

## Professionalism, Payment by Results and the Probation Service: A Qualitative Study of the Impact of Marketisation on Professional Autonomy

Work, Employment and Society

1–21

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DOI: 10.1177/09500170211003825

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### Abstract

This article utilises Foucauldian understandings of the sociology of the professions to explore how marketising reforms to probation services in England and Wales, and the implementation of a 'Payment by Results' (PbR) mechanism in particular, have impacted professional autonomy. Drawing on an ethnographic study of a probation office within a privately owned Community Rehabilitation Company, it argues that an inability to control the socio-economic organisation of probation work has rendered the service susceptible to challenges to autonomy over technique. PbR was proffered as a means to restore practitioner discretion; however, the article demonstrates that probation staff have been compelled to *economise* their autonomy, adapting their conduct to conform to market-related forms of accountability. In this sense, it presents the *Transforming Rehabilitation* reforms to probation as a case study of the impact of marketisation on the autonomy of practitioners working within a public sector profession.

### Keywords

autonomy, Payment by Results, probation, professionalism, transforming rehabilitation

### Introduction

The *Transforming Rehabilitation* (TR) reforms to probation services in England and Wales sought to counter an 'unsustainable rise in the prison population' (Ministry of Justice (MoJ), 2010: 8) under previous New Labour administrations. Competing for services, the Coalition government argued, would liberate staff from the regulatory grasp of

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centralised state control (MoJ, 2010, 2013). From 1 June 2014, probation services were divided between two organisations: the publicly owned National Probation Service (NPS) manages offenders who pose a high risk of harm to the public, while 21 privately owned Community Rehabilitation Companies (CRCs) supervise low-to-medium risk offenders. CRCs were paid via a Payment by Results (PbR) mechanism, which aspired to hold providers to account not on the services delivered but on reductions in reoffending (MoJ, 2013). Its potential advantages included greater ‘efficiency’, along with the transfer of risk from the public to the private sector (Fox and Albertson, 2011). PbR was presented as a means to reinvigorate ‘professionalism’ in probation, to ‘give providers the freedom to innovate to deliver results’ (MoJ, 2010: 38). And yet, CRCs’ contracts will be terminated in June 2021, while the PbR mechanism has already been abandoned (National Audit Office (NAO), 2019) – decisions precipitated, in large part, due to the ‘deplorable diminution of the probation profession’ (HMI Probation, 2019: 3) since *TR*.

‘Professionalism’ is a much-disputed concept, but an occupation’s ability to exercise autonomy is recognised across competing theoretical traditions as central to claims to professional status (Carr-Saunders and Wilson, 1933; Fournier, 1999; Freidson, 1970). Professions strive to resist ‘technicality’, or the extent to which labour can be routinised, and to preserve their ‘indetermination’ (Jamous and Peloille, 1970). Practitioner autonomy is similarly acknowledged as an important source of professionalism within probation scholarship (Mawby and Worrall, 2013; Robinson, 2003). In recent decades, however, much probation research has argued that the service has been deprofessionalised (Davies and Gregory, 2010; Mair and Burke, 2012). This literature typically emphasises the impact of neoliberal technologies of governance – including performance targets, audit and risk assessment devices – on practitioner autonomy (Hardy, 2014; Robinson, 2003). While the loss of professional discretion has not been absolute, staff have nonetheless had to internalise such mechanisms to ‘justify the service’s existence’ (Phillips, 2011: 111). This suggests that professionalism in probation has been *reshaped*, rather than replaced, by the ‘calculative technologies’ (Miller and Rose, 1990: 13) inherent to neoliberal governmentality.

Throughout the consultation process for *TR*, the Coalition government’s invocation of ‘professionalism’ was most clearly expressed in terms of *restoring* discretion for providers and practitioners in response to the interventionism of successive New Labour governments (MoJ, 2010, 2013). Relaxing standardising directives for practice and replacing performance targets with PbR, they argued, would permit greater discretion and encourage innovation. This article demonstrates that, despite attempts to decentralise decision-making, PbR has further reshaped the exercise of professional autonomy in probation in accordance with market metrics. It draws upon the sociology of the professions literature and Brown’s (2015: 31) observations on the neoliberal ‘economization of heretofore noneconomic domains, activities, and subjects’ to develop the notion of *economised autonomy* – that is, the remaking and regulation of professional decision-making in the image of the market. This provides a lens through which to better understand the above-mentioned impact of market logic on probation practitioner autonomy, as well as a way to theorise explicitly monetising incentives such as PbR.

The article takes the *TR* reforms as a case study through which to explore the implications of marketisation on autonomy within a public sector profession. The first part

explores the relationship between professionalism, markets and autonomy. The second part outlines the aims of the research, along with its methodological approach. The third and fourth parts apply Freidson's (1970) distinction between autonomy over 'socio-economic organization' and autonomy over 'technique' to the service. An historic inability to influence the socio-economic organisation of probation work, it is argued, has rendered the service particularly susceptible to economisation. Hence, marketising restructurings have challenged probation practitioners' autonomy over technique. The fifth part demonstrates how the PbR mechanism functions as a form of 'penal accountancy' (Foucault, 1977: 177), which has further compelled practitioners to *economise* their autonomy. These arguments are pulled together through study of Arthur, whose attempts to balance autonomous practice with quantitative performance metrics point to a 'hybrid' professionalism (Noordegraaf, 2015). He is encouraged to help offenders while being disciplined by the financial implications of a failure to meet market-based performance metrics. Accordingly, the article makes theoretical and empirical contributions to debates on the deprofessionalisation of probation in England and Wales at a critical moment in the service's history.

