



# Making, unmaking, remaking: Mapping the boundaries of professional legitimacy, identity and practice in probation in England and Wales

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## Abstract

This article maps the (shifting) boundaries of professional legitimacy, identity and practice in probation in England and Wales. Probation established itself in the 20th century as a core institution in the modernist pursuit of offender rehabilitation; however, changing political economic priorities in recent decades have prompted a new consensus that also incorporates mentalities of punitivism, managerialism and risk. With a particular emphasis on the reunification of services after the *Transforming Rehabilitation* reforms, the article presents a *practical and moral* case for how the Government's (re)professionalisation agenda can be developed. It draws upon the sociology of the professions literature to emphasise the service's 'interstitiality' as a professional *jurisdiction* that operates between different social spheres. The article argues that reunification provides an opportunity to *remake* the boundaries of professional practice in such a way that people on probation can take ownership of their desistance, while reasserting the service's internal self-image and external legitimacy.

## Keywords

Identity, legitimacy, probation practice, professional jurisdiction

## Introduction

The story of the probation service in England and Wales is the story of the making and unmaking of boundaries. From its philanthropic origins in the Church of England Temperance Society, the service established itself as a public sector profession in the first

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few decades of the 20th century (McWilliams, 1985). As an important agency in the ‘modernist project’ (Kemshall and Maguire, 2001: 251) of offender rehabilitation, probation’s boundaries expanded in the postwar period to encompass youth justice and civil work. However, the collapse of offender rehabilitation premised on treatment and the subsequent rise of risk management prompted a redrawing of the service’s boundaries; it became a criminal justice agency that works exclusively with adult offenders (Mair and Canton, 2007).

A consequence of this *late-modern* reframing of probation (Robinson, 2008) is that the tenets on which the service’s claims to be a profession were grounded – a client-centred *ideology of service*, training and expertise rooted in *social work knowledge*, and *autonomy over work* – have been subjected to considerable challenge (Tidmarsh, 2022). Efforts to unmake the boundaries that separated probation from the public and clients, other organisations and the market culminated in the 2014 *Transforming Rehabilitation (TR)* reforms, which split services between a publicly owned National Probation Service (NPS) and 21 privately managed Community Rehabilitation Companies (CRCs). However, numerous autopsies of *TR* have found that the reforms exacerbated many of the service’s underlying issues (HMI Probation, 2020a; Tidmarsh, 2021), resulting in a ‘deplorable diminution of the probation profession’ (HMI Probation, 2019: 3). Services were subsequently reunified in June 2021: CRCs were abolished; their staff and case-loads were transferred to 12 NPS regions, which are located within the Civil Service.

This article draws from the sociology of the professions literature to map shifts to legitimacy, identity and practice in probation – with a particular emphasis on the service post-*TR*. The relationship between a profession and its work, which Abbott (1988) calls *jurisdiction*, is utilised to analyse probation’s (changing) modes of operation. The first part of the article explores the *making* of professional fields. Offender rehabilitation was brought into the public sphere in the early 20th century, creating the conditions in which probation became established as a profession. However, the ineffectiveness of the penal welfarist infrastructure (Garland, 1985) in which the service was located exposed it to jurisdictional incursion, challenging its legitimacy, identity and practices. The second part explores efforts, albeit incomplete, to *unmake* the boundaries between probation, clients and the public; other criminal justice organisations; and the market, through the *TR* reforms. The final part speculates about how professional boundaries can be *remade* after the collapse of *TR*. By reconstituting probation through strategies of reunification and re-professionalisation, the service can empower those within its *organisational field* (Robinson, 2021). Here, a brief case study of community hubs is utilised to illustrate probation’s value as an ‘interstitial’ (Abbott, 2017) jurisdiction that operates *between* different social spheres.

Where previous scholarship has discussed the re-professionalisation agenda in the abstract, as a *regulatory framework* through which to re-legitimate an organisation which was fragmented by part-privatisation (Robinson, 2021), this article is the first to explore what it might look like in practice. In this way, it builds upon Robinson’s (2021) arguments on professional legitimation and advances understandings of how probation identity and practice can be enhanced post-*TR*. The article makes an original contribution to knowledge in three distinct ways. First, it theorises probation’s role *as* a professional jurisdiction, including how its attendant contradictions have been, and can be,

negotiated. Second, it provides a commentary on ongoing policy developments after reunification. Finally, it contributes to debates on the future of probation, presenting a *practical* and *moral* case for the remaking of professional legitimacy, identity and practices. While the article focuses on probation in England and Wales, arguments pertaining to both re-professionalisation and the service's 'interstitiality' should hopefully find international relevance in jurisdictions in which services operate under similar pressures.

