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Legacies of change: Probation staff experiences of the unification of services in England and Wales

Introduction

Freidson (2001: 12) contends that, as an ideal-type, ‘professionalism’ seeks to organise work through ‘the members of occupations rather than consumers or managers’. It is, he argues, a ‘third logic’ that stands apart from conventional organisational forms of (Weberian) ‘bureaucracy’ and ‘the market’. The former refers to managerial control over labour; the latter relates to circumstances in which work is dictated by consumers. Reductively articulated, the alleged benefits of the market include innovation, efficient allocation of resources, and responsiveness to client demand (Osborne & Gaebler, 1992). Conversely, bureaucracy is proffered as a rational means through which to guarantee equality of access to services typically delivered by the state (Clarke & Newman, 1997). However, the dominance of a neoliberal consensus which evangelises the social and economic value of markets has meant that the state is often presented as an overly bureaucratic site of inefficiency and poor performance (Mazzucato, 2015). The one-sided nature of this ‘discursive battle’ (Mazzucato, 2015: 3) has, until recently, proved particularly influential in driving organisational changes to the probation service in England and Wales. This paper, therefore, draws on discourses of ‘professionalism’, ‘bureaucracy’, and ‘markets’ to study recent probation reform and its impact on staff.

The probation service in England and Wales has been characterised, in recent decades, by the constancy of organisational change. Part of a decades-long reconstruction of the state, particularly in relation to ‘welfare professions’ (Foster & Wilding, 2000), probation reforms from the 1980s onwards sought to challenge professional knowledge and autonomy through greater central control over governance and practice (Burke & Collett, 2015). Reversing this centralisation was a key driver of the Conservative-Liberal Democrat (2010-2015) Coalition Government’s probation strategy. ‘Rather than operating under close central control’, they argued, competing for probation services would ‘unlock the professionalism, innovation and passion of experts’ (MoJ, 2010: 9). This ‘freedom from bureaucracy’ (MoJ, 2013: 6) would restore practitioner discretion and reduce reoffending. Consequently, in 2014, *Transforming Rehabilitation (TR)* split services between a publicly-owned National Probation Service (NPS) and 21 privately-led Community Rehabilitation Companies (CRCs). And yet, just four years after *TR* was implemented, the Conservative Government announced that more reform was necessary ‘to stabilise probation services’ (MoJ, 2018: 3) - partially in response to critical

reports on how *TR* had ‘diminished’ the profession (HMI Probation, 2017, 2019). In June 2021, services were ‘unified’ and concentrated within 12 Probation Regions. This amounts to a re-nationalisation of services heretofore managed by the private sector, with the (re)professionalisation of staff once again co-opted as ‘discourse of occupational change’ (Evetts, 2011: 410; Robinson, 2021).

The paucity of examples of, and thus research on, re-nationalisation speaks to the primacy of neoliberalism, in which privatisation, marketisation, and outsourcing are core strategies of public sector reform (Mazzucato, 2015). Most contemporaneous studies on public sector professions, including on probation (Robinson *et al.*, 2016; Tidmarsh, 2021), typically explore how their work and identities have become attuned to market logic (Fournier, 1999). This paper, however, is unique in its focus on the *return* of a profession to the public sector. It makes an original contribution to knowledge in two distinct ways. First, the paper can be read as the first case study of the re-nationalisation of a public sector profession in England and Wales, providing an academic commentary on how staff have experienced probation unification. Second, it enhances theoretical understandings of ‘professionalism’ as a discourse of change (Evetts, 2011) and its impact on practice, with a particular emphasis on ongoing tensions with other forms of workplace organisation. Taken together, the research offers timely insight into how professionalism in probation has been, and continues to be, (re)shaped by organisational changes that are at once *bureaucratic* and *marketising*.

The first part of the paper draws out how professionalism in probation has been shaped by legacies of bureaucracy and the market. The second part summarises the study’s methodology. The third part demonstrates how professionalism was impacted by *TR*. This is not a comprehensive review of the reforms, for such accounts have been written elsewhere (see HMI Probation, 2019a; Tidmarsh, 2021); rather, it uses interview data on staff experiences of *TR* to illuminate its major failings. The fourth part reports on yet more organisational change, highlighting the ‘discursive battle’ (Mazzucato, 2015) that has shaped staff experiences of a unified probation service thus far. The final part explores how professionalism in probation continues to be impacted by longstanding issues – namely, high caseloads, the persistence of performance targets, poor pay, and staffing shortages.

Professions, probation, and legacies of bureaucracy and markets

A key characteristic of professions, in contrast to other occupations, is their ability to mobilise reserves of power to withstand outside intervention (Johnson, 1972). For Freidson (2001),

control over the social, economic, and technical conditions of labour historically rendered professionalism a ‘third logic’, distinct from bureaucracy and the market. Functionalist accounts of professions, for example, highlighted how they were situated *between* free markets and the state, as the ‘rocks against which the waves raised by these forces beat in vain’ (Carr-Saunders & Wilson, 1933: 497). The ideal-typical markers of professionalism – mastery over *abstract knowledge*, learned through prolonged *education and training*; *autonomy over work*; and a client-centred *ideology of service* - bestowed higher socio-economic status upon professionals relative to laypersons, while the esoteric nature of their work enabled them to resist interference (Parsons, 1952). The stronger the political and cultural endorsement of a profession’s standing, the better able it is to resist external interventions (Abbott, 1988).

The probation service’s emphasis on a client-centred ideology of service, along with its reliance on the state for clients *and* funding, means it can be considered a ‘welfare profession’ (Foster & Wilding, 2000). Its professionalisation was necessarily part of a legacy of bureaucracy (Garland, 1990): driven by the state, the service gradually acquired the abovementioned ideal-typical professional traits in the early twentieth century, including education and training grounded in social work knowledge; the autonomy to ‘diagnose’ and ‘treat’ individuals (McWilliams, 1985); and an ideology of service expressed through ‘advise, assist, befriend’ (Tidmarsh, 2021). Accordingly, probation was emblematic of the two dominant logics identified by Clarke and Newman (1997) around which the Keynesian state was organised, ‘bureaucratic administration’ and ‘professionalism’. The former relates to (publicly-funded) services delivered by state agencies regulated by rules that guarantee equal access and ‘*routinised and predictable outputs*’ (Clarke & Newman, 1997: 5; emphasis in original); the latter depends upon the professional expertise and autonomy of those in the employ of such agencies. Probation officers can thus be viewed as ‘street-level bureaucrats’ (Lipsky, 2010) who embodied both organisational forms: part of the machinery of the state, they were imbued with decision-making autonomy to pursue actions they believed to be in the best interests of their clients.