## Professionalism, markets and autonomy

Sociological interest in the professions increased with the growing number of occupations that laid claim to 'professional' status (Johnson, 1972). The first attempts to theorise the professions emerged from within the functionalist tradition: professionals were constructed as vital to social cohesion; they were trusted to act in the public interest (Carr-Saunders and Wilson, 1933). The technical character of a profession's knowledge was a distinguishing feature of professional labour (Parsons, 1952). Professionals, therefore, possessed higher socio-economic status relative to the layperson: social in that they were recognised as an 'authority' in their field; economic in that this (state-approved) authority insulated them from market forces (Parsons, 1952). This granted professionals significant autonomy over work; they were motivated not by economic gain but through a desire to operationalise their knowledge for the betterment of society, 'to render service whenever called upon' (Carr-Saunders and Wilson, 1933: 422).

In the 1970s, an emergent neo-Weberian critique of professionalism argued that the autonomy bestowed upon professionals by the state by virtue of licensed knowledge could be used for market gain (Freidson, 1970). Where, for functionalists, a profession's ideology of service sought to minimise uncertainty for the client, neo-Weberians highlighted how professional power could be utilised to minimise uncertainty for the professional (Johnson, 1972). Such analyses typically explored interactions between medical professionals and fee-paying clients in the US. Here, 'the source of compensation' (Freidson, 1970: 361) is crucial to professional power: the greater a profession's control over a 'market', the greater its autonomy over the socio-economic and technical organisation of work. Hence, 'collegiate' interest in maintaining autonomy over work helped professionals to secure their privileged position in the division of labour (Larson, 1977).

Johnson (1972), also writing from a neo-Weberian perspective, showed how professionalism can thrive under differing capitalist political economies. He posed two alternative models of professional power: 'corporate patronage' and 'mediative control'. The

former emerged from the shift to bureaucratic modes of organisation in industrial society, 'creating conditions in which the demand for many occupational services comes increasingly from a declining number of large-scale corporations, both private and public' (Johnson, 1972: 66). Accountancy provides an example of corporate patronage, evolving from an independent profession deferential to *laissez faire* interests to become the 'prop of capitalism . . . in the era of the planned economy' (Johnson, 1972: 74). Economic crises stimulated demand for external controls on public financing, spawning large professional firms which are reliant upon powerful clientele (Power, 1997). 'Mediative control', by contrast, refers to state intervention in the professional-client relationship (Johnson, 1972). The profession is integrated within the machinery of the state, with members' income determined in the form of salaries as opposed to interpersonal transactions. This model flourished under Keynesian political economy, in which clients were 'defined on the basis of "citizenship" rather than social origin or ability to pay fees' (Johnson, 1972: 77-78).

And yet, no occupation which identifies as 'professional' is immune to challenge, for such status must be constantly legitimised (Fournier, 1999). Vulnerability to external intervention is heightened for professions that are dependent upon the state for clients *and* funding, such as legal aid lawyers (Sommerlad, 1995). After the breakdown of the Keynesian consensus in the 1970s, efforts towards greater market involvement in public services to enhance quality and efficiency were linked to the delegitimisation of professional power (Clarke and Newman, 1997). The autonomy deployed by public sector professionals to shape the causes of social problems, as well as their solutions, was held partially responsible for economic underperformance (Clarke and Newman, 1997). Professionals were presented as unaccountable to the public, while monopolistic (state) provision deprived citizens of their right to choose (Dean, 2010). The resultant neoliberal reforms of the 1980s sought to aggressively enforce markets in all spheres of public life, representing 'a kind of "folding back" of the objectives of government upon themselves' (Dean, 2010: 175) through the use of (quasi-)markets to hold professionals *and* government to account. Accordingly, professional competence had to be demonstrated not only through maintaining a certain standard of service for the client, but also through the market as 'the regime of veridiction' (Foucault, 2008: 35) within the public sector – that is, as a means to (in)validate governmental practice.

Foucault (2008) argued that the liberal political economy that defined the 19th century sought to govern through the freedom of its autonomous subjects. The dispersal of knowledge in fields such as medicine, law and accounting was critical to rendering this abstract philosophy practicable (Fournier, 1999). Professional expertise 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 (Miller and Rose, 1990). Merely possessing such knowledge, however, is 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), which served to self-regulate autonomy.

Drawing on Foucault's (1991) writings on 'governmentality', or 'the conduct of conduct' (Dean, 2010: 19), Fournier (1999) asserts that appeals to professionalism serve to instate within professionals a disciplinary subjectivity under neoliberal political economy. Neoliberalism is at once oriented towards 'deregulation and control' (Brown, 2015:

49). Organisations are encouraged to utilise market mechanisms to actuate innovation, to dismantle bureaucratic structures and empower a diverse cohort of employees with the autonomy to prioritise the client, while demonstrating their legitimacy through ‘budget controls and audit’ (Fournier, 1999: 288). The encroachment of marketising instruments into domains hitherto considered beyond their influence seeks to *economise*, to remake ‘knowledge, form, content, and conduct’ (Brown, 2015: 31) in ways that are commensurate with market logic. Neoliberal governmentality *empowers* ‘professionals’ with one hand while *disciplining* them with the other (Dean, 2010). A *discourse of professionalism* has thus become a dynamic resource with which to discipline ‘at a distance’ (Fournier, 1999; Miller and Rose, 1990), to align workplace identities across a range of organisational contexts with rationalities of individual autonomy and flexible accumulation.

Part of a wider neoliberal shift to align public sector management with private sector techniques (Power, 1997), greater central control over probation since the 1980s was justified through assertions as to the more efficient service that would result from reducing practitioner discretion (Morgan, 2007). A problematisation of autonomy over technique resulted in the emergence of marketising mechanisms as the primary mode of accountability. Market discourses and metrics were disseminated in a new domain (Brown, 2015). The introduction of performance targets, which took completion rates as quantifiable evidence of effectiveness, and the publication of prescriptive guidelines for practice known as National Standards from 1992 onwards, pursued ever-greater consistency (Phillips, 2011). The need for the service to demonstrate ‘perpetually increasing productivity’ (Davies and Gregory, 2010: 401), evidenced through regular audit, thereby *economised* probation practice.

