

A professional register for probation practitioners in England and Wales: Opportunities and challenges

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Abstract

Implemented in September 2024 against a backdrop of significant organisational challenges, the ‘Probation Professional Register’ aims to enhance confidence in the probation service in England and Wales, strengthen professional identity, and improve training and practice. It mandates, among other things, that probation officers evidence their qualifications; adhere to personal and professional standards of conduct; and commit to continuous professional development. Drawing on discussions from a one-day conference hosted at the University of Leeds in February 2024, this article examines the introduction of the professional register. In particular, it explores the opportunities and challenges associated with registration, situating these debates within the broader historical context of professionalism in probation. The article argues that, although registration was generally well received among conference participants, numerous and interlinked issues – inclusive of staffing shortages, high caseloads, inadequate pay, and perceptions of unnecessary bureaucracy – present significant obstacles to meaningful implementation. As such, the article concludes with some recommendations for how the register can be successful in driving (re)professionalisation rather than merely as a bureaucratic tool of regulatory compliance.

Keywords

Probation, professional registration, professionalism, professional identity, confidence

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Introduction

The recent focus of probation policy in England and Wales has been on organisational structure as opposed to upskilling staff. Indeed, recent decades have been characterised by a succession of organisational changes, such that an individual who began their employment in 2000 would have experienced four top-down restructurings since entering the service (Burke and Collett, 2015). The recently implemented professional register of probation staff (MoJ, 2024a) represents an attempt to re-focus policy and to enhance professionalism. This article, therefore, considers the opportunities and challenges of professional registration for the Probation Service and its staff.

Introduced in September 2024 (MoJ, 2024a), professional registration follows the most tumultuous period in the service's history. Implemented by the Conservative-Liberal Democrat 'Coalition Government' (2010–2015), the *Transforming Rehabilitation* (TR) reforms were the most 'radical' (McNeill, 2013; Deering and Feilzer, 2015) restructuring of probation since its inception. Opening state-run services to providers in the private and voluntary sector, it was argued, would 'unlock the professionalism, innovation and passion of experts' (Ministry of Justice [MoJ], 2010: 9). This increased autonomy would 'put trust in the frontline professionals who work with offenders and ... free them from bureaucracy' (MoJ, 2013: 13), reducing both reoffending and the costs of justice. As such, in June 2014, services were split between a publicly-owned National Probation Service and 21 privately managed Community Rehabilitation Companies (CRCs). However, TR entrenched a 'two-tier and fragmented' (HMI Probation, 2017: 6) system marked by high caseloads and excessive workloads (NAO, 2019; HMI Probation, 2019). Contrary to the manner in which the Coalition Government claimed that the reforms would empower professionals, Dame Glenys Stacey, the former Chief Inspector of HMI Probation, argued that the reforms contributed to a 'deplorable diminution of the probation profession' (HMI Probation, 2019: 3).

Given the extent of these challenges, the previous Conservative Government 'unified' probation – that is, abolished CRCs and condensed services within 12 public sector Probation Regions – in June 2021, with probation staff becoming civil servants. In her analysis of policy documents from July 2018 onwards, when the decision to abandon the architecture of TR was taken, Robinson (2021) identified the need for several strategies of re-legitimation. In addition to strategic restructuring via the unification of services, professional registration was presented as a way to re-professionalise staff through 'a new *regulatory framework* for the probation workforce' (Robinson, 2021: 156; emphasis in original). This framework aimed to recognise probation work as a professional vocation (HMPPS, 2020). It would bring the service into line with other established professions, such as medicine, in which practitioners need to be certified to practise while fostering an 'open learning culture' (MoJ, 2023: 10) by providing 'access to high-quality, practical learning resources that ... support day-to-day tasks' (HMPPS, 2020: 9).