Perceptions of the social value of welfare professions depend, in large part, upon socio-cultural attitudes towards their clients (Wilding, 1997). The 1970s proved the decade in which such perceptions began to change, challenging the so-called ‘golden age of welfare professionalism’ (Foster & Wilding, 2000: 143). Writing from a neo-Weberian perspective, sociologists of the professions expressed concerns about the *social* implications of the power of professionals over their clients (Freidson, 1970; Johnson, 1972). In a criminal justice context, such arguments were most apparent in Cohen’s (1985) work. The power of probation

practitioners to define ‘at risk’ populations, he argued, contributed to a ‘net-widening’ process, in which evermore individuals were caught up in the postwar expansion of the penal system. The *economic* consequences of this expansion also found voice within an emergent New Right. This critique framed state bureaucracies as inhibitors of economic growth (see Osborne & Gaebler, 1992), constructing the private sector as the sole creator of wealth. While this narrative has been robustly critiqued by Mazzucato (2015), who demonstrates how state-led innovations have been crucial to the successes of private companies, like Apple, which supposedly typify the entrepreneurial spirit of neoliberal capitalism, she nonetheless acknowledges how the public sector has lost a ‘discursive battle’. This is to say that, following the electoral successes of neoliberal political projects, welfare professions are commonly perceived as ‘inefficient, ineffective, unresponsive and self interested’ (Wilding, 1997: 717) compared to the ‘dynamism’ and ‘innovation’ of the private sector.

This shift in political and cultural attitudes has had profound social and economic implications for welfare professions. Part of the small state, free market ideology of neoliberalism, privatisation and outsourcing emerged as key strategies of public service delivery – a process that, paradoxically, involved significant state intervention (Clarke & Newman, 1997). The presentation of public(ly-funded) services and the professionals in their employ as a burden on the taxpayer - Margaret Thatcher, for example, described them as ‘little republics’ (c.f. Muzio & Ackroyd, 2005: 622) unaccountable to the citizenry – served as a justification for state intervention. And yet, markets did not supplant state bureaucracies; rather, these ideologies became intertwined through the principles of *managerialism* (Clarke & Newman, 1997). Indeed, one of the Thatcher governments’ most important legacies was the encoding of ‘a new and powerful apparatus of audit, inspection and regulation’ (Wilding, 1997: 722) within the rules and regulatory frameworks of public sector professions in the pursuit of greater efficiency and accountability (Power, 1997).

The entwining of the logics of market and bureaucracy, and its impact on professionals, has contributed to the development of a (Foucauldian) strand of scholarship which analyses professionalism as ‘a discourse of occupational change and control’ (Evetts, 2011: 410; Fournier, 1999). Accordingly, Evetts (2011) has observed the rise *organizational professionalism*: as occupational control is transposed from professionals onto managers, delegated down bureaucratic lines, and reinforced by market logic, a client-centred ideology of service is used to (self-)motivate staff. It emphasises how public service provision demands entrepreneurial, self-actualized professionals whose conduct can also be governed through performance targets (Fournier, 1999). This lens, Tidmarsh (2021, 2022a) argues, is relevant to

the study of professionalism in probation, which straddles bureaucratic *and* market(-like) forces. Neoliberal techniques of performance targets and audit, imposed in the late-1980s to curb professional autonomy and promote accountability among probation officers, have been accompanied by attempts to modify the service's culture and identity - part of a neoconservative shift in penal policy which questioned the service's 'welfarist' credentials (Garland, 2001). Probation's 'advise, assist, befriend' mantra was abandoned in 1992, while its ties to professional knowledge grounded in social work were severed in 1995 (Deering, 2010). And yet, although some of the 'traditional markers of "professionalism"' (Tidmarsh, 2022a: 180) have been eroded amidst an increase in caseloads and top-down, target-driven practice, an *ideology of service* grounded in working *with* clients continues to motivate staff (see also Deering, 2010; Mawby & Worrall, 2013; Tidmarsh, 2021).

This challenge to professionalism in probation has been entrenched through a succession of top-down reforms to its organisational structure - which, since 2001, have reduced 55 'constitutionally separate' (Burke & Collett, 2015: 42), and thus relatively autonomous, Probation Areas to just 12 Probation Regions. The first major change under the New Labour governments (1997-2010) saw the creation of the NPS, in 2001, which condensed services into 42 Probation Boards. Probation, it was argued, required '[n]othing short of deep-rooted culture change in the organisation' (NPS, 2001: 5), with 'enforcement' (i.e. the process by which an offender can be 'breached', or returned to court, should they miss several appointments without a valid excuse) becoming the service's key performance metric. And yet, before the NPS reforms could become settled, the creation of the National Offender Management Service (NOMS) brought probation and prisons 'under one organisational umbrella' (Tidmarsh, 2021: 36). Fully implemented by 2007, services were further centralised within NOMS to 35 Probation Boards. Key to these reforms was the stripping of Probation Boards of their statutory duty to directly provide services to offenders, part of an attempt to open them to competition from private providers (Burke & Collett, 2015). Thus, organisational changes imposed upon probation by New Labour epitomise how the neoliberal governance of welfare professions sought not to separate but to *entangle* the logics of bureaucracy and market.

As Lipsky (2010) reminds us, organisational changes experienced by street-level bureaucracies must be studied not only through tracing how policies are articulated, but also *in* the workplace. For example, in their study of staff experiences of the NOMS reforms, Robinson and Burnett (2007: 332) found a degree of 'change fatigue' among participants. While some (typically more experienced) staff felt more alienated in their role due to the changes, others focused on their work *with* clients as a coping strategy. The need for such 'survival

mechanisms’ (Lipsky, 2010: 187) in the face of an excess of reform speaks to the dissonance which has emerged between the values of probation staff and managerial practices and organisational objectives (Robinson *et al.*, 2014). The rest of the paper, therefore, explores staff experiences of yet more organisational reform – namely, *Transforming Rehabilitation (TR)* and the subsequent re-nationalisation of the service.