Despite decades-long trends towards the use of market mechanisms to constrain autonomy in probation, the Coalition government argued that *further* marketisation was necessary to enhance ‘professionalism’ (MoJ, 2010). Spurred by the post-financial crisis 2007/08 politics of austerity, the service’s legitimacy was challenged with recourse to fiscal probity: a ‘Whitehall knows best’ (MoJ, 2010: 6) approach had contributed to ineffective practice, at an unsustainable cost to the taxpayer. Competing for services would ‘ensure greater flexibility and professional discretion’ (MoJ, 2010: 46) to rehabilitate offenders while holding providers to account through a PbR mechanism designed to promote ‘innovation’. The Coalition government’s criticisms of New Labour’s interventionism and promises of greater autonomy were contravened by the imposition of *TR* on the service, without meaningful consultation with staff and trade unions (Kirton and Guillaume, 2019). In this way, ‘professionalism’ was utilised as a ‘discourse of occupational change’ (Evetts, 2013: 786).

## Methodology

A CRC was selected for study because the Coalition government presented market logic as a means to overlay the ends of enhancing autonomy, reducing reoffending and arresting the costs of criminal justice (MoJ, 2013). The research explored how probation staff experienced the *TR* reforms, with a focus on understandings of professionalism. Data were generated via ethnographic study of ‘Elizabeth Street’, a pseudonym for a privately owned CRC office in a large city in England. Ethnography has been utilised 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, the so-called ‘mundane’ aspects of work since the reforms. Such immersion served a dual purpose: observation not only allowed the researcher to get close enough to informants to generate data on how people behave in their natural setting, but also aided the development of personal relationships with staff at all levels of the CRC.

Informal access to the CRC was obtained following contact with a ‘gatekeeper’, a research officer employed by the parent company that leads Elizabeth Street. The research was then 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. The parent company’s approval required a degree of flattery on my part as to their credentials as a major, multinational provider of public services, alongside emphasis on the local context for my study. For this reason, I agreed to produce interim reports on my findings to staff at Elizabeth Street. Upon consultation with the gatekeeper, I had the chance to meet with potential informants and to explain the research prior to the fieldwork commencing in March 2018. The opportunity to present my research, and thus manage impressions, was beneficial for securing the consent of probation staff. The hostile reception with which practitioners met *TR* (see Kirton and Guillaume, 2019) meant that I did not struggle for informants willing to be observed and/or interviewed.

I observed everyday life at Elizabeth Street for three to four days per week over a period of six months (April – October 2018). I was present for approximately seven hours per day and conducted unstructured observations on a range of activities, such as supervision meetings with offenders, unpaid work, team meetings and multi-agency meetings. These observations facilitated identification of potential informants for interview as well as refining the themes to be explored. Sixty-one such observations were conducted: 47 were between a single offender and their supervising practitioner, of which 41 were at Elizabeth Street. Twenty staff with varying lengths of service in probation, from six months to four decades, were selected for a one-hour, semi-structured interview. Informants consisted of ten Probation Service Officers (PSO), five Probation Officers (PO), three Senior Probation Officers (SPO) and two Senior Managers. The sample broadly reflected the demography of the office, and of probation in general, in that 70% of interviewees were female (Deering and Feilzer, 2015). However, the gender composition of staff grades will not be disclosed to safeguard participants’ anonymity. The names presented below are pseudonyms, all of which were selected by the researcher. Interviews were conducted in private and digitally recorded, before being transcribed verbatim.

Data derived from both observations and interviews were managed on NVivo 12 and analysed through ‘abductive reasoning’, a process in which ‘the researcher is simultaneously puzzling over empirical materials and theoretical literatures’ (Schwartz-Shea and Yanow, 2012: 27). Part of a broader research project, initial themes for analysis were developed from the ideal-typical ‘professional’ traits identified within the sociology of the professions literature, including an ideology of service; knowledge, education and training; and autonomy over work, the subject of this article. Few informants, however, explicitly reflected upon such traits when interviewed on their understandings of ‘professionalism’ in probation. Whether through



observations or interviews, autonomy was more commonly expressed *implicitly*, with reference to the calculative logic intrinsic to the neoliberal restructuring of the state (Miller and Rose, 1990). The discrepancy between ‘expectation and experience’ (Schwartz-Shea and Yanow, 2012: 28) prompted a re-evaluation of the data through a Foucauldian lens. In this way, the closeness to both empirical material and literature facilitated by abductive analysis manifested in the concept of *economised autonomy* in probation as a way to theorise marketising changes.

The small-scale nature of the study means that the findings are not generalisable to other CRCs. This acknowledgement should not be construed as a weakness of ethnographic methodology; rather, single-site research can provide rich, ‘thick’ understanding of one (probation) environment (Geertz, 1973). Ethnography is thus an expedient method through which to study professional autonomy, helping to bridge the divide between what is said and what is done.

### **Socio-economic organisation of probation work**

A profession’s autonomy over the socio-economic organisation of work can never be absolute, for ‘the state has ultimate sovereignty over all and grants conditional authority to some’ (Freidson, 1970: 24), but it contributes to a profession’s capacity for self-regulation. For Freidson (1970), the ‘social’ concerned a profession’s ability to resist interference from external forces, such as the state or the market, and to exert control over affiliated occupations. The ‘economic’ referred to income, or the extent to which professionals are able to dictate the terms of their remuneration. His analysis of the medical profession in the US demonstrated how there is no ‘free’ market for medical services; rather, the state ensures that practitioners have a monopoly over access to clients by virtue of licensed knowledge. Medical professionals can use this autonomy to maintain power over clients and to preserve their privileged socio-economic status. Probation’s clients, by contrast, are involuntary: offenders cannot reject services, nor can they withdraw their purchasing power if dissatisfied. The state regulates demand for services through the courts while controlling for the supply of practitioners. Accordingly, Johnson (1972) identified probation as a profession that operates under ‘mediative control’.

The probation service has historically been recognised as a *profession*, a claim strengthened by the state’s support for its knowledge and methods. The 1962 Morison Report, for example, asserted that the probation officer was ‘a professional caseworker, employing in a specialized field, skill which he holds in common with other social workers’ (c.f. Jarvis, 1972: 66). Probation historians, too, have considered the autonomy to diagnose and treat offenders in a manner ‘akin to that of a physician’ (McWilliams, 1985: 260) as crucial to its professionalisation, even if the socio-economic governance of the service ultimately rested with the state (Morgan, 2007). The collapse of the Keynesian consensus, however, exposed criminal justice professionals to challenge as ineffective impediments to public safety and economic prosperity due to a failure to rehabilitate offenders (Garland, 2001). As a result, probation practitioners were compelled to become more accountable to the taxpayer (Morgan, 2007).

Maruna (2007) has shown that, until the 1970s, popular representations of probation were generally positive; however, public affinity with the service was undermined by the

politicisation of criminal justice discourse that accompanied the demise of Keynesianism. The convergence of the 'Nothing Works' (Martinson, 1974) movement and the right realist reframing of recipients of social security as 'undeserving' laid the foundations for new approaches towards crime control from the 1980s onwards, which sought to marginalise offenders' socio-economic circumstances (Garland, 2001). Positive portrayals of the service have been conspicuously absent from media debates, with the public gaze typically drawn to high profile, often tragic incidents (Phillips, 2014). That probation's clientele is overwhelmingly lower-class has further hindered its ability to connect with the public (Mawby and Worrall, 2013), contributing to a deficiency of understanding about the service:

I think, in general, the public hasn't got a good understanding of what probation is. [. . .] It's only when you explain to them the meaning of it, in fact, that they tend to be more inquisitive about why a person does what he or she does. People do not think about the background of the person. (Leon, PSO)

A perceived decline in the appeal of rehabilitation to the public, although challenged for its superficiality (Allen and Hough, 2007), has inhibited probation's capacity to resist numerous reorganisations (Morgan, 2007) – each with *economisation* at their core. The establishment of the NPS in 2001, for example, attempted to render probation more accountable to the public, devaluing the service's historic emphasis on rehabilitation in favour of 'tougher' approaches to enforcement and curtailing the autonomy of local probation areas (Robinson and Ugwudike, 2012). Probation was then subjected to further reorganisation through the creation of the National Offender Management Service (NOMS), in 2004, which attempted to enhance efficiency through 'contestability' between public and private (and voluntary) sector providers (Morgan, 2007).

Neither probation's organisational structure nor efforts towards fiscal responsibility are, however, 'the natural ingredients of a newsworthy story' (Hedderman and Murphy, 2015: 228). The service's low public profile resulted in relatively little media attention when *TR* was announced, which meant that the reforms were largely uncontested outside of the service and academia (Hedderman and Murphy, 2015). Analysing media reports of plans for *TR*, Phillips (2014) contends that, where the Coalition government was able to articulate a positive vision of the reforms through discourses such as 'rehabilitation' and 'innovation', arguments presented by organisations such as Napo (probation's trade union and professional association) and the (left-leaning) media outlets supportive to their cause, depicted the service as effective at meeting its targets. The effect, he argues, was to inadvertently affirm the Coalition government's view that probation was subservient to a bureaucratic state, thereby failing taxpayers *and* offenders. For staff at Elizabeth Street, however, the prevailing political economic imperative towards deficit reduction (MoJ, 2010), rather than enhanced professionalism, proved the catalyst for *TR*:

I don't know anybody who was in agreement with the privatisation of the probation service within the office. At all levels, I don't think anybody was jumping up and down at the idea. It was tied into quite a lot of other issues in terms of money: there's always . . . an issue about money and it was to do with austerity. (Fizz, PO)



Consistent with other Probation Trusts (Kirton and Guillaume, 2019), many members of staff at Elizabeth Street partook in industrial action to display their opposition to *TR* before the reforms were implemented:

I went on strike because probation as we knew it was changing. I didn't agree that private companies were coming in to . . . do work that shouldn't really have been done by private companies. It's not for profit: these are vulnerable people and you shouldn't be making money out of them. (Maddie, PO)

This identification with a publicly owned service demonstrates the strength of practitioners' professional affiliation to probation (Deering and Feilzer, 2015; Kirton and Guillaume, 2019). However, initial hostility towards *TR* was replaced by an air of inevitability, largely because of the extent of state intervention in recent decades:

It feels like we've been on a journey for such a long time, and it just continues. It doesn't feel like there's been stability for such a long time. In fact, I can't even remember when there was. (Louise, SPO)

Such fatalism towards organisational restructuring resonates with Robinson and Burnett's (2007) observations of passive resignation among staff who experienced the NOMS reforms. *TR* thus presents a continuation of probation practitioners' historic inability to control the socio-economic organisation of work. This has contributed to a sense of powerlessness regarding (further) marketisation:

. . . it was very much almost like people just knew that [*TR*] is what had to happen. (Kate, SPO)

A lack of autonomy over the socio-economic organisation of work does not necessarily degrade claims to professional status, 'so long as a profession is free of the technical evaluation and control of other occupations in the division of labor' (Freidson, 1970: 25). However, probation's inability to communicate its (rehabilitative) worth has meant that practitioner autonomy over technique has been, and continues to be, susceptible to external interventions of the state and, latterly, of the market.

## **Probation and autonomy over technique**

The consequences of 'centrally controlled services' (MoJ, 2010: 8) on probation's autonomy over technique have been the focus of considerable academic enquiry in recent years. Much of this research has alleged deskilling and deprofessionalisation (Gale, 2012; Mair and Burke, 2012), a consequence of the relationship between performance targets and risk assessment *discourses*, *objectives* and *techniques* (Davies and Gregory, 2010; Feeley and Simon, 1992; Hardy, 2014). Practitioners utilise risk assessment technologies, such as the Offender Assessment System (OASys), to ensure that decisions are able to withstand 'public scrutiny' (Kemshall, 1998), communicating effectiveness through quantitative performance metrics (Phillips, 2011). The pressure to record information correctly through these technologies has been gradually intensified in recent

decades, such that one respondent in Mair et al.'s (2006: 16) study called OASys 'the worst tax form you've ever seen'.

There is nothing unique in probation's reliance on technology to assess and monitor clients, but this shift nonetheless represented a significant departure from the traditional 'casework' model of practice and the autonomy it bestowed upon practitioners to work *with* offenders (Fitzgibbon, 2007) – a key factor in why many enter a career in probation (Deering, 2010). Accordingly, information technologies have reshaped conduct; as instruments of neoliberal (probation) governance, they render knowledge calculable, open to planning through 'documentation, computation and evaluation' (Miller and Rose, 1990: 3; see also Robinson et al., 2014). Acknowledgement of risk and its attendant calculations now co-exist alongside rehabilitative justifications for probation work:

When we talk about safer integration into the community, it's not just about managing risk; it's trying to provide a person with the necessary skills to fend for themselves when they finish their order. (Leon, PSO)

This internalisation of risk management (Phillips, 2011) suggests a partial reformulation of professional identity – extant in Mawby and Worrall's (2013) *offender manager* ideal-type, which highlights a shift in how probation officers who entered the service after 1997 view the balance between the control and care elements of their work.

The consistency promoted by risk assessment technologies has contributed to a 'critical consensus' (Hardy, 2014) in which practitioner discretion is presumed to have been replaced by impartial knowledge. And yet, research has consistently demonstrated that autonomy is crucial to assessment of offenders' circumstances (Fitzgibbon, 2007; Hardy, 2014; Mawby and Worrall, 2013). Robinson (2003), for example, found that risk assessment has not deprofessionalised probation practice. She draws upon Jamous and Peloille's (1970) 'Indetermination/Technicality ratio' to argue that while 'technicality' has increased with the rise of risk assessment, it is 'supplementary to the "professional" assessment of the offender' (Robinson, 2003: 606). Such technologies are not inherently deskilling; rather, they function as 'self-steering' (Miller and Rose, 1990: 18) devices that guide autonomy. As Arthur (PO) argued:

OASys is a box-ticking exercise, but it is a useful guide. I'd be loath to lose OASys; it's a good way of guiding what you think someone's criminogenic needs are.

Decisions on whether to breach offenders – that is, return them to court for non-compliance (Robinson and Ugwudike, 2012) – present another example of an opportunity to exercise autonomy. Despite attempts to toughen enforcement in the 2000s, Phillips (2016: 47) has shown that practitioners can find ways to '*alter the field*' (emphasis in original) to avoid breaches. For Fizz (PO), this ability to contemplate clients' circumstances and exercise discretion is integral to her professionalism:

I'm of the old school, where motivation and engagement are the most important things. I'm not someone who goes around breaching people. Some people need a kick up the arse and they do

need to go back to court; but I'm from a team where if someone comes in once a fortnight and engages . . . that's a miracle.

Despite the gradual acceptance of risk management practices in recent decades, this suggests continued tensions between responsibility felt towards the client and to organisational rules (Johnson, 1972). Accordingly, a hesitancy to breach is not only a way to maintain productive relationships with offenders, but also a strategy of workload management. As Fizz continued:

I'll try anything to get people to engage and maybe I should be breaching more, but it's more work.

Fizz's comment highlights how time pressures have been exacerbated since *TR* – not least because of the financial pressures faced by CRCs, whose caseloads are lower than anticipated (HMI Probation, 2019). This is due, in part, to a lack of sentencer confidence in private providers, but also because fewer low-to-medium risk offenders are being processed through the courts (NAO, 2019). As such, many CRCs have responded by making efficiency savings in the form of practitioner redundancies (HMI Probation, 2019). While there were no such reductions in frontline staff at Elizabeth Street, redundancies to administrative staff have contributed to increases in individual workloads (Tidmarsh, 2021):

I would say [we have] about a third of the administrators we used to have. We have a lot of additional admin tasks we didn't used to do; it's . . . taking away from what, in my mind, I'm employed to do. (Will, PSO)

That much face-to-face probation practice occurs behind the closed doors of interview rooms has historically aided the preservation of autonomy (Burke and Collett, 2015):

What goes on in an interview room, you know . . . there's nobody looking over our backs. We're trusted: there's a lot placed in us to do what needs to be done. (Maddie, PO)

Contrary to the Coalition government's claims to empowering staff with professional discretion (MoJ, 2013), however, the combination of increased workloads and recording requirements has (further) limited opportunities to work *with* clients:

You could spend a lot of time with a service user prior to *TR*, trying to map out where they want their life to go, what they needed to do to fulfil that. You'd sort of work with the service user, take them to appointments, take them down to housing; but that's completely changed now. [. . .] There's none of that nurturing approach to working with the service user, or that's very frowned upon if you do. (Trudy, PSO)

This comment may reflect a degree of nostalgia for pre-*TR* practice, but Trudy's comment nonetheless hints at an *economised* form of autonomy since the reforms in which practitioners must discipline *themselves* (Fournier, 1999). In other words, staff *can* exercise discretion over how they work with offenders, but the realities of work mean this

control is deployed in a circumspect manner that is consistent with broader marketising objectives.

As a result, probation practice at Elizabeth Street since *TR* is predominantly a desk-based endeavour (Tidmarsh, 2021), illustrated by Matilda's (PO) description of a typical day:

I get here and I normally have about 45 missed calls from 5pm that I've not been in to deal with. Then I've got loads of emails, so I'll probably do that for at least a couple of hours. Then I need to check enforcement and my alerts to see if I've got any new cases . . . or if any of my current cases are in court or have been recalled. Then I might have maybe three or four appointments during the day that I'll see, that need writing up afterwards. I spend all day behind the computer.

The emphasis Matilda places on time spent using information technologies offers insight into how *TR* has continued to *economise* autonomy, a point that is developed in the next section in relation to the PbR mechanism.

### Ticking boxes: PbR and 'penal accountancy'

Brown (2015: 31) reminds us that marketisation does not necessarily involve monetisation and wealth creation, but rather, 'disseminates the *model of the market* to all domains and activities' (my emphasis). If the administration of many public services, including probation, depends upon marketising instruments of target and audit, then PbR explicitly *monetises* such processes. PbR draws upon neoliberal discourses of enterprise and empowerment (Dean, 2010). First introduced to the public sector in the NHS in the 2000s, it was promoted as a way to improve patient choice and quality of service by linking pay to providers' performance (Allen, 2009). Across the public (and voluntary) sector, however, PbR contracts have resulted in poor 'value for money' (NAO, 2015; Sheil and Breidenbach-Roe, 2014). Analysing a PbR pilot scheme for 182,447 service users receiving treatment for drug dependency, Mason et al. (2015: 1126) found that those 'treated in pilot areas were significantly less likely to complete treatment'. Gosling (2016) states that PbR has commodified alcohol and drug treatment, diluting the values intrinsic to working with substance users due to the need to *evidence* results. Clist (2016: 290), moreover, argues that there is 'very little related empirical evidence' for PbR in the international development sector. Robust measures of success can be difficult to discern, with PbR schemes exhibiting negligible differences with other international development projects (Clist, 2018). Accordingly, the evidence suggests that, under PbR, autonomy and innovation are 'suffocated rather than promoted' (Gosling, 2016: 529).

Described as 'radical and decentralising' (MoJ, 2010: 10), PbR was presented as an antidote to the managerial approaches that have prevailed in recent decades, crucial to incentivising 'innovation' and 'efficiency' in probation (Fox and Albertson, 2011). The first attempt to test PbR commenced under New Labour in the form of social impact bonds, the aim of which was to finance 'social outcomes via private investment' (Fox and Albertson, 2011: 397). A pilot at HMP Peterborough raised approximately £5m of private finance to reduce reoffending among a cohort of 3000 adult males, with a

potential return for investors of £8m for a reduction of 7.5% (Fox and Albertson, 2011). However, a political need to expedite the *TR* reforms meant that the pilot was abandoned when Chris Grayling was appointed as Justice Secretary, with PbR implemented without a sufficient evidence base (Burke and Collett, 2015). His claim that ‘the taxpayer only funds rehabilitation services that work’ (MoJ, 2012: 1) is characteristic of neoliberal governance through ‘sophisticated common sense’ (Brown, 2015: 35) – that is, mobilising change through supposedly apolitical economic rationality. The reality, however, is far more complex.

Under *TR*, PbR draws on the political vocabulary of the market, which professes ‘to limit the scope of government and promote autonomy’ (Miller and Rose, 1990: 12) while imposing a complex system of payments on providers and practitioners. CRCs are remunerated in three ways: ‘fee for use’, ‘fee for service’ and ‘payment by results’ (NAO, 2019). However, the failure to establish supply chains, partly a reflection of a lack of understanding of CRCs’ practice by court staff, impacted the services available for the NPS to commission from private providers on a ‘fee for use’ basis (NAO, 2019). The use of ‘reoffending’ as the ‘payment by results’ element of the contracts distorted the risks to investors, as such data are not available for two years (Fox and Albertson, 2011). That offenders often have multiple and complex needs which require contact with a multiplicity of agencies means successes are difficult to directly attribute to the interventions provided by CRCs (Burke and Collett, 2015):

The client is a long-term drug user with a history of mental health problems, serving a community order for possessing Class-A drugs. He was staying at a homeless shelter and, through two local charities, Leon managed to get him into supported accommodation. He now lives in a one-bed flat and has reduced his heroin usage from five times per day to once or twice per week. (Observation no. 15, Elizabeth Street: Leon, PSO)

This example highlights how probation can perform a vital role in bringing together different organisations to engender change. However, neither charity is contractually partnered with the CRC; they will not benefit from the outcome-based element of PbR should the client successfully complete his order. Precise contractual information is, moreover, difficult to ascertain, although HMI Probation (2017) have stated that ‘payment by results’ increased incrementally from 6% to 28% over the course of the contracts. Conversely, if his accommodation was unexpectedly rescinded and his offending escalated, then the CRC would be punished. Accordingly, a lack of incentives for prospective providers, combined with the hurried manner of implementation, contributed to PbR contracts that were overdependent upon ‘fee for service’ (NAO, 2019).

The latest *Community Performance Quarterly* bulletin (January 2019 – March 2020) shows that CRCs are assessed according to seven ‘Assurance’ and 12 ‘Service Level’ metrics (MoJ, 2020). These ‘fee for service’ targets are colloquially derided at Elizabeth Street as ‘SLs’:

I couldn’t even tell you what the SLs are. SL1, 2, 3, 4, 5, 6, 7, 8 – whatever they are, it’s meaningless to me. (Rhonda, PSO)

Contrary to the Coalition government's preference for 'fewer targets for providers' (MoJ, 2010: 8), these metrics merely reconfigured centrally imposed output measures in contractual form. If providers do not meet these specifications, they can be financially penalised (NAO, 2019). In this sense, PbR functions as a 'micro-penalty of time' (Foucault, 1977: 178): 'fee for service' targets reward punctuality and punish lateness:

I think [practice is] much more focused on targets now, getting stuff done. If you didn't have [a risk assessment] done on time before, I think it did matter, somewhere, but we didn't really know much about it. [. . .] That's totally changed now. The priority now is getting stuff done rather than seeing the people. (Maddie, PO)

For Foucault (1977: 138), the emergence of the capitalist system spurred new techniques of power which sought to produce 'subjected and practised bodies'. The individual was both an object and an instrument of power/knowledge, rendered docile through surveillance and made productive through regular inspection. Differences between individuals were corrected through a 'penal accountancy' (Foucault, 1977: 180) that punished an inability to conform to certain behavioural standards. In the same way, the threat of punishment via withdrawal of state funding, part of an attempt by the Coalition government to transfer risk of failure to private providers (NAO, 2019), has entrenched a focus on quantitative 'fee for service' targets:

I think what we've done is a lot of chasing performance – because we lose a lot of money if we don't chase performance. (Ashley, Senior Manager)

This supports Gosling's (2016: 528) assessment of PbR within a drug and alcohol treatment context as 'Punishing by Results'.

Probation practice has been further reshaped by providers' need to remain competitive. According to performance metric 'SL003R' (MoJ, 2020), for example, an initial sentence plan (ISP) for offenders serving a community sentence must be completed and recorded within 15 days of first contact:

I'm measured if I can complete an initial sentence plan in 15 days. That doesn't make someone a good or a bad probation officer if they can't complete an ISP in 15 days. That relegates us to a role behind our desk. [. . .] We're just ticking a box; it's not doing anything for the client because we're not out there doing things with the client. (Matilda, PO)

This demonstrates dissonance between the 'centre' and the 'periphery' (Johnson, 1972) – that is, between the CRC's (albeit enforced) focus on financial stability and field workers who value service to the client. Where practitioners prioritise relational work *with* offenders, PbR payments depend upon accurate and timely recording on office-based information technologies (Tidmarsh, 2021).

From a Foucauldian perspective, the PbR mechanism requires practitioners to demonstrate professional competence with reference to the market (Fournier, 1999). The logic which informs the probation marketplace thereby decomposes practice into a series of standardised processes, contributing to a sense among staff that practice has been reduced to 'ticking boxes':



It's all target-driven now; everything is a tick-box exercise. I don't feel like I know my service users, which I think is quite sad because that's not why I came into probation – to tick boxes, to get things done in a certain amount of time. (Trudy, PSO)

Here, SPOs are an important link between practitioners and senior management; they monitor the former's performance on behalf of the latter via information technologies (see Tidmarsh, 2021):

I would chase up where somebody has a plan to be completed that day because, actually, staff should know about it already. So, the conversation we've had with staff is that they should favour the emails they get to tell them something to do. (Sarah, SPO)

This suggests the regulation of autonomous conduct in which the relational is sacrificed to the administrative. Market metrics are, at all levels of the organisation, foregrounded in the decision-making process:

What I feel bad about is that . . . I don't feel like I give enough time, or I have enough time, for staff and helping with practice. For me, it's a constant tension because . . . there's no time to sit down and say, 'bring a case and we'll work through it together'. Sometimes I feel like more of a glorified administrator. (Kate, SPO)

The attempt to use the *market* as 'the regime of veridiction' (Foucault, 2008: 35) under *TR* has further entrenched the disciplinary logic that accompanies 'economisation' (Brown, 2015):

. . . if you don't tick the right box at the right time, then it becomes a fail; and we're paid according to that, of course. (Charlie, Senior Manager)

Experiences of 'failure' exemplify the arbitrariness of efforts to quantify individuals with complex needs, demonstrating the difficulty of reconstituting rehabilitation, a social outcome, as an economic indicator of success:

I had an email the other day saying that I'd had three failures for [clients] being arrested prior to their order being completed, so that's classed as a failure on the organisation. One of them has 78 convictions for 102 offences of an acquisitive nature. When I looked at it, I thought, yeah, he's been arrested again; but he's been arrested seven months into his order when, on his previous order, he'd lasted three days. Sometimes you've got to chalk up the little things. *I'm there to look at the people, not the numbers.* (Marie, PSO; my emphasis)

The offender-centric values articulated by Marie are not necessarily commensurate with the PbR mechanism. Here, the (changing) balance between practitioner self-expectations and what is expected of them points to a further reshaping of professionalism in probation.

### **Economising autonomy: Towards a 'hybrid professionalism'?**

In a Foucauldian sense, 'the meaning of professionalism is contestable for it can be constructed around various alignments and connections' (Fournier, 1999: 303). For Arthur,

a PO with 15 years' experience in probation, autonomy is the most important signifier of his professionalism:

It's about being given space and time to do the work, really. It's about not having to go and have things checked; less about being managed and more about being given space and time to reflect and form your own judgements about cases.

His understanding of professionalism emphasises conflict between professional knowledge, expertise, autonomy and the realities of the probation field. This implies a 'hybrid' (Noordegraaf, 2015) or 'organizational' (Evetts, 2013) professionalism – concepts which highlight the uneasy harmony between traditional forms of professional conduct and attempts to coordinate labour through marketising logic (Tidmarsh, 2020). Here, a focus on how autonomy has been *economised* provides a way to conceptualise how professionalism has been reshaped, rather than replaced, by marketising (and monetising) mechanisms.

Where possible, Arthur spends his time delivering work in the community, a pursuit he calls 'street probation':

The client has been in and out of prison for decades, stealing to fund his drug use. He lives in a large house which is divided into self-contained, single-room flats. We parked outside and, to my surprise, Arthur lowered the car window and started to bellow the client's name. I asked him why, to which Arthur responded that clients who live in such properties seldom answer the front door; this way, he argued, is easier. After a minute or so, a first-floor window opened. Arthur asked the client if he could come in; but his request was rejected, so the contact was used to remind him of their next meeting. Arthur said that, in all likelihood, the client would not permit his entry because he was engaged in illicit drug use. The purpose of this type of check-up was thus to 'keep him on his toes'. (Notes from fieldwork)

For my benefit, perhaps, this example may contain a performative element, but this mode of practice corresponds to how Arthur finds his professional identity on client-centric values and the autonomy to enact them. However, his decision to engage in such work has consequences:

I can take time out of my diary and I'll spend a day out driving around . . . the area that I cover; but it's few and far between. [. . .] It just seems that *we're spinning more plates now*. Whereas before [TR], it was more manageable because you had more time for reflection, more time for discussions, more time for those complex cases; now, it seems to be more about case management and less about case work. (My emphasis)

Far from autonomy being an 'ally of economic success' (Miller and Rose, 1990: 26), he must (self-)regulate its exercise in accordance with the terms of PbR:

The focus has definitely shifted to ensuring that we hit the targets, you know, at all costs.

Arthur's willingness to compromise his administrative duties highlights the enduring importance of autonomy to his construction of a professional identity; however, his

'plate spinning' analogy animates the tensions between marketisation and 'traditional' expressions of professionalism. The frequency with which Arthur's computer must be 'fed', highlights the burdensome nature of verification (Power, 1997), of how market mechanisms serve to redraw the boundaries of autonomous practice:

I need to come into this office and feed my computer because, otherwise, the other plate that I've got spinning over here . . . will start to wobble.

Understanding Arthur's conduct through the lens of 'hybridity' moves analysis beyond binary distinctions between professionalism and managerial control, as professional (self-)control is integral to meeting performance targets while retaining client-centred values (Noordegraaf, 2015). *TR* has thus prompted further compromise, compelling practitioners to *economise* their autonomy: traditional modes of working *are* possible but are tempered by quantitative performance metrics.

## Discussion and conclusions

As a 'less powerful professional group than those usually focused upon in the public services professionalism literature' (Kirton and Guillaume, 2019: 942), the probation service lacks the ability to control the social and economic organisation of its work. Such subordination does not necessarily impede an occupation's professionalism, if its knowledge and methods are trusted (Freidson, 1970). After the dismantling of the Keynesian state, however, the social value of rehabilitating offenders was severed from the public good, whose interests were expressed in terms of risk management and fiscal prudence (Garland, 2001). The introduction of performance metrics sought to *economise* (Brown, 2015) probation, to render practitioners more accountable via mechanisms that aimed to mirror the market; and has partially succeeded in reformulating identity and practice around risk assessment and its attendant recording procedures (Mawby and Worrall, 2013). Perversely, though, this challenge to practitioner autonomy over technique proved the basis for the Coalition government's articulation of further marketisation.

This article has demonstrated that practitioner autonomy has been further *economised* since the *TR* reforms. Accordingly, it has made two key contributions to knowledge. First, empirically, it has documented the impact of organisational change, and the implementation of a PbR mechanism in particular, on probation staff. The Coalition government, in its emphasis on limiting bureaucracy and empowering practitioners, relied upon complex contractual arrangements to enforce market values of competition and profit on probation. This complexity is a natural concomitant of probation's status as a profession that operates under 'mediative control' (Johnson, 1972), one that is dependent upon the state for clients *and* funding. The evidence suggests that the PbR mechanism has further entrenched 'box-ticking', in which practitioners must prioritise the targets for which the CRC is paid over 'innovation' – a finding that is consistent with other public policy spheres, such as drug treatment and international aid. Hence, performance targets are not unique to *TR*, but their salience has been magnified by a combination of increased individual caseloads at Elizabeth Street and the Coalition government's preference for holding CRCs to account via the monetising logic of PbR.

The second contribution to knowledge relates to theoretical understandings of ‘professionalism’ in probation. By locating analysis of practice and identity within (Foucauldian) interpretations of professionalism, the article has further shown how ‘calculative technologies’ (Miller and Rose, 1990) have reshaped the exercise of autonomy after the *TR* reforms. Here, the lens of *economised autonomy* provides a means to conceptualise the impact of marketising reforms on professionals, for decision-making is tempered by the need to meet performance metrics. This is particularly acute when providers’ funding is *monetised*, linked (wholly or in part) to performance, as the financial consequences of failure can suffocate professional discretion and stifle innovation. In this sense, *economised autonomy* provides a lens to theorise the regulation of professional conduct along a continuum of marketising arrangements, a way to bridge the gap between ‘traditional’ expressions of professionalism and the forms of control intrinsic to neoliberal governmentality.

The internalisation of marketising principles suggests ‘hybrid’ or ‘organizational’ forms of professionalism are relevant to probation (Tidmarsh, 2020). To this end, the research benefited from the use of ethnographic methodology. As the analysis of Arthur demonstrated, practitioners can exercise autonomy to work *with* offenders, but typically opt against doing so because of the impact on ‘fee for service’ metrics. Here, PbR functions as a form of ‘penal accountancy’ (Foucault, 1977): if autonomy in probation had been *economised* in recent decades through marketising logic of targets and audit, demonstrated through and compounded by risk management technologies, then the monetisation of such processes since *TR* has further inhibited autonomy. This suggests that professionalism is regulated ‘at a distance’ (Fournier, 1999; Miller and Rose, 1990), for the ability to enact client-centred values is counterbalanced by quantitative performance metrics.

The Conservative government’s decision to disband CRCs and to return responsibility for the management of *all* offenders to 12 NPS regions in 2021 (HM Prison and Probation Service (HMPPS), 2020) could have important implications for the themes described in this article. Professionalism is, again, at the core of the government’s plans through the creation of ‘an internally administered register for probation professionals’ (HMPPS, 2020: 23). The desire for probation to resemble more established professions, such as medicine, arguably corresponds with Evetts’s (2013) notion of *occupational professionalism* – characterised by collegiality and lengthy training. However, the plans also retain familiar neoliberal concerns with ‘efficiency’ and ‘value for money’ (HMPPS, 2020), if not competition and profit. This suggests that while the private sector will not be involved in the next iteration of services, marketising logic will continue to (re)shape professionalism in probation.

## Funding

The author received no financial support for the research, authorship, and/or publication of this article.

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**Date submitted** April 2020

**Date accepted** February 2021