguing for changes to be piloted in advance of gradual national introduction ([Justice Committee 2019](#)).

But we have seen that a tight timetable was chosen, with a hard deadline of June 2021 self-imposed (for England, earlier still for Wales), by way of the decision not to extend the contracts with the CRCs. Some policy participants considered that this meant the unification process was 'like driving a car down a narrow street and knocking the wing mirrors off' (PP12), with some benefits of TR 'lost along the way that we will now struggle to get back' (PP12). At the same time, other policy participants could see that the 'burning platform of unification' (PP8) with an immovable deadline had value:

You're going to use that [as a leader] as the means to also say, 'Let's do a once in a lifetime proper re-engineering of the probation service, with a significant investment to get this really fractured, underinvested essential public service up on its feet, and operating.' (PP8)

²² It was also recognized as being helpful that the political architect of TR, Chris Grayling, had left the government by 2020 when wholesale unification was announced.

²³ There was a slight note of surprise recounted in some respondents' discussions of the policy development, whereby ministers *actually had listened to reasoned advice and had taken the most logical policy position based on that advice*.

UNIFICATION, POLITICAL REASONING AND THE ‘BATTLE FOR PROBATION’S SOUL’

[A story is interesting] not because of what truths it can tell us about a person’s past but rather what it might say about the person’s future. (Maruna and Liem, 2021: 128)

We have seen, in the preceding analysis, that the unification of probation was widely recognized as being a success (in the context of attenuated expectations for government reform projects). That said, such efforts could not overcome the brute fact of prior history:

We’ve pretty much lost seven years for the probation service as a result of all the effort, investment going into that structural reform and then having to come back out of it the other side. (PP2)

Additionally, the service and staff bore the scars, the ‘organisational trauma’ from TR (Robinson 2023; Millings et al, 2019). At a public event reflecting on the unification programme, the Director of the Reform Programme stated that he was ‘under no illusions about the scale of the challenges that lie ahead’ (Institute for Government 2022). These challenges include recruitment and retention of staff, workload, improving, and ensuring consistency of practice, building stakeholder confidence, and resolving longstanding IT and infrastructure issues. But more fundamentally, unification was recognized to have brought to the surface foundational questions about what probation *is* and what it *is for*. A number of respondents reported actively thinking about probation’s future identity, with one respondent describing it as bringing to the surface the need for a ‘fight for the soul of probation, what is probation?’ (PP1).

In thinking about this, we can reflect on our analysis of the constructed narrative for the probation unification reforms, the core justifications for policy participants, and how these align (or do not) with wider possible narratives about probation. We saw above that the consistent government justification for probation renationalization was that unification would provide ‘a sustainable long-term model for probation services that provides public protection, visible and credible options for sentencers, deals effectively with individuals who have offended repeatedly and gives the right rehabilitative support to address offending behaviour’ (HMPPS 2020: 10). Within the Target Operating Model, the strapline ‘Assess, Protect, Change’ (APC) was proffered as a distillation of probation’s aims (HMPPS 2021: 6–7):

Assess: Undertaking accurate, timely assessments of an individual’s risks and needs that take into account protected characteristics and specific considerations arising from these.

Protect: Managing an individual’s risks and needs in conjunction with other relevant agencies. Taking effective action ... and safeguarding victims.

Change: Empowering supervised individuals to make lasting changes to their lives through building good and trusting relationships with them that help motivate them through any rehabilitative activities and support them in integrating into the community. Working closely with other agencies and community services to facilitate this.

The internal processes of policy development, the ‘puzzling’ through to satisfactory policy solutions (Weller et al. 2021: Chapter 8), thus reflected the multi-faceted roles and expectations placed upon probation. It is notable, in August 2022, that senior leaders felt able to remind all staff that the ‘mission’ to which probation (and prisons) were working was ‘public protection’ (HMPPS 2022). This suggests an envisaged dominance of the ‘assess’ and ‘protect’ aspects of APC. One which connects with the longer history of probation’s increasing alignment with a public protection agenda that elevated functions of ‘surveillance, control, and exclusion’

(Nash 2000: 211), treating people on probation primarily as ‘risk bearing subjects’ (Robinson 2008: 440).