### **Making: Probation's 'labour of division'**

The uses of 'profession' and its derivatives are multiple and contested (Evetts, 2013). The most common use of 'profession' has been as a distinct category in the division of labour, marking difference from competing logics of bureaucracy or the market (Freidson, 2001). And yet, professions are not naturally occurring phenomena. The *making* of a professional field, for Abbott (1988), requires the establishment of control over a particular activity. Aspirant professions must defend this *jurisdiction* from competing groups (professional and non-professional) and can also seek to colonise similar tasks or occupations. These claims to professional status have been anchored, *legally* and *culturally*, in the acquisition of ideal-typical 'professional' traits. A *mastery of abstract knowledge* is considered the basis for securing a legal monopoly over work, and thus a client-base dependent upon professional expertise (Abbott, 1988). Such knowledge bestows upon members a high degree of *autonomy* over the technical and socio-economic organisation of work (Freidson, 1970). Cultivating an *ideology of service* 'not sold but rendered' (Fournier, 2000: 76; emphasis in original) imbues a profession with cultural legitimacy (Abbott, 1988), helping to foster public trust in its knowledge, methods and motives. Accordingly, professions are 'better seen in terms of the labour of division than as an outcome of the division of labour' (Fournier, 2000: 73).

Social change provides the impetus for the creation of new professions: as jurisdictions open, they bring new audiences for professional services (Abbott, 1988). For Garland (1985), drawing on Foucault (1977), the transformation of the political structures of late-Victorian Britain spawned new jurisdictions integral to an emergent 'penal welfarist' infrastructure, which gradually displaced the legal equanimity of Victorian penalty with an extended grid of sanctions that accounted for personal circumstance. This demanded intervention through new institutions, knowledges and techniques, such as social work (Hardy, 2015). Here, Foucauldian interpretations of the sociology of the professions have emphasised the importance of professionals to this 'liberal' restructuring (Fournier, 2000; Miller and Rose, 1990). The authority bestowed upon professions, and professionals, by the state became an important mechanism in the legitimisation of power, justifying intervention at the level of the individual as the most expedient way to ensure the security of the population (Garland, 1985).

Probation is one such jurisdiction that emerged in the early 20th century. The 'labour of division' (Fournier, 2000) inherent to probation's formation involved the cultivation of boundaries. A jurisdictional struggle (Abbott, 1988) followed the Probation of Offenders Act 1907, which sought to formally separate probation as a public sector entity from the 'apparatus of charity' (Vanstone, 2007: 25) coordinated by the Church of

England. The professionalisation of the service ‘from above’ (Evetts, 2013) was gradually realised through the acquisition of ‘professional’ traits (Tidmarsh, 2021). Boundaries between nascent professionals and clients were, on the one hand, inherently personal, for which an ‘advise, assist, befriend’ mantra guided practice and constituted a distinct *ideology of service* (Vanstone, 2007). On the other hand, this ‘caring’ approach was balanced with ‘control’: while the 1907 Act ‘enjoyed the legal status of an alternative to punishment’ (Robinson et al., 2012: 327), practitioners were granted the power to remove from society those deemed inveterate. This care/control duality was grounded in *social work knowledge* which granted practitioners *autonomy* ‘akin to that of a physician’ (McWilliams, 1985: 260), to ‘diagnose’ and ‘treat’ offenders.

That the service’s *legal* legitimacy (Abbott, 1988), its funding and access to ‘clients’, was secured via the state means probation operates under ‘mediative control’ (Johnson, 1972), in which the state intervenes in the professional-client relationship. Probation’s *cultural* legitimacy (Abbott, 1988), its ability to connect with the public, however, has historically proven more problematic. This is because probation is a ‘multichance’ profession (Abbott, 1988): it works with an involuntary, (predominantly) low-status client-base for whom rates of ‘failure’ (i.e. reoffending) are not only high but must often be tolerated (McNeill, 2006), which means the service is vulnerable to criticisms of its effectiveness. Political confidence in the modernist project of ‘normalisation’ shielded probation from public opprobrium for most of the 20th century (Garland, 2001). However, the ethical and empirical flaws in the treatment paradigm, which was simultaneously perceived as too interventionist and ineffective at reducing crime, contributed to a new criminal justice consensus (McNeill, 2006). This shift has been widely observed through the mesh of Cohen’s (1985) ‘penal net’, as the criminal justice system penetrated ever-deeper into the social realm. Competition *between* professional jurisdictions was central to his analysis: as the criminal justice system grew in the postwar period, professionals (probation officers, social workers, psychiatrists, etc.) sought control over categories of ‘deviants’. Boundaries were redrawn ‘to bring in new populations or [were] changed to relocate old populations’ (Cohen, 1985: 196).

In Abbott’s (1988) terms, then, the collapse of a profession’s *cultural* legitimacy renders it susceptible to a reformulation of its *legal* jurisdiction. The ‘politicisation’ of crime from the 1970s onwards challenged the ‘relationship of dependence’ (Fournier, 2000: 80) that regarded probation as an essential service, thereby exposing the service to jurisdictional incursion. Against this backdrop, the next section highlights attempts to *unmake* probation’s professional jurisdiction, including its identity and practices.