Methodology

The research explored professional identity, culture, and practice following the collapse of the *TR* reforms in England and Wales. Data were generated via semi-structured interviews with 38 members of staff from across the probation estate. With the exception of regional probation directors (RPDs), the sample sought to reflect job roles, gender balance, and legacy employment within the service. Informants consisted of 12 probation service officers (PSOs), nine probation officers (POs), three practice tutor assessors (PTAs), seven managers (Ms), three senior managers (SMs), and four RPDs. These grades encompassed a diverse array of roles in probation. PSOs and POs, for example, were spread across community, custody, and court teams; Ms, meanwhile, were predominantly senior probation officers, but some held other oversight roles; and SMs and RPDs had strategic responsibilities over practice, from heads of probation delivery units to entire regions (see Table 1). Twenty members of staff were legacy CRC and 15 were legacy NPS; two had held split roles, while one had joined since unification. Ten men and 28 women were interviewed, a gender split which reflects the ‘feminisation’ of the service in recent decades (Mawby & Worrall, 2013).

However, the study cannot claim to be generalisable, neither to the service at large nor within the regions. This is not only because of the size of the sample, but also because of the diversity of experiences of staff working in different regions. For example, an HMI Probation (2019b: 4) summary of inspection reports of all 28 probation services in England and Wales ‘found a clear difference in performance’ between the seven NPS regions and the 21 CRCs, with former acknowledged as more effective. Regional variances, moreover, were particularly pronounced among the CRCs, not least because they were led by different parent companies. The size of caseloads and experience of the workforce were better in some CRCs, like Durham Tees Valley, than in others, such as Dorset, Devon and Cornwall (HMI Probation, 2019a, 2019b). Accordingly, staff experiences of ‘migration’ (Burke *et al.*, 2017) are likely to have been shaped by factors specific to the regions in which they worked.

(Table 1 here)

All probation research in England and Wales must be approved by HM Prison and Probation Service's (HMPPS) National Research Committee, but access to staff in the regions is ultimately at the discretion of RPDs. Nine regions agreed to participate in the research; however, these will not be revealed to preserve the anonymity of staff, especially those in leadership roles. A call for participants was shared through internal communications in the regions that agreed to participate, and potential informants were asked to email me if they wished to partake. That the sample was self-selecting means it could be skewed towards those who wanted to discuss professional identity, culture, and practice. Informants were thus selected through purposive sampling, to achieve the desired balance of job role, gender identity, and legacy employment.

Semi-structured interviews utilised Appreciative Inquiry (AI), a methodology which foregrounds strengths, best practices, and accomplishments (Liebling *et al.*, 1999) to consider what is working and how it can be sustained and enhanced. Derived from the field of organisation studies, AI focuses on the co-construction of understanding based on positive experiences. Liebling *et al.* (1999) pioneered AI in a criminal justice context, seeking to enhance knowledge on staff/prisoner relationships in a prison. Building on their work, Robinson *et al.* (2013) identified both instrumental and normative benefits to AI in probation. Instrumentally, their focus on 'quality' aligned with the "AI profile" of research questions oriented to exploring positives' (Robinson *et al.*, 2013: 5); normatively, AI empowered staff in a field characterised by constant organisational change. Further reforms since Robinson *et al.*'s (2013) study was conducted means AI is an appropriate methodology through which to elicit constructive understandings of professional identity, culture, and practice. Rather than dwelling on the negatives, it attempted to reveal accomplishments that may otherwise have been obscured during restructuring.

Interviews were conducted on Microsoft Teams before being transcribed verbatim and uploaded to NVivo, which was used to sort and code the data. The interview schedule encompassed the 'discovery' and 'dreaming' phases of AI identified by Elliot (1999). The former seeks to bring out the best of past and present practice, while the latter extends into how it can be improved. The schedule was designed around themes of culture and practice (motivations for joining the service, perceptions of the purpose of probation, etc.); experiences of organisational reform, including what worked and what did not; best practices, peak moments, and important qualities in supervising individuals; and hopes for the future. These proved the basis for 'Framework' analysis, a generative, matrix-based 'method of ordering and synthesising data' (Ritchie *et al.*, 2003: 219) to execute both between- and within-case inquiry.

And yet, the ‘*relentlessly positive*’ (Robinson *et al.*, 2013: 4; emphasis in original) approach at the heart of AI does not mean that staff are deprived of the opportunity to comment on perceived negatives. This research endeavoured to ensure that staff remained focused on best practices. That this proved more challenging than anticipated is indicative, perhaps, of the ‘change fatigue’ (Robinson & Burnett, 2007) that has accompanied the successive restructurings described above. Length of service among informants ranged from three months to 45 years, with a mean of 26. This suggests that, for the average informant, unification was their fourth experience of top-down restructuring since 2001. Unlike previous studies of probation that have deployed AI (Robinson *et al.*, 2014), this paper reports on more challenges than is usually associated with this methodology - not least because its primary focus is on staff experiences of organisational change. To pursue a ‘pure’ approach to AI research and exclude the negative views of many staff interviewed as part of this study would be to do these informants a disservice. The next section scrutinises staff experiences of the *TR* reforms.

***TR*: Market failings**

In the aftermath of the 2007/08 financial crash, and the subsequent election of a ‘Coalition Government’ comprised of the Conservative Party and the Liberal Democrats in the UK, excessive public spending was presented as the *cause* of economic recession (HM Government, 2011). The probation service in England and Wales was identified as an area of social policy through which fiscal savings could be generated – namely, by reducing reoffending (MoJ, 2010). The major change proposed as part of *TR*, the Coalition Government’s flagship programme of probation reform, was the creation of markets for offenders deemed low-to-medium risk of harm to the public. As Tidmarsh (2021) observes, the Coalition Government’s justifications for organisational change depended upon (overlaid) discourses of professionalism and the market. Here, evidence of a ‘discursive battle’ (Mazzucato, 2015) between the virtues of market provision and the state can be found within Government consultations that attempted to justify competition for services. A target-centric, ‘overly bureaucratic’ (MoJ, 2010: 82) culture of state intervention was offered as a causal factor in both high reoffending rates and the costs of justice; market provision, by contrast, would enhance the ‘efficiency’ and ‘effectiveness’ of services. Private sector practices would ‘unlock...professionalism’ (MoJ, 2010: 9) among probation staff, who were presented as fledgling entrepreneurs whose capacity to ‘innovate’ had been constrained by the inertia of the public sector. Thus, the Coalition Government’s arguments for greater professional discretion

represented a reversal of the ‘attack on the traditional power and autonomy’ (Foster & Wilding, 2000: 143) of welfare professions as part of the neoliberal reconstruction of the state in the 1980s.