At the same time, the APC points to probation’s envisaged role in supporting rehabilitation. The notion of rehabilitation as the central ethos for probation has deep roots, emerging in the post-war period as a secular incarnation of the original mission to ‘save the souls’ of the sinful (McWilliams 1983; Mair and Burke 2011). One must recognize, however, the extent to which rehabilitative policy, and its underlying justification, has shifted across the twentieth and twenty-first centuries (Garland 1985), being capable of eliding into public protection (Robinson 2008) or standing as its distinct other (Burke *et al.* 2019).

This speaks to the widespread sense that probation’s purpose is far from settled (at time of research interviews, and at time of writing). This is due in part to the focus on organizational restructuring in recent years, which has led to a relative neglect of questions relating to what probation is and what it is for. It also speaks to probation’s history, which has been marked by debates about its values and its nature, its essence much contested.

In discussions about probation’s future trajectory, respondents found succour in different strands of its self-identity. One explicitly drew connections back to probation’s social work past in discussing what good probation work looked like, and the challenges in achieving it:

[Probation officers] want to try to change behaviours and achieve better outcomes. It is very specialist, complex type of social work. But [there is] the expectation on them to also provide those protection duties. (PP4)

This connects with the historical emergence of the ‘scientific’ iteration of probation’s self-identity (McWilliams 1985, 1986), casting probation as ‘a social work service with a long and proud tradition’ (Mair and Burke 2011: 115).²⁴

Reflecting the historical notion of probation as being rooted in its locality (e.g. McWilliams 1985), some respondents recognized the force in the view that probation practitioners are (or should be) ‘local people, rooted in local communities, and local services’ (PP8). One senior civil servant considered, 1-year post-unification, that ‘I think we’re still trying to find that sweet spot now’ (PP2), between regional empowerment and centralized control, but fundamentally ‘the only way to get brilliant delivery is for those [probation] regions to be driving it’ (PP16).

Similarly, many respondents recognized that there was force behind concerns that unification was pulling probation into civil service structures, processes and cultures that ‘can feel very disempowering to people’ (PP10). Some respondents, contemplating the Probation Service’s structural alignment as part of the centralized state, could not predict how this would develop:

I can’t, still, work out whether this operating environment will allow us to settle in in two or three years’ time, or whether this is just a square peg in a round hole. I can’t tell you, yet, which one it is. (PP17)

During the period in which our research interviews were conducted, near-uniformly negative inspection reports by HM Inspectorate of Probation grew in number (HM Chief Inspector of Probation 2023), which while anticipated (given the time that would be required for reforms to bed down), were not easy reading. More recently, a number of Serious Further Offence (SFO) investigations were published (see HM Chief Inspector of Probation 2023), which, coupled

24 English probation workers have not been required to have accredited social work training since the late 1990s.

with high profile media coverage and challenge from the opposition Labour party, put the Probation Service under sustained critical focus.

Recognition of concerns were reported in more coded terms during our research period,²⁵ with many policy participants speaking to the need for the service to focus much more on ‘the basics of probation practice’ (PP8), ‘quality of practice’ (PP10), ‘good probation practice’ (PP4): ‘we have had at least 7 years where it’s all been about structure... We’ve got to move on and make the next few years about practice’ (PP2). However, the ongoing reforming impulses did not cease. One respondent remarked that ‘the pressure of change in probation... One HMPPS being a great example, it just hasn’t stopped’ (PP9).²⁶ Another respondent described it as ‘another change in an already change-saturated area’ (PP17).

CONCLUSION

This paper has drawn on original empirical research to provide an analysis of the factors that informed the successful (for most observers, against the attenuated parameters and expectations we have set out) ‘unification’—the renationalization—of probation services in England and Wales. English penal policymaking remains a stubbornly closed world (Annison 2018b). In this paper we have nonetheless provided detailed insights into the experiences and intentions of these policy actors, as they sought to achieve the renationalization of a public service part-privatized less than a decade prior and by the same governing party.

We now consider the wider implications of this study, of a period in English probation policy which (in terms of its earlier privatization) appeared baffling to those in many nations who had considered English probation to be a world-leading exemplar (Annison *et al.* 2014). The policy dynamics that we have described here in this English case cannot be understood without recognizing the centralizing, ‘power hoarding’, impulse that predominates within English political culture (Wright 2020: Chapter 4). The central government in England and Wales, not least in relation to penal institutions (Bennett 2015), predominates towards what we might call, after Douglas (1986) and Hood (1998), a hierarchical thought style. It embodies, in other words, a public management approach that prioritizes authority, expertise, clear lines of accountability and, above everything, managerialist oversight (Hood 1998: 26–28).²⁷