### **Unmaking: Probation, ‘publics’ and professional boundaries**

Drawing on Abbott (1988) and Foucault (1975, 1977), Fournier (2000) contends that professions attempt to cultivate boundaries between professionals, clients and laypeople; other professional groups; and the market. She uses the medical profession, in which the sick body moved from an object of charity to become a locus of knowledge, to illustrate such boundary work. The expertise of medical practitioners was necessary to translate a ‘disorderly world made of complex relationships and heterogeneous materials into homogeneous, isolated and ordered patterns’ (Fournier, 2000: 71). Isolating medicine as

a field of knowledge facilitated legal control over clients and adjacent professions, like nursing, while cultural legitimacy was secured via a patient-focused ideology of service – even in countries where medicine is for-profit (Abbott, 1988). In this sense, the impartial, detached medical professional (like others in law or the clergy) presented an archetype for aspirant professions to emulate.

However, mastery over a field of knowledge is no longer sufficient as a measure of competence or a guarantee of the socio-economic rewards of professional status (Fournier, 2000). In recent decades, challenge to the legitimacy of professions has been organised around the neoliberal logic of the market. Professions that operate under ‘mediative control’ (Johnson, 1972) have proved especially susceptible. Clients ‘are no longer passive’ (Fournier, 2000: 80), for expert authority has been subject to questions of ‘value for money’. Fiscal pressures, moreover, resulted in the diffusion of professional responsibilities, particularly in the public sector, across *assemblages* of public, private and voluntary partners (Newman and Clarke, 2009). Accordingly, professional subjectivities have had to attune to the dismantling of the boundaries between professions, clients, laypeople, other professional groups and the market (Fournier, 2000).

Efforts to *unmake* probation’s professional jurisdiction have been driven by similar pressures, part of a wider challenge to the Keynesian welfare state. As argued above, the viability of the ‘modernist’ project of rehabilitation was compromised by the ineffectiveness of penal welfarism. This is not to suggest a ‘pendulum swing’ (Goodman et al., 2017) in which the ‘normalising’ intent that characterised the postwar period was altogether abandoned; rather, for Robinson et al. (2012), the probation service has had to communicate its *rehabilitative* legitimacy alongside *punitive* and *managerial* mentalities of government, compelling practitioners to adapt their identity and practices. What follows, then, builds upon Fournier’s (2000) observations on (shifting) professional boundaries to examine attempts to dismantle the relationships between the probation service, its clients, the public, other occupational groups and the market.

### *Towards an infrastructural identity?*

Abbott (1988) contends that a profession can enhance its legitimacy by providing the public with insight into its knowledge and methods. In a probation context, however, Tidmarsh (2022) contends that competing ‘publics’ have been mobilised as key resources through which to unmake the ideal-typical traits on which probation’s professional project was founded. On the one hand, the public came to be presented as an entity entitled to protection from ‘dangerous’ offenders (Kemshall and Maguire, 2001). The service’s legitimacy came, in part, to depend on its *punitive* faculties. Examples of this shift include the reconfiguration of community orders as ‘community punishments’ (Mair and Canton, 2007) and stricter enforcement rules for offender non-compliance, part of expectations for ‘deep-rooted culture change’ (NPS, 2001: 5) within the service. On the other hand, despite the resultant increases in the size and costs of criminal justice, the public-as-taxpayer was also entitled to ‘value for money’ (Tidmarsh, 2022). That social work training requirements were abandoned in 1995 (Robinson, 2008) suggests a shift away from the subjectivities of expertise rooted in the social sciences. The result has been a tempering of professional knowledge and autonomy through the *managerial* logic of

performance targets, audit and National Standards, which sought greater consistency in practice (Deering, 2010).

Despite these attempts to unmake the traditional boundaries between probation and the public, an ideology of service premised on building relationships with clients has continued to unite different generations of staff (Deering, 2010; Mawby and Worrall, 2013). However, studies have revealed partial modifications to how newer probation recruits understand their role. For example, the *offender manager* ideal-type in Mawby and Worrall's (2013) research on probation identity was more receptive to the logic of 'risk' (see also Hardy, 2015), an 'umbrella concept' (Kemshall, 2016: 205) under which action is structured by a desire to manage hazards. Likewise, Tidmarsh's (2022) study of understandings of 'professionalism' in probation found that practitioners, while mindful of risk, sought to 'do the right thing' by clients. As the ideal-typical tenets of professional status lost some of their salience, professionalism was expressed 'in discursive association with probation work as a meaningful endeavour' (Tidmarsh, 2022: 174).

The impact of risk management on professional identities in probation also extends to its relationships with other criminal justice organisations, not least because of the pressures placed on the system by higher caseloads. Probation has always engaged in partnership-working, but it became more formalised in the 1980s and 1990s – particularly with regard to 'dangerous' offenders (Kemshall and Maguire, 2001). This was realised through the development of Multi-Agency Public Protection Arrangements and Integrated Offender Management units (Nash, 1999). These new relationships traversed traditional jurisdictional boundaries: composed of probation, prisons and the penal voluntary sector (substance use, mental health services, etc.), but dominated by the police, multi-agency panels sought to manage those who posed the highest risk (Kemshall, 2016). Risk has become an organising principle through which multiple agencies and individuals 'determine which kinds of people are deemed competent to participate in . . . society and which are not' (Kemshall and Maguire, 2001: 243).