On June 1 2014, *TR* dissolved 35 publicly-owned Probation Trusts, splitting the service into two types of organisation: a publicly-owned NPS was created to manage offenders who posed a high risk of harm to the public, while 21 privately-owned CRCs were established to supervise low-to-medium risk offenders. Staff were consulted on their organisational preference when the service was split but, ultimately, allocation was compulsory (Robinson *et al.*, 2016). That the *TR* reforms were largely uncontested outside the profession speaks to its inability to mobilise ‘wider bases of social power’ (Johnson, 1972: 42) to withstand organisational change (Kirton & Guillaume, 2019). For informants in this study, feelings of powerlessness to resist *TR* were compounded by perceptions of the ‘dirty work’ (Mawby & Worrall, 2013) in which probation is engaged:

There’s a tremendous amount of compassion in probation, similar to nursing. The difference between the two is that nursing is seen as caring for the right people and *probation is seen as caring for the wrong people*. It comes down to who is deserving of care: who’s deserving and who isn’t. (SM1; my emphasis)

While state backing for a welfare profession can be beneficial for its growth, the removal of such support means it is at heightened exposure to political, economic, and legislative interference (Johnson, 1972). SM1’s comparison with nursing implies that probation’s lack of prestige is partially due to the ‘undeserving’ nature of its clientele. Her contention that the service cares ‘for the wrong people’ suggests a lack of *cultural* legitimacy (Abbott, 1988) for welfarist approaches to a ‘tainted’ group (Mawby & Worrall, 2013), rendering probation susceptible to organisational change.

Evidence from the period during which the service was split indicated that probation staff were overwhelming opposed to *TR*, a dissent that was grounded in an ideological affinity with a *public sector ethos* (Deering & Feilzer, 2015; Robinson *et al.*, 2016; Burke *et al.*, 2017). That state-run services were ‘performing well’ prior to *TR*, with every Probation Trust having been rated as ‘good’ or ‘excellent’ the year before the reforms were implemented (NOMS, 2014), added to the sense among some informants that it was ideologically driven:

All of the probation areas in England and Wales were performing well beforehand. There wasn't a, 'this service is failing and it needs to change'; *it was an ideological thing. The government wanted to privatise things.* (PTA1; my emphasis)

For PTA1, then, the ideology that governed probation reform was that of privatisation. As Tidmarsh (2021) has argued, however, the structure of the probation marketplace resonated more closely with *marketisation*. *TR* established 'supply-side' markets in which private (and voluntary) companies could bid for government funds for a monopoly over services in 'contract package areas', which later became CRCs (Office of Fair Trading, 2011; MoJ, 2013). This meant that CRCs were wholly dependent upon the state for clients *and* funding. Despite claims that the contracts would 'contain a minimum of bureaucracy' (MoJ, 2013: 14), with providers incentivised through a 'payment by results' mechanism which would reward statistically significant reductions in reoffending, the overwhelming majority of CRCs' funding was derived from 'fee for service' payments for the delivery of statutory requirements (NAO, 2019). The contracts functioned as form of 'penal accountancy' (Tidmarsh, 2021: 149), as providers were financialised penalised for missing performance targets. This suggests that CRCs were governed to a greater extent by Weber's (1930/1992: xviii) 'iron cage' of bureaucracy than cultural-economic assumptions of how a 'fast-moving, risk-loving and pioneering private sector' (Mazzucato, 2015: 2) would drive innovative practices (MoJ, 2010, 2013). Indeed, *TR* was widely acknowledged as entrenching a tick-box culture in the private sector, both by quasi-government inspectorates (HMI Probation, 2019a; NAO, 2019) and by informants in this present study who worked in underperforming CRCs:

...my colleagues sort of found that they were just ticking boxes; you couldn't really give more of your time [to clients] because your caseloads were huge. (PSO11)

Practitioners' caseloads were exacerbated by the financial pressures under which CRCs operated. *TR* extended 'statutory rehabilitation' (MoJ, 2013: 6) to approximately 45,000 individuals sentenced to imprisonment of less than twelve months, a group who were previously not required to receive probation. The Coalition Government envisaged that most of these individuals would be supervised by the private sector; however, business volumes in the CRCs were between 16% and 48% lower than anticipated (House of Commons Committee of Public Accounts, 2019). 'Efficiency' savings manifested in 'substantial reductions' (HMI Probation, 2019a: 74) in the workforce, notably through redundancies, which meant that many

staff in the CRCs managed ‘exceptional caseloads’ (HMI Probation, 2017: 12). Hence, Chris Grayling, the Justice Secretary when *TR* was implemented, featured heavily among informants in this study as a kind of ‘bogeyman’ on whom to pin the blame for market failure:

...certain people - Government ministers, like Chris Grayling - thought it’d be quite easy to manage these lower risk offenders through private companies. We’ve seen it hasn’t worked, but we’ve still got those extra 45,000 people who wouldn’t necessarily use the resources that we need now for those people who were on probation before. (PSO1)

The summary of evidence presented here suggests that the challenges of making markets for probation entrenched the alleged excess of ‘bureaucracy’ that the reforms were supposed to reverse. When measured against a core rationale of using competition for services to enhance professionalism (MoJ, 2013), *TR* (further) stymied practitioner autonomy and diminished ‘the pool of collective professional knowledge’ (Kirtton & Guillaume, 2019: 12) in probation. And yet, an ideology of service was not lost to the market logic of *TR*:

...if you ask most people in the office why they’ve come into this work, they’d say that they like to help people, to make changes in people’s lives, to move away from reoffending, helping people to improve their lives. I think that’s the common thread, really, when you speak to anyone. (PO4)

This response typifies how ‘helping people’ constitutes the ‘common thread’ of professional identity in probation, a finding consistent with a multiplicity of studies on probation culture (Deering, 2010; Mawby & Worrall, 2013; Robinson *et al.*, 2014). Indeed, an aversion to the ‘insidious evil’ (Parsons, 1952: 435) of commercialism that characterised functionalist interpretations of professionalism as an occupational value system has persisted through organisational change (Robinson & Burnett, 2007; Robinson *et al.*, 2016; Tidmarsh, 2021). This suggests that staff are integral to rebuilding the service following the damage brought upon the profession by *TR*:

You can’t privatise probation; there’s no profit margin. [...] Humpty Dumpty’s fell off the wall; now we’ve got to put him back together again. (PO7)

Unification: Staff experiences of organisational change

Given the aforementioned challenges presented by *TR*, just four years after the reforms were implemented, the Government recognised the need to ‘stabilise’ services (MoJ, 2018). As Robinson’s (2021) analysis of the policy documents that articulated yet more organisational change post-*TR* has shown, structural reform and a commitment to enhancing professionalism were key to re-legitimising probation. She traces how the Government initially pledged to work with private providers to renegotiate contracts (MoJ, 2018); however, in 2019, it was announced that CRCs would be abolished entirely, with certain services (like accredited programmes and unpaid work) contracted out via a ‘Dynamic Framework’. Private sector involvement was then further scaled back in 2020, with all core offender management services to be returned to the public sector - a decision taken, in large part, because of the Covid-19 pandemic. In this sense, improvements to probation practice depended upon the establishment of distance with the market and the (re)location of the service within the machinery of the state (Robinson, 2021). On 26 June 2021, seven NPS Divisions and 21 CRCs were realigned into 12 Probation Regions and housed within the Civil Service, thereby continuing a legacy of centralisation. This section focuses on how staff in this study have experienced organisational change, while the next explores its impact on professionalism.

The ubiquity of neoliberal logic has meant that, while privatisation has been extensively studied (e.g. Meek, 2014), case studies of the re-nationalisation of public services are in short supply – especially in the UK. Drawing on examples from domestic energy policies across Europe, Isaacs and Molnar (2017: 110) propose a spectrum on which re-nationalisations can be situated. ‘Soft’ examples relate to the introduction of price controls, whereas ‘medium re-nationalisation’ refers to when existing contracts are re-negotiated to improve outcomes for the state. ‘Hard re-nationalisation’, by contrast, concerns the re-appropriation of assets in a manner that is hostile to private companies. Applied to probation, the Government’s initial plans were akin to ‘medium re-nationalisation’: CRCs’ contracts were presented not as ‘broken’ but in need of ‘strengthening’ (MoJ, 2018; Robinson, 2021). However, as RPD3 argued, re-negotiation was ultimately considered inviable:

Undoubtedly, the first-generation [CRC] contracts were not fit for purpose; there wasn’t enough resourcing flowing through to do what was required. We could have turned them off or revamped them in a way that was suitable. The second one wasn’t really deemed a viable option.

Accordingly, probation unification can be situated between ‘medium’ and ‘hard’ on a spectrum of re-nationalisation: these were not ‘hostile takeovers’ (Isaacs & Molnar, 2017: 109) of private assets; rather, CRC contracts were not renewed upon their expiration, and services were returned to the public sector.

Regardless of their legacy employment, informants at all levels of the organisation and in all regions were unanimous in their belief that probation should be a public sector enterprise. For many, however, positive views were often countered by pessimism for the future, not least because of the perceived impact of *TR* on professional identity:

Obviously, with *TR*, [probation] completely lost all sense of vision, in my opinion. I just feel like us as staff don’t really know where we’re sat at the moment. We’re so used to change. [...] Reunification will help, but I feel like probation has lost its professional identity. (PSO3)

This sense of loss indicates a continuation of the ‘change fatigue’ identified by Robinson and Burnett (2007: 332); however, such feelings were not ubiquitous among staff in this study. For some, especially those migrating from underperforming CRCs, the location of probation within the Civil Service represented an improvement on arrangements prior to *TR*:

When we were Trusts, before *TR*, you’d work for yourself and wouldn’t necessarily feel part of the wider service. Putting us all in the Civil Service with divisions, I think, gave us more professionalism, more consistency. In terms of the Civil Service, it felt like we were part of a bigger, wider profession. (SM1)

The discursive overlap extant in SM1’s comment hints at how the ‘consistency’ achieved through bureaucratic organisation is not antithetical to ‘professionalism’ (Johnson, 1972; Evetts, 2011). It implies the ‘wider profession’ can benefit from a shared identity forged from within the Civil Service (Tidmarsh, 2022b). Indeed, for PO4 (a legacy CRC member of staff who joined the service in 2020), organisational change entailed a process of *becoming*:

It felt like, personally, I was becoming a professional when we joined into the Probation Service. I think in the CRCs it all felt a little bit haphazard. I just didn’t get that sense of professional identity while working in the CRCs. (PO4)

In contrast to how the managerial processes associated with bureaucratic control have typically been taken as evidence of de-professionalisation in probation (Gale, 2012), and were key to the Coalition Government's mobilisation of *TR*, PO4 observed that a professional identity which was difficult to discern prior to unification was not restricted by but *realised through* greater exposure to 'policies and procedures':

I felt my own identity shift into a more professional persona, to be honest. I think it was the organisation that we, as the CRC team, were moving into: there were a lot more policies and procedures; everything was much more aligned, taken more seriously.

Such views were, however, in a minority among staff in this sample. For most, experiences of the Civil Service thus far were framed in terms of the negative connotations of bureaucracy, such as the 'information overload' (Robinson & Burnett, 2007: 322) that often accompanies organisational change. Staff in leadership positions, like SM3, were well represented in these views, not least because they were responsible for overseeing communications:

I think the biggest challenge is probably bureaucracy and the amount of information, the amount of policy changes, the amount of email traffic and communication that is generated from what I would describe as the *big bureaucratic machine* of the Civil Service. (my emphasis)

While the complexities of realigning a multiplicity of organisations into 12 Probation Regions within the ambitious nine-month timescale set out in the *Target Operating Model* (HMPPS, 2021) arguably necessitated such intensity of communication, other senior leaders similarly expressed their frustrations at Civil Service 'processes':

One of the things that's most frustrating about the Civil Service is, we're constantly thwarted by our own processes because it's public money and because it's a public thing. (RPD2)

An awareness of needs of the 'public-as-taxpayer' (Tidmarsh, 2022a: 168) is an occupational hazard for welfare professions; it speaks to familiar frustrations with the mechanisms of

accountability which have partially constrained their autonomy (Wilding, 1997). Here, M6 expressed dissatisfaction with the perceived inefficiencies of the Civil Service. Changes which would have been simple to implement from within the private sector must go through several ‘levels of bureaucracy’:

...the Civil Service is so strange; it is just this big sticky mire, and they can’t get anything fixed quickly. Literally, it’s taken me ten months to write a national leaflet. I’ve just had it accepted. [...] What they make you do you won’t believe; you have to go through so many levels of bureaucracy. [...] It’s insane: I mean, *would you set up a business like that?* (my emphasis)

The manner in which M6 questioned the bureaucratic nature of the Civil Service with reference how the private sector operates captures how the legacy of market logic was, for many staff, an important way to comprehend organisational change. It resonates with Fournier’s (1999) understanding of professionalism, in which professionals are required to demonstrate an entrepreneurial spirit. Despite considerable evidence (summarised above) of how CRCs’ business models stifled innovation and entrenched a ‘box-ticking’ culture (HMI Probation, 2019a; Tidmarsh, 2021; Cracknell, 2022), many legacy CRC staff in this current study - even those who had migrated from underperforming CRCs, like M6 - drew upon market discourses to positively frame their experiences of working in the private sector:

The *innovation*, the *creativity*, the *flexibility*, and the trust of staff to deliver one-to-one work that wasn’t from a centrally mandated, prescribed toolkit. I think we were less obsessed about governance. It was a lot more about doing the do, a lot more *solutions-focused*. (M5; my emphasis)

This remembering of *TR* suggests that nostalgia proved a powerful lens through to which to reflect positively on experiences of CRCs (Mawby & Worrall, 2013), which were often contrasted with the challenges of working in the Civil Service:

...my manager...had to tell me off because I was ‘too CRC’ when I arrived. They told me I couldn’t change something, and I said why, and they said because the national chief agreed it. So, I called the national chief to change it, and I got told off. But that would be expected in the CRC, you know: you fix stuff. (M6)

M6's response demonstrates the potency of discourses that frame bureaucracy as 'too large and heavy to be [a] dynamic engine' (Mazzucato, 2015: 3). Where, as argued above, Chris Grayling functioned as a kind of 'bogeyman' on whom to pin much of the blame for *TR*, for many in this study, this role has come to be occupied by the Civil Service, as a proxy for 'bureaucracy':

Coming in everyday and thinking, I work for the Civil Service and having to do things in a particular way – that, since we've come back together, has been the biggest challenge. I never felt like that in the CRC, and I never felt like that when I was in the Trust. It's the bureaucracy! (PSO7)

The pejorative use of 'bureaucracy' by many informants in this study suggests that unification has not rehabilitated probation – a point supported by HMI Probation (2022)'s most recent annual report, which noted that performance was yet to improve. Here, it is important to note that the interviews for this research took place just one year after unification; hence, negative experiences of organisational change may reflect the 'huge challenges [of] very significant structural reform for the probation service' (HMI Probation, 2022: 6). Many of the present frustrations – such as the impact of bureaucratic control on professional autonomy (Robinson & Burnett, 2007; Gale, 2012) - predate *TR*. Nevertheless, the challenge to the competency of the Civil Service suggests that organisational change can be viewed through the lens of a 'discursive battle' (Mazzucato, 2015). Perhaps unsurprisingly, and echoing the Probation Institute's (2022: 3) assertion that 'the Civil Service is a wholly inappropriate location for the Probation Service', many staff 'dreamed' (Elliot, 1999) of organisational independence when questioned on their hopes for the future:

Central Government doesn't understand the probation service, doesn't understand that we don't function well in the middle of the Civil Service; that we are suffocated even further. (PSO11)

This highlights the dangers of what Mazzucato (2015: 10) calls the 'self-fulfilling prophecy' of discursive representations of the state as 'suffocating'. If Government, she argues, is unable to empower those with expertise, then perceptions of incompetence become entrenched. RPD2 linked this to how the constancy of organisational change has 'squashed' professionalism in probation:

I think, with all the systemic change we've had, it's squashed people's professionalism and passion. I don't think people have lost it, but it's buried under an avalanche of system changes, processes, etc. *We need to reignite, for staff, what the core purpose of probation is.* (my emphasis)

As RPD2's response implies, a 'profligacy of reform' (Lipsky, 2010: 187) can obscure how street-level bureaucrats conceive of their work. The final section, then, explores in more depth the factors that have continued to inhibit professionalism in probation following organisational change. These issues are not unique to unification; rather, they reflect how professionalism in probation has been, and continues to be, (re)shaped by legacies of bureaucracy and the market.

'Overworked, understaffed, underpaid'? Professionalism in probation after unification

As argued above, the Coalition Government contended that by reversing a top-down and target-centric approach to practice, practitioner discretion would be restored and reoffending reduced (MoJ, 2010, 2013). That *TR* 'downgraded' the probation profession (HMI Probation, 2019a) meant professionalism was, once again, an important factor in the Government's articulation of further reform. Calls for re-professionalisation as part of the re-nationalisation agenda homed in familiar ideal-typical characteristics, like education, training, and autonomy (HMI Probation, 2019a; HMPSS, 2020, 2021). Such traits were emphasised by RPD3:

[Professionalism] requires you to have a good knowledge, good judgement, and good resilience. You are required to make, on an ongoing basis, complex judgement calls at pace and scale.

This understanding of professionalism captures the tensions at the heart of probation's contemporary professional project, demonstrating how it has adapted to a legacy of socio-economic, cultural, and organisational change (see Tidmarsh, 2021). The emphasis on 'knowledge' and 'judgement' speaks to their historic importance to professionalism - within the sociology of the professions (Carr-Saunders & Wilson, 1933) and in probation research (McWilliams, 1985) - as a 'third logic' (Freidson, 2001) which is distinct from ideologies of bureaucracy and the market. Research indicates that the autonomy which characterises street-

level bureaucrats' decision-making (Lipsky, 2010) is present among probation practitioners but has been tempered by the encroaching centralisation of practice described above (Robinson & Burnett, 2007; Mawby & Worrall, 2013; Tidmarsh, 2022a). This (albeit incomplete) shift from professional knowledge and judgement as modes of workplace organisation to managerial control over work (Evetts, 2011) has been shaped, in large part, by the combination of an increasingly punitively-minded state and ever-rising numbers of its 'tainted' clientele (Mawby & Worrall, 2013). In this sense, RPD3's stress on the need for 'resilience' reflects the increased 'pace and scale' at which practitioners are expected to work, on the 'treadmill' of mass supervision (Cracknell, 2022):

The workload rarely dies down; it's a never-ending, continuous workload. [...] In my experience of probation, it's about doing everything you can under the most horrific strains and pressures. (M3)