Accordingly, this article documents discussions from a one-day conference, *A Professional Register for Probation Practitioners: Opportunities and Challenges*,

which was hosted at the School of Law, University of Leeds, on 2 February 2024. The conference, as its title suggests, brought together a variety of probation stakeholders with an interest in professional registration. Delegates included academics, policymakers from HM Prison and Probation Service (HMPPS), HMI Probation staff, probation managers and practitioners, representatives from professional associations like the Probation Institute and Napo, and individuals from other professions and professional associations. The day consisted of seven presentations and a roundtable, and these discussions informed the opportunities and challenges considered in this report. The first part reviews the literature on professionalism as it relates to probation. The second part provides a brief timeline of the professional register in England and Wales. The third part explores opportunities for professional registration, while the fourth part outlines the key challenges. The final part offers some brief conclusions and recommendations to consider.

Professionalism in probation

There is no accepted definition of 'profession', but its most common academic usage has been as a distinct, member-led form of workplace organisation (Freidson, 2001). For much of the twentieth century, sociologists of the professions were pre-occupied with a 'taxonomic' approach (Saks, 2012) in which occupations' claims to 'professional' status were assessed on the extent to which they could demonstrate the acquisition of ideal-typical traits. These included establishing *exclusive jurisdiction* over an area of work (Abbott, 1988); mastery over *abstract knowledge*, learned through a *prolonged period of education and training*, typically in a university setting (Freidson, 2001); *autonomy* over the socio-economic and technical conditions of labour (Freidson, 1970); and an *ideology of service* which prioritises the client over the interests of members (Carr-Saunders & Wilson, 1933). These traits not only represented ways to differentiate between professions and other occupations but also contributed to the formation of distinctive identities.

This taxonomic approach can be applied to the development of the Probation Service in England and Wales. The Probation of Offenders Act 1907 laid out an *ideology of service* in the words 'advise, assist, befriend', but it was not until the 1920s that the process of professionalisation began (Vanstone, 2007). As the religious influence of the Church of England Temperance Society (CETS) diminished, practitioners embraced 'the emerging "science" of social work' (McWilliams, 1983: 129) via university-based *education and training* (Vanstone, 2007). This *abstract knowledge* proved the basis for *autonomy* over work, as practitioners were trusted to 'diagnose' individuals' problems and work towards solutions (McWilliams, 1985). By 1941, probation had fully separated from the CETS, achieving *exclusive jurisdiction* over the supervision of individuals in the community (McWilliams, 1985). Accordingly, probation emerged as 'the most significant contribution made by this country to the new penological theory and practice which struck root in the twentieth century' (Cambridge Department of Criminal Science, 1958 c.f. Mair and Burke, 2012: 98). It was unequivocally recognised by the state as a *profession*, with the probation officer (PO) considered to be 'a

professional caseworker, employing in a specialized field, skill which he [sic] holds in common with other social workers' (c.f. Jarvis, 1972: 66).

However, the confidence in the service that defined probation's 'professional project' (Larson, 1977: 67) in the postwar years began to wane in the 1970s (Garland, 2001). Cohen (1985) noted that the professions – social work, psychiatry, probation, etc. – that comprised the welfare state were challenged by both the New Right and New Left. Against the backdrop of fiscal crisis, the former took aim at the economic costs of welfarist interventions that had swelled, rather than reduced, the criminal justice system – to the detriment of taxpayers. The latter criticised professionals' culpability in such expansion as being in their self-interest, at the expense of clients. At the heart of both perspectives, then, was a fundamental distrust of professional power within the postwar welfare state (Tidmarsh, 2021).

An ascendant New Right was able to translate such criticisms of the welfare state into electoral success, and the election of Margaret Thatcher's Conservative Party in 1979 proved a turning point for public sector professions (Wilding, 1997). Over the course of the next decade and a half, the ideal-typical traits on which professionalism in probation was founded were challenged (Tidmarsh, 2021). For example, practitioners' autonomy over work was tempered by the introduction of performance targets and audits in the 1980s, and National Standards for practice in the 1990s (Phillips, 2011). Probation lost jurisdiction over young people and civil work in the courts, becoming instead an exclusively criminal justice agency (Mair & Canton, 2007). Part of a new 'punishment in the community' agenda, the words that constituted probation's ideology of service – 'advise, assist, befriend' – were removed from government documents from 1992 onwards (Deering, 2010). This was followed by the abolition of social work training and values in 1995, which was deemed irrelevant to the knowledge and skills required to use risk assessment technologies (Dominey and Canton, 2022).