Such developments hint at efforts to cultivate an *infrastructural identity* premised on risk, for partnership-working has filtered into professional identities and cultures. Nash (1999) speculated on how the public protection agenda led to the emergence of the 'polibation' officer, as the boundaries between probation and the police began to merge around anticipatory risk management practices. While Nash (2008) later argued for a 'decoupling' of this relationship, not least because 'polibation' is only conducted by those working with high-risk offenders in multi-agency teams, others have observed a similar unmaking of boundaries. Terms such as 'prisobation' and 'prisi-polibation' encapsulate a sense of loss regarding distinctive identities and cultures (Mawby and Worrall, 2013).

This is not to suggest that the changes imposed on probation resulted in a complete loss of identities and practices. The 'What Works?' initiative provides an example of how 'rehabilitation . . . evolved by learning to speak the language of risk' (Robinson, 2008: 434). The spread of deficits-focused accredited programmes and cognitive-behavioural therapies under the 'What Works?' movement has been criticised for a failure to address socio-structural concerns (Robinson, 2008). However, it has also been described as 'a global success story' (Robinson et al., 2012: 329), credited with preserving the integrity of rehabilitative interventions. The logic of risk enabled probation to negotiate the

contradictions inherent within mentalities of *punitiveness* and *managerialism* while legitimising *rehabilitation* (Tidmarsh, 2022). In this way, despite a marked shift in the political economic climate and its subsequent impact on professional boundaries, probation staff were able to preserve a distinct, client-focused ideology of service.

### ***TR: Eroding the boundaries between probation and the market***

The Coalition Government sought to incorporate *punitiveness*, *managerialism* and *rehabilitation* in their articulation of greater market involvement in probation through the *TR* reforms (Ministry of Justice [MoJ], 2013). Annison's (2021) analysis of the power of narratives in the implementation of *TR* demonstrates how these mentalities shaped the reforms, coalescing around a 'rehabilitation revolution'. The fiscal crisis that followed the financial crash of 2007/2008 prompted a programme of *austerity*, in which efficient public service delivery would be achieved via competition for services. The introduction of a statutory period of 12 months' probation for those who served over one day in custody would ensure sufficient *punishment* and access to *rehabilitation*. Such expansion was presented as 'resource-neutral' (Annison, 2021: 15), for improvements in the latter would pay for the costs of the former (MoJ, 2013).

A discourse of 'professionalism', too, constituted part of the storyline that justified *TR* (Tidmarsh, 2022). State provision of services, the Coalition Government contended, had stifled professionalism and contributed to ineffective practice, which led to the spiralling costs of justice under the preceding New Labour administrations (MoJ, 2013). The desire 'to unlock . . . professionalism' (MoJ, 2010: 9) to improve performance sought to bring together the interests of diverse groups: greater discretion for practitioners would improve outcomes for people on probation, simultaneously saving taxpayers' money and facilitating private sector profits (MoJ, 2013). By seeking to align *punitive*, *managerial* and *rehabilitative* mentalities, *TR* represented a continuation of a decades-long dismantling of probation as a public entity (Tidmarsh, 2022) via the 'budgetary discipline' (Miller and Rose, 1990: 25) of market logic. However, the reforms contributed to the further unmaking of the boundaries – between the service and other criminal justice organisations and between probation professionals and the public/clients.

Inter-organisational tensions, *within* the profession and *between* probation and other organisations, were immediately apparent following the decision to split services between the public and private sector. For example, an 'us and them' divide emerged in which the NPS perceived CRCs as inferior entities (HMI Probation, 2019, 2020a; Tidmarsh, 2022). A lack of confidence in, and communication with, the CRCs meant that the NPS was reluctant to refer offenders to the private sector (National Audit Office (NAO), 2019). The absence of meaningful 'Through the Gate' provision by the CRCs in prisons, moreover, meant that services were over-reliant on signposting to agencies in the voluntary sector (HMI Probation and Prisons, 2017). However, the financial strains under which the penal voluntary sector operated – due, in part, to a shift in funding from government grants to the contractual logic of supply chains coordinated by probation providers – were such that there are now fewer charities involved in services than prior to *TR* (Tidmarsh, 2021). That resistance in the CRCs coalesced around the language of 'probation' demonstrates the strength of a probation identity premised on a *public sector*

*ethos* (Robinson et al., 2016). Ethnographic research has shown that staff whose job titles were changed as part of an attempt to cultivate distinct private sector identities continued to identify as probation (service) officers to maintain their legitimacy with partner organisations (Robinson et al., 2016; Tidmarsh, 2022).