M3's reflections on 19 years of service as both a practitioner and an SPO describes longstanding concerns over 'size and nature of practitioners' caseloads' (Robinson *et al.*, 2014: 125) - a problem which, as argued above, was particularly acute after *TR*. With regard to the impact of unification on caseloads, practitioners' experiences have been shaped by their legacy employment. For PSO7 - a legacy CRC member of staff who migrated from a private provider in which high caseloads were the norm - efforts to 'blend' caseloads so that 'all practitioners...manage...higher and lower-risk cases' (HMI Probation, 2021: 10) have reduced her workload:

My present caseload at the minute, well, it's actually quite low – probably just under 40, now. In the CRC...I'd have been spinning around on my head with that caseload. We were used to, like, 80 or 90 in the CRC...we'd have lots of drug cases who'd be in and out, in and out. You'd be constantly having to write breach reports and then sentence plans when they came out. (PSO7)

PO3 (legacy NPS), by contrast, absorbed some of the low-to-medium risk, 'in and out' individuals described by PSO7 on her caseload, thereby increasing the intensity of her work:

Coming back together has been very hard with the increase in caseloads. [...] I've just inherited some low-risk cases, but I've [also] got some high-risk cases. I haven't got as

many in prison as I used to have, so it's quite intense at the moment in terms of seeing people. (PO3)

Regional caseload variance, during and after *TR* (e.g. HMI Probation, 2019b, 2022), means the experiences of PSO7 and PO3 are not generalisable to *all* staff. However, a recent survey of 1,534 probation staff found that 51% thought their workloads were 'not so manageable' (HMI Probation, 2022: 15). This suggests that, for many staff, unification has not alleviated caseload pressures.

Informants in this study linked workload issues to the service's struggles to retain staff. The latest HMPPS (2022) *Workforce Statistics Bulletin* shows that, despite recruiting 1,000 staff to the service in 2020/21 and a further 1,500 in 2021/22 (HMI Probation, 2022), there is a current shortfall of 1,692 full-time equivalent probation officers against the required level of 6,162. This is partially because of a 207% increase on the previous year in the number of staff leaving the service in the year ending June 2022 (HMPPS, 2022). Much to RPD4's frustration, it has been difficult to address this retention crisis:

...my hands are tied with Civil Service rules. I would like to be able to do more around recruitment, but my hands are tied. It's all centralised; and therefore, the further away you are, it's dehumanised. They don't understand the urgency.

This comment draws from the discursive resources of the centralised provision of services as detached and 'dehumanised'. It further implies a 'self-fulfilling prophecy' (Mazzucato, 2015) in which the state, as the service's 'principal agentic actor' (Robinson, 2021: 155), can be perceived as unresponsiveness to probation's staffing needs. The nature of this relationship means the state also sets rates of remuneration. Indeed, feelings of inadequate pay featured prominently among informants' perceptions of probation's issues with attracting and retaining staff:

Pay is massive; people haven't had a pay rise for a very long time. The nature of the job seems to me to be one that demands more of people, both in terms of time and emotional energy, that you're not being financially rewarded for. It's almost as though the probation service...that's in its culture; it's always been in its culture. (PTA3)

The claim that poor remuneration is culturally engrained is evidenced by a pay claim submitted by the trade unions that represent probation staff - Unison, Napo, and GMB/SCOOP. It shows that, since 2010, pay has increased by just 1% in real terms compared to 15.8% for the police, 14.6% for local government staff, and 14.2% for NHS staff (Napo, 2022). As such, the combination of high caseloads and poor pay experienced by many staff points to the continued 'Taylorisation' (Gale, 2012) of working conditions after unification:

[Probation] is a difficult job. It can feel quite a thankless job. You put your heart and soul into something and then it doesn't work out. [...] There's a lot of stress and a lot of pressure, and I think we're very much *overworked, understaffed, underpaid*. (PSO2; my emphasis)

PSO2 has worked in probation for just two years, joining a CRC just prior to unification. That she already feels 'overworked, understaffed, [and] underpaid' raises questions about the 'survival mechanisms' (Lipsky, 2010) through which staff are negotiating organisational change. The reference to putting her 'heart and soul' into practice speaks to an ideology of service predicated on a desire to work *with* people (Annison *et al.*, 2008; Deering, 2010; Mawby & Worrall, 2013). Such values, as argued above, attracted the overwhelming majority of staff in this study into the service. Indeed, a personal imperative towards helping others, even when it impinges upon workloads, determined why some staff persisted in probation:

We believe in the core values; we believe in the day-to-day job that we do, which is working with the people on probation. That's why we haven't left; that's why we endure whatever is thrown at us. Because, actually, what's more important to us are the people on probation. That cannot be afforded to be eroded; that cannot be lost (PSO11)

When viewed alongside the abovementioned deterioration of working conditions, then, the unflinching commitment towards clients expressed by PSO11 hints at how the probation service exhibits the characteristics of Evetts's (2011) notion of *organizational professionalism*. As a strain of professionalism that encompasses elements of both bureaucracy and the market, it can serve as a means through which to conceptualise identity and practice amidst a legacy of organisational change, with a client-centred ideology of service mobilised to offset the strains caused by managerial and marketising forms of regulation.

And yet, this obstinance was not universally shared among staff in this study. Just as the NOMS reforms prompted disillusionment among some participants in Robinson and Burnett's (2007), some informants in this research displayed signs of alienation. PO7, for example, is a legacy NPS member of staff with 15 years' experience. For him, high caseloads and the ubiquity of performance metrics were contributing the erosion of 'good will' among staff:

We know we need more staff, but the targets don't change. We can't deliver on the targets if we don't have the staff, but we still have that pressure. I think a lot of good will has gone; it's left the building. Certainly, when I was younger, I was happy to do the extra hours and make sure the deadlines were met because I felt it was important and worthwhile. Why the fuck would I do that now? (PO7)

This suggests that the pressures under which staff in some regions operate are becoming too onerous when weighed against other organisational priorities. Here, again, the 'big machine' of the Civil Service functioned as convenient shorthand for some staff to air their frustrations with their work:

I think that's part and parcel of the Civil Service thing. The old-school values of...being friendly but not a friend and trying to get the service user on board and try to make better outcomes for the person – all of those values tied up in that, in increasing people's wellbeing, independence, making changes. I don't think we have those values at all now, anymore. It's more about hitting targets. [...] I think we run a big machine now, a big industry. (PSO12)

While the experiences of staff in this small-scale study are by no means generalisable to the probation service at large, and divergences will be present according to region and legacy employment, the data presented in this paper largely conform to national trends on the impact of re-nationalisation on working conditions – namely, poor pay (Napo, 2022), high caseloads, and staffing shortages (HMI Probation, 2022). Some staff were resolute in their professional affiliation with their clients, if not their new organisational identity. And yet, as the retention crisis attests, it is not a sustainable long-term foundation for practice and identity. The views of others demonstrate a measure of alienation, a loss of professional identity that could prove difficult to recapture without meaningful improvements.