Where the Conservative Party's programme of probation reform was directed towards tempering the traits on which professionalism in probation was founded, the focus of subsequent New Labour governments (1997–2010) was on the structure of services. Tracing changes to the service's governance, Burke and Collett (2015) note how the creation of a National Probation Service in 2001 (NPS), sought to restrict the autonomy of local areas (and Chief Officers) by centralising provision. These reforms, they continue, were swiftly followed by a further centralisation, as probation and the Prison Service were amalgamated within the National Offender Management Service.

The combination of de-professionalising interventions on probation practice and the centralisation at the heart of New Labour's probation reforms was mobilised by the Coalition Government to justify *TR*. Enhancing 'professionalism' in probation was crucial to the Coalition Government's articulation of reform. This was primarily expressed in terms of professional discretion: top-down, bureaucratic state provision of services, they contended, contributed to ineffective practice and the spiralling costs of justice under the preceding New Labour administrations, as practitioners were focused on meeting performance targets. Competing for services, by contrast, would spark the 'innovation' required to reduce reoffending and render probation

more efficient (MoJ, 2010, 2013). The manner in which enhancing professionalism was overlaid with improving performance (MoJ, 2010) sought to bring together the interests of diverse groups – the public, private providers, practitioners, and people on probation – with appeals to the superiority of the market over the state. Thus, in 2014, services were split between a publicly owned NPS and 21 privately managed CRCs.

However, *TR* merely continued the decades-long challenge to the ideal-typical tenets on which professionalism in probation was grounded. For example, the manner in which staff were allocated after the reforms spoke to the Government's view on professional knowledge, education, and training in the private sector. Most qualified POs were shifted to the NPS - which was presented as a specialist body, 'drawing on the expertise and experience of its staff ... and managing those who pose the greatest risk of harm to the public' (MoJ, 2013: 4) – while less qualified staff were moved to the CRCs (Tidmarsh, 2020). Many experienced staff also left the service in protest at the reforms, leaving a much diminished 'pool of collective professional knowledge' (Kirtan and Guillaume, 2019: 12). That less qualified staff in the CRCs were doing work formerly undertaken by qualified officers (HMI Probation, 2019) meant the boundaries between PSO and PO roles were blurred, part of an attempt to render services more 'efficient' through cheaper labour (Tidmarsh, 2020). As such, the NPS was perceived, by many in the service and the wider criminal justice infrastructure, as the superior organisation in a 'two-tier' system (HMI Probation, 2017).

Relationships between staff and people on probation were not 'sufficiently protected' (HMI Probation, 2019: 9) after services were split, not least because the contractual pressures under which CRCs operated created barriers to realising a client-centred ideology of service. Initial caseload estimates suggested that CRCs would supervise 80% of people on probation, but the reality was closer to 59% – in part because concerns over the CRCs' quality of services meant fewer were assessed as low-to-medium risk (NAO, 2019). The subsequent funding shortfalls resulted in 'substantial reductions' (HMI Probation, 2019: 74) in staffing in the CRCs. Accordingly, while organisational caseloads decreased, individual workloads *increased* (HMI Probation, 2017). One such implication was the further loss of professional autonomy: practitioners in the CRCs were focused on meeting the 'fee for service' targets through which providers derived the majority of their income, reducing the time available to build relationships with people on probation (Tidmarsh, 2020, 2021). Likewise, in the NPS, Phillips et al. (2016) observed the 'relentless' emotional impact of working exclusively with high-risk clients, for which practitioners did not receive enough organisational support or opportunities to reflect meaningfully on practice.

Relationships with other organisations also deteriorated under *TR*. HMI Probation and HMI Prisons (2017) have shown that 'Through the Gate' provision was over-reliant on signposting to other agencies, particularly in the voluntary sector. Both the NPS and CRCs referred to such agencies, many of whom were external to supply chains, without being financially obligated to contribute to their delivery (NAO, 2019). This disincentivised many smaller voluntary organisations from

involvement in probation while entrenching a 