By contrast, accounts of English probation’s self-identity over its history feature origin stories that are essentially egalitarian in character (Mair and Burke 2011: 183). Probation and those practising probation work have not been, and are not, univocal or homogenous (Mawby and Worrall 2013). Nonetheless, it is possible to describe the probation community in England and Wales as ‘a thought world’, tending towards the expression of particular thought styles and poles of moral understanding (Douglas 1986).²⁸ One which has tended towards ideas connected to participation, communitarianism, and collectivism. This unsurprisingly led to resistance against TR’s embodiment of a certain type of ‘individualist’ thought style (which includes a valorization of the competitive dynamism of the private sector: Hood 1998: Chapter 5). But an egalitarian thought style is also resistant to the assumptions and implications of a hierarchist, power-hoarding, approach.

25 HMIP reviews of SFOs are usually published at least several months after the offence was committed. Therefore many respondents, at time of interview, would have been aware of then-ongoing SFO investigations and the reputational harm that their future publication would be likely to inflict.

26 One HMPPS is a further development, initially emerging in 2022, that will involve the reorganization of the senior leadership structures, at national and regional level, of prisons and probation (HMPPS 2022). Some respondents argued forcefully that this was not in any way comparable to the fundamental reforms of TR or unification, but was rather about better enabling probation unification to succeed over time.

27 There are, of course, counter dynamics in play.

28 This is not to imply determinism, nor the impossibility of change. For further discussion, see Sparks (2001).

These dynamics, speaking to what Brangan (2021) would term political reasoning, aligns with and helps to explain the developments and experiences we have described in this paper: how a relatively modest number of policy actors mobilized to deliver for a variety of audiences, working towards amorphous notions of success/failure, and came in many cases dynamically to associate with the practice field they presided over. While we have seen glimpses via our research of dedicated, perhaps even 'sentimental' (Anderson 2016) senior civil servants, who expressed deep commitment to probation, their efforts to 'make good' were enacted within a hierarchical set of structures and processes. This created tensions that could be seen in the experiences narrated by respondents. Many spoke of their efforts to be inclusive, to recognize the wide range of views within probation, indeed many actively seeking out 'pack your tin helmet' (PP19) meetings where they would engage directly with those affected by central decisions.

At the same time, there were consequential stories of exclusion: for example, discussions with ministers around options in 2020 for responding to the COVID-19 pandemic were kept 'within a very small set of people' (PP19), influenced in part by a fear of the further nationalization being leaked to the newspapers. This meant that important probation stakeholders, including the Regional Probation Directors, were excluded from any discussion until the decision had effectively already been confirmed.

Stories have been described as 'the blood vessels through which changes pulsate in the heart of organisational life' (Boje 1991: 8). In one regard, this speaks to our identification of probation's publicly pressed unification 'redemption script' that cast it as having overcome its challenging recent past, able to draw on this in order to press forwards into a more positive future, becoming (or perhaps restoring) its true self. Indeed, we desire stories naturally to tend towards resolution and thus imparting a clear lesson (Sandberg 2022: 214).

However, in this case the story of English probation's renationalization contains elements of both heroic and tragic narratives, resisting simple categorization. In part, this was (and is) due to exogenous shocks experienced during the period (such as COVID-19), and challenges that were ongoing during the research interviews (such as the cost of living crisis that began in spring 2022), which have increased and extended the sense of probation as an inchoate organization operating upon unsettled terrain. It also reflects (English) probation's history, which results in it being a site of a range of intersecting stories, with variegated origins and potential future trajectories (see Mair and Burke 2011). Our analysis has encapsulated some of the tensions for criminal justice policy makers as they attempt to respond to a range of often competing policy narratives; dynamics that are not confined to this specific case or jurisdiction.

In this way, we have sought to bear out the value of the close empirical study of 'the inner working of the prison [or in our case, probation policy] world' (Brangan 2021: 26); to examine the playing out of common challenges of penal policy reform, in a specific context. Our paper, while not in itself comparative (cf Brangan 2021), invites similar investigations of styles of political reasoning in different locales, against a backdrop of wider cultural sensibilities (Nelken 2010). The increasing recognition of the centrality in some nations of 'mass supervision' to the nature and experience of the penal state (Phelps 2013; McNeill 2018), and probation's potential role as a counterweight to dynamics of penal excess (Burke *et al.* 2022), makes this a particularly pressing task.

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