Conclusion

Robinson and Burnett's (2007: 332) contention that organisational change became 'a defining characteristic of [the] professional existence' of staff who experienced probation reforms under New Labour proved only to be the tip of the iceberg. The service has undergone two further restructurings since 2010: *TR* (marketisation) and unification (re-nationalisation). The logics behind these reforms – the market, bureaucracy, and professionalism – should not be seen as mutually exclusive. Rather, the ways in which they interact offer insight into how staff, especially in beleaguered welfare professions, experience organisational change.

While the data presented in this study are by no means generalisable and must be interpreted with a degree of caution, many of the major findings conform to, or build upon, prior research on organisational change in probation. For example, as with other studies on *TR* (Deering & Feilzer, 2015; Robinson *et al.*, 2016; Tidmarsh, 2021), staff were overwhelmingly opposed to for-profit involvement in probation and its impact on the service – particularly given how it restricted their ability to spend time with clients, the core of its ideology of service. That marketising reforms depended on the state to create markets, supply clients and funding, and monitor performance meant many practitioners in this study experienced practice under *TR* as a bureaucratic, box-ticking exercise (HMI Probation, 2019a; NAO, 2019).

The unification of services was unanimously welcomed by informants in this study. However, whereas an affinity with the public sector shaped opposition to *TR*, for many staff, experiences of re-nationalisation resembled the 'stifling', 'inefficient' discursive representations of the state through which marketisation was articulated (MoJ, 2010, 2013). While, for a minority, the stability and competence gained from a re-grounding of probation in the policies and procedures of the Civil Service was welcome, for others, such 'bureaucracy' was a source of grievance. If Chris Grayling was the face of the failure of *TR*, then a faceless Civil Service has become the entity to which many staff apportion blame. Such were the frustrations with the perceived overreach of the Civil Service, some former CRC staff reflected nostalgically upon the 'innovation' and 'creativity' of the private sector. Accordingly, the 'Civil Service' was presented as a 'big bureaucratic machine' (SM2); it was used as a byword for inertia and incompetence.

Here, Evetts's (2011) concept of *organizational professionalism* aptly describes a legacy of probation reform that is at once bureaucratic and marketising, along with how some staff have coped with change. Reforms made by successive governments have been predicated

on the top-down enforcement of market(-like) forms of regulation and control. However, a client-centred ideology of service continues to motivate staff, including those in this study. For some, a retreat into such values has proved a survival mechanism (Lipsky, 2010) through which to navigate unification. For others, though, there has been an erosion of ‘good will’ (PO7), often due to several interlinked factors. While not all staff in this study, especially those who migrated from underperforming CRCs, have experienced continued increases in caseloads, for many, they remain excessively high for a service that is chronically understaffed. Indeed, these findings conform to the national picture on the challenges of individual workloads amidst staff shortages (HMPPS, 2022), in an environment dominated by performance targets. These issues are not the exclusive product of the market or bureaucracy; rather, their continued interaction has (further) shaped post-*TR* practice in ways that undermine professionalism as a ‘third logic’ (Freidson, 2001).

The findings presented in this paper highlight how re-nationalisation alone is not sufficient to improve performance. In this sense, it offers a valuable lesson for a multiplicity of (part-)privatised or outsourced services that could be returned to the public sector, in the UK and in jurisdictions with similar models of public service delivery. Without meaningful action to address the failures that lead to re-nationalisation, the findings of this small-scale study suggest that services will be beset by the same challenges. In a probation context, retention must be improved – notably, through pay, but also through workloads that enable staff to realise a client-centred ideology of service. Staff, after all, are the service’s most valuable asset; they should be treated accordingly.

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Table 1. Sample by job title, gender, and legacy employment

Identifier	Job Title	Gender	Legacy
PSO1	Court Duty Officer	M	NPS
PSO2	Probation Service Officer	W	CRC
PSO3	Probation Service Officer - Integrated Offender Management	W	NPS
PSO4	Probation Service Officer	M	CRC
PSO5	Probation Service Officer	W	CRC
PSO6	Court Duty Officer	W	N/A
PSO7	Probation Service Officer	W	CRC
PSO8	Probation Service Officer	W	NPS
PSO9	Probation Service Officer	W	CRC
PSO10	Probation Service Officer - Programmes	W	CRC
PSO11	Probation Service Officer	W	CRC
PSO12	Probation Service Officer - Approved Premises	W	NPS
PO1	Probation Officer	M	CRC
PO2	Probation Officer - Integrated Offender Management	M	CRC
PO3	Probation Officer	W	NPS
PO4	Probation Officer	M	CRC
PO5	Probation Officer	M	NPS
PO6	Probation Officer - Court Team	W	CRC
PO7	Probation Officer - Custody	M	NPS
PO8	Probation Officer	W	NPS
PO9	Probation Officer - Court Team	W	NPS
M1	Deputy Head of Probation Delivery Unit	W	CRC
M2	Unpaid Work Operations Manager	W	CRC
M3	Senior Probation Officer	W	CRC
M4	Senior Probation Officer	W	NPS
M5	Senior Probation Officer	W	CRC
M6	Complaints and Serious Further Offences Lead	W	CRC
M7	Programme Manager	W	CRC
PTA1	Practice Tutor Assessor	W	NPS
PTA2	Practice Tutor Assessor	M	NPS
PTA3	Practice Tutor Assessor	W	Split Role
SM1	Transition and Mobilisation Lead	W	NPS
SM2	Head of Operations	W	CRC
SM3	Head of Probation Delivery Unit	M	Split Role
RPD1	Regional Probation Director	W	NPS
RPD2	Regional Probation Director	W	CRC
RPD3	Regional Probation Director	M	CRC
RPD4	Regional Probation Director	W	NPS