And yet, practitioners' capacity to realise 'probation values' with their clients were undermined by the 'commercial and contractual pressures' (NAO, 2016: 43) under which CRCs operated. A Payment by Results (PbR) mechanism was integral to efforts to deliver cost-neutral services (MoJ, 2013). CRCs were paid via 'fee for service' payments, for the delivery of statutory requirements; 'fee for use', to cover the costs of services delivered on behalf of the NPS; and 'payment by results', an outcome-based reward for statistically significant reductions in reoffending (NAO, 2019). However, the time-lag between the point at which private providers paid their fixed costs (rents, staffing, etc.) and the realisation of outcomes meant that CRCs' funding was overdependent on output-based 'fee for service' payments (NAO, 2016). Caseloads, moreover, were lower than anticipated: initial estimates stated that CRCs would supervise 80% of offenders, but the reality was closer to 59% (NAO, 2019). This discrepancy not only reflected concerns over the quality of services delivered in the CRCs, thereby impacting 'fee for use' payments, but also arose because fewer offenders were processed through the courts (House of Commons Committee of Public Accounts, 2019). Accordingly, a necessary focus upon 'fee for service' metrics led to an *economised* form of autonomy in the CRCs, in which conformity to targets was foregrounded in individual and organisational decision-making (Tidmarsh, 2021).

While organisational caseloads decreased, individual workloads *increased* (HMI Probation, 2019). This partially reflected the decision to expand post-sentence supervision to approximately 45,000 individuals per year – many of whom were low-to-medium risk of harm but with multiple and overlapping needs – but also because of staff redundancies in many CRCs (HMI Probation, 2019, 2020a). Private providers were not obliged to publish data on staffing levels, but evidence gathered through inspection reports of individual CRCs showed 'substantial reductions' (HMI Probation, 2019: 74) in staffing. Accordingly, a culture of performance detracted from professional relationships with clients (HMI Probation, 2019): 'thin' (Dominey, 2019) supervision, in which practice was mostly office-based with poor links to the community, predominated in the CRCs (Tidmarsh, 2021).

Against this backdrop, reunification provides 'a chance for the Probation Service to create new opportunities and . . . speak with one voice' (HMI Probation, 2022: 14). The next section advocates for the *remaking* of probation in such a way that reasserts its legitimacy as a professional *jurisdiction* while emphasising the service's 'interstitiality' (Abbott, 2017).

## **Remaking: Probation, governance and professional jurisdiction**

Despite a decades-long challenge to probation's legitimacy and subsequent efforts to *unmake* the boundaries of its professional jurisdiction, the service's identity and practices were not altogether lost. However, an increase in the probation caseload contributed

to top-down modes of governance that culminated, eventually, in the failed *TR* reforms and the (further) demise of professional practice. The rest of this article builds upon Robinson's (2021) strategies for re-legitimation in the aftermath of *TR*: *strategic restructuring*, *re-professionalisation*, and work with probation's *organisational field*. Such strategies can enhance the *external* and *internal* dimensions of the service's legitimacy: the former concerns recognition from extraneous stakeholders; the latter relates to the identity and self-image of the service and its staff (Robinson, 2021). The article thus presents a practical and moral case for *remaking* probation in England and Wales in such a way that the service can reassert its legitimacy and identity, while people on probation can take ownership of their desistance.

### *Legitimacy and identity: Restoring confidence in probation*

Given the abovementioned challenges posed by *TR*, *strategic restructuring* (Robinson, 2021) through the reunification of services, in June 2021, represented a *remaking* of the boundaries between the probation profession and the market. Robinson's (2021) analysis of government documents from July 2018, when the decision to abandon the architecture of *TR* was announced, reveals several strategies of re-legitimation. For example, the Government sought to demonstrate *decisiveness*, to terminate CRCs' contracts just 4 years after the reforms were implemented. Initially, reforms centred on *dissociation*: 'problematic CRC contracts' (Robinson, 2021: 158) were presented not as 'broken' but in need of 'strengthening' (MoJ, 2018). In 2019, however, it was announced that CRCs would be abolished entirely, a response to a damning report of probation services by HMI Probation (2019). In this way, while a small market for 'commissioned rehabilitative services' in areas such as education, employment and accommodation exists (HMI Probation, 2022), strategic restructuring constitutes a *practical* means to restore confidence in the service – that is, its *external* legitimacy (Robinson, 2021).

Such work of legitimation, however, risks being undermined by the politicisation of crime, not least because of ongoing policy contradictions. As argued above, probation's lack of *cultural* legitimacy (Abbott, 1988) has meant that the boundary between probation professionals and competing 'publics' has historically proved insecure – exposing the service to jurisdictional incursion that impaired its professional project. Such tensions can be seen in a recent White Paper, *A Smarter Approach to Sentencing*, which acknowledged that 'the work of [probation's] dedicated professionals [is] not sufficiently valued or understood' (MoJ, 2020a: 59) but mostly contained 'tough' measures, including longer sentences for sexual and violent offenders and 'second' and 'third' strike minimum custodial sentences. That Ministry of Justice (2020b) projections indicate that the prison population could rise to 98,700 by 2026 hints at the perceived political capital in the continued communication of the legitimacy of criminal justice through *punitive* discourses. Concurrently, though, strategic restructuring was framed in *managerial* terms of efforts to 'maximise . . . value for money' (HM Prison and Probation Service [HMPPS], 2021: 92) for the taxpayer. Reunification, therefore, operates within an environment characterised by competing mentalities of probation governance. Here, *re-professionalisation* is integral to the re-legitimation of probation (Robinson, 2021); it can be a 'third logic' (Freidson, 2001) which can help to resolve the contradictions between a punitive state agenda and managerial, market-like regulatory mechanisms.

In addition to structural dissociation from the private sector, a ‘workplace professionalisation agenda’ (HMI Probation, 2021: 13) is key to recapturing *internal* and *external* legitimacy. There are plans to certify qualified officers on a ‘professional register’, the purpose of which is ‘to increase the standing and desirability of the role of probation officer’ (HMI Probation, 2021: 28). This builds upon proposals by HMI Probation (2019) to bring the service into line with other established professions, like medicine, in which practitioners need to be certified to practise. Given the historic similarities with probation, social work provides an instructive example of how professional governance might function. Social Work England (2021) is the independent body that regulates social work through the development and oversight of professional standards and ethics, education and training, and registration of practitioners. Adopting a similar model not only presents an opportunity to enhance probation’s legitimacy but also raises several important challenges.

Where the Ministry of Justice (2018) has suggested housing the professional register within the NPS, HMI Probation (2019) have advocated a measure of independence from the NPS due to its status as the employer of probation professionals. The latter suggestion represents a shift towards a more collegiate model of *occupational professionalism*, which is characterised by ‘lengthy systems of education, vocational training and socialization, and the development of strong occupational identities and work cultures’ (Evetts, 2013: 787). However, that probation regions have been absorbed within the Civil Service and compelled to adopt a new performance management framework (HMPPS, 2021) raises questions about ‘the scope of professional autonomy of probation staff as civil servants’ (Carr, 2020a: 195). The Civil Service Code, for example, restricts NPS leaders from having ‘an independent professional voice with which to represent probation’ (Robinson, 2021: 163). As Carr (2020a) notes, professionals may struggle to (re)articulate a distinct value set from within the Civil Service if it conflicts with Government policy. Accordingly, independent regulation of the profession’s code of ethics, training standards and professional registration can help to communicate probation’s cultural legitimacy (Abbott, 1988) – namely, by enhancing the confidence of *external* stakeholders (Robinson, 2021), including the public, in its knowledge and methods.

Canton’s (2019) analysis of the European Probation Rules (EPR) provides a framework within which to develop the professional register. Articulating an ideology of service grounded in human rights and the minimisation of harms, he argues, is at the core of the EPR. Making such values explicit through the professional register can contribute to healing the inter-organisational tensions that characterised *TR*, not least because many legacy CRC staff feel like ‘second class citizens’ (HMI Probation, 2022: 16) within the new arrangements. The importance of professional-client relationships – which, as argued above, underpin probation identities among different generations of probation staff (Mawby and Worrall, 2013) – can prove the basis for promoting an ‘inclusive culture’ (HMI Probation, 2022: 15), remaking an ideology of service to enhance the *internal* ‘self-image of the service and its workforce’ (Robinson, 2021: 152). As the ‘ethical foundation for all probation work’ (Canton, 2019: 4), the relational emphasis at the heart of the EPR can help the service realise its moral worth.

Professional-client relationships are recognised within the EPR as ‘effective in bringing about change in attitudes and behaviour [and] are more influential than any single

specific method or technique’ (cf. Carr, 2020b: 6). Such relationships should be at the core of continuous professional development. However, the European Rules on Community Sanctions and Measures also place emphasis on education and training that resonate with other mentalities, such as managing (non)compliance, risk assessment and report-writing (Carr, 2020b). These components are crucial for promoting transparent, defensible practice that can strengthen *external* legitimacy. To this end, Kemshall (2021: 4) advocates for ‘protective integration’ – an approach which seeks a balance between public protection and rehabilitation, managing risk while promoting desistance. This depends upon the ‘supportive authority’ (Kemshall, 2021: 5) of practitioners, for they must be prepared to utilise their legitimacy as agents of the state to condemn risky behaviours and, if necessary, punish non-compliance. Training in risk assessment and report-writing is thus crucial as a way to evidence decision-making. And yet, while training in the use of risk assessment technologies is important, there is also space for more traditional forms of expertise; they are, in other words, a complement to professional judgement (Carr, 2020b). Here, practitioner–supervisor relationships can be used to guide professional autonomy. Such relationships were damaged by *TR* – particularly in the CRCs, where the focus of senior probation officers was on ensuring that targets were met rather than working through cases with staff (Tidmarsh, 2021) – but reunification offers an opportunity to reassert their salience. As an overarching framework, then, the professional register can be utilised to mandate training for staff and communicate guidelines for supervision – of people on probation and practitioners.

Continuous professional development can be undermined by a lack of time to undertake training. A survey of 1534 probation staff conducted by HMI Probation (2022) as part of their most recent annual inspection of services revealed that 51% thought their workloads were ‘not so manageable’ (HMI Probation, 2022: 15). The report welcomed an increase in funding of £1.17bn for probation in 2020/2021 to help address such issues but concluded that ‘the new unified structure is not yet impacting performance’ (HMI Probation, 2022: 10). Much of this additional funding has been allocated to recruiting 1000 staff onto the Professional Qualification in Probation (PQiP), the training pathway to become a probation officer, with another 1500 in 2022 (HMI Probation, 2022). That the PQiP takes between 15 and 21 months to complete means the benefits of this recruitment drive will take time to realise, but the increase in staff should eventually alleviate caseload pressures. Lower caseloads should mean greater opportunities for training and increased autonomy; these traditional signifiers of professional legitimacy can, in turn, contribute to recapturing the relationships that are central to probation’s ideology of service.

Professional knowledge defines the institutional centre of a particular activity; however, ways of thinking about social objectives such as rehabilitation are seldom reducible to one institution. Probation’s *organisational field* is comprised of local, regional and national contexts; Robinson (2021) contends that structural reform alone is not sufficient to heal extant tensions between their respective actors. This suggests that, after the reputational damage caused by *TR*, the service’s efforts to rebuild relationships with partners in the public and voluntary sector is crucial to its legitimacy. However, ‘probation services are part of an ecosystem which is . . . suffering from declining investment’ (HMI Probation, 2020a: 6). There exists ‘large gaps between the needs of people on probation’

(HMI Probation, 2022: 9) and accommodation, drug treatment and mental health services. Reunification, therefore, provides an opportunity to remake probation as a professional jurisdiction with ‘interstitiality’ (Abbott, 2017) at its core, as both a *practical* and *moral* solution to the competing mentalities within which the service operates. This is illustrated through a brief case study of the use of community hubs to promote desistance.

### *Interstitiality: Towards community-based practice*

While attempts ‘to improve . . . professionalisation’ (MoJ, 2020a: 63) have thus far been presented as are vital to the future of the profession, an exclusive focus on staff, for McNeill (2019: 145), betrays a ‘tunnel vision in the supervisory imaginary’. He argues that the development of new ways of working ‘begin in the wrong place’ (McNeill, 2006: 45) if the focus is on practice rather than how individual change occurs. A comprehensive review of the desistance literature is beyond the scope of this article, but it is important to note that the links between direct interventions by probation professionals and the cessation of offending are seldom immediately evident. Farrall (2002) observed that interventions could be beneficial in terms of improving cognitive abilities and enhancing employability but were less effective in developing the pro-social capital that contributes to the acquisition of a non-criminal identity. In a subsequent study of his informants, however, the value of probation ‘as a “consciousness-raising” exercise in which the feelings and perceptions of other people are made clear to the probationer’ (Farrall and Calverley, 2006: 48) became apparent over time.

An individual’s ‘discovery’ of agency is a salient factor in desistance; it can be expedited through ‘enabling’ structures, a proposition Albertson et al. (2020) explore through ‘community hubs’. As sites of multi-agency working that co-locate statutory and voluntary services, their use by several CRCs was highlighted by HMI Probation (2020b) as an example of good practice under *TR*. Based on observations of and interviews with staff in six community hubs, Albertson et al. (2020) highlight three structural mechanisms through which to enhance individual agency. First, ‘temporally sustainable support’ meant that people on probation could continue to access services outside of the time limits imposed by a community sentence. Second, the ‘spatially sensitive environments’ in their study differed from the impersonal nature of many probation offices (see Tidmarsh, 2021). Third, a ‘community-based relational milieu’ relates not only to co-location of a multitude of services within the hubs but also to an ethos of mixed delivery, in which individuals could interact with members of the wider community. Remaking the temporal-spatial and relational boundaries of probation practice can thus hasten the ‘discovery’ of agency.

Community hubs can provide a *practical* solution to the realities of a financially embattled ecosystem and a *moral* means for professionals to work in accordance with ‘probation values’. Examples of housing and drug treatment from HMI Probation’s (2022) *2021 Annual Report* illustrate the importance of interstitiality. A case study of 116 prison releasees revealed that 63% of those without settled accommodation were recalled to custody within 12 months, compared to 35% with settled accommodation. Probation must work with local authorities to help secure accommodation; in the case of

homelessness, however, practitioners seldom see personalised housing plans prepared for referred individuals. Drug use is also a significant predictor of reoffending, one that frequently overlaps with insecure housing. HMI Probation (2022: 37) estimate that 75,000 people on the probation caseload 'have a drug problem'. And yet, fewer than 3000 individuals were referred by probation to specialist treatment services in 2019/2020. Community hubs can thus contribute to a 'multi-disciplinary . . . delivery model' (HMI Probation, 2020b: 17) around which relationships – with clients and other organisations – can be established and maintained.

Geographically concentrating drug treatment, housing and probation, among other services, can link numerous organisations to support individuals with multiple and overlapping needs that are beyond the scope of any one organisation. Indeed, Rule 12 of the EPR requires that 'Probation agencies . . . work in partnership with other public or private organisations and local communities to promote the social inclusion of offenders' (cf. Canton, 2019: 7). The re-professionalisation agenda presents an opportunity to educate and train probation professionals to recognise the services that can help to expedite desistance while empowering them with the time and autonomy to focus on other core functions, such as risk assessment and case management (Carr, 2020b). In this way, community hubs can play a central role in remaking the boundaries between professionals and their clients in such a way that is commensurate with probation's ideology of service. This can, in turn, contribute to rebuilding confidence in probation with those in its *organisational field*.

Such interstitiality, Wong (2019) argues, can also be supported through the metrics by which probation is regulated. In recent decades, the proven reoffending rate has become the dominant measure of effectiveness in probation. While this has some utility, the progress and setbacks inherent within desistance journeys are not adequately captured. Instead, he highlights several alternative outcomes that act as proxy measures of desistance, like engagement with services; changes in (non-)criminogenic needs; and developments in well-being, agency and relationships. These surrogates 'are meaningful to the different interests of frontline practitioners, government ministers and every other stakeholder in-between' (Wong, 2019: 9). Outcomes that recognise desistance can, therefore, encourage staff to meet individual needs.

However, greater involvement in the lives of people on probation from a multiplicity of professionals and organisations cannot be considered an unqualified good, not least because it reinforces the notion that criminal justice is the appropriate mechanism for engendering change (McNeill, 2019). Efforts to reduce prison populations through probation services have had a 'net-widening' effect in most European countries (Aebi et al., 2015). Likewise, summarising debates on the role of the penal voluntary sector, Tomczak (2017) contends that while such organisations can empower people on probation with pro-social capital, they can also reinforce carceral practices. The precariousness of many individuals' accommodation, employment and personal finances, and how they necessitate interaction with state(-supported) agencies, can exacerbate the 'pains of supervision' (Hayes, 2015). Indeed, the 'state's machinery is larger and stronger' (Tomczak, 2017: 165) following the introduction of 12 months' statutory rehabilitation. There was a marked increase in the number of offenders recalled to prison, from 3% to 36%, after *TR* (NAO, 2019); and projected increases to the prison population (MoJ, 2020b) potentially exposes more individuals to recall.

Hence, while deeper involvement by probation and its adjacent organisations is not without risk, the co-location of services and resources can help to navigate the financial pressures faced by those organisations within the criminal justice infrastructure while enhancing inter-organisational relationships. As statutory agents of the state, probation professionals are ideally situated to form the connective tissue that links numerous stakeholders in the public, private and voluntary sectors. Such interstitiality can be embedded within the re-professionalisation agenda in such a way that emphasises relationships *and* promotes effective risk management.

## Conclusion

This article has mapped the (changing) boundaries of probation's professional *jurisdiction* (Abbott, 1988) with reference to its legitimacy, identity and practices. The preceding analysis has presented a case for remaking services which is grounded, *practically* and *morally*, in re-professionalising staff and promoting a more relational approach to probation. Practically, the failure of *TR* to deliver on its aims – namely, to utilise competition to enhance punishment, rehabilitation and professionalism – meant that strategic restructuring through the reunification of services was crucial to re-legitimising probation (Robinson, 2021). Despite an increase in funding since *TR*, the service and the public, private and voluntary organisations with which it works continues to operate in an environment beset by challenges; and performance has yet to improve (HMI Probation, 2022). This suggests that the importance of 'interstitiality' (Abbott, 2017) extends beyond a practical response to a financially embattled 'ecosystem' (HMI Probation, 2020a). Morally, (re)developing links with the voluntary sector through co-location can help to expedite the desistance process by focusing on relationships. In this way, the boundaries between professionals, clients, other organisations and the market can be *remade* to navigate the challenges faced by criminal justice infrastructure, while strengthening probation's legitimacy, identity and practices.

Hence, the contributions of this article are threefold. First, it has theorised probation's (changing) position as a professional jurisdiction. Probation was *made* as a profession in the early-20th century, but late-modern punitive and managerial mentalities and practices challenged its 'normalising' intent. While probation's professional jurisdiction has not been entirely *unmade*, the logic of risk reshaped the service's legitimacy, identity and practices – culminating in the *TR* reforms. Second, as the commentary on ongoing policy developments has shown, the contradictions between *punitive* and *managerial* agendas remain present after *TR*. Here, *re-professionalisation* can be utilised to mitigate the worst excesses of these competing mentalities. The professional register, in particular, can help to ensure that education and training for staff recognises the importance of risk management while embedding probation values within everyday practices. Thus, better communication of the service's knowledge, methods and values can strengthen its *internal* and *external* legitimacy.

Finally, the article has advocated for an interstitial approach to probation practice that is practical and moral, reliant on relationships with those in its *organisational field* (Robinson, 2021). Probation can learn from transnational regulations such as the EPR (Canton, 2019), which emphasise greater inter-organisational working and professional-client relationships. The co-location of services in community hubs provides an example

of how both can be achieved: the temporal-spatial and relational boundaries of supervision can be productively *remade* so that probation professionals can assume the role of key interlocutors in the process of desistance, while lessening the impact of infrastructural funding challenges. A reunified probation service can thus be firmly entrenched as a relational, *community-based* professional jurisdiction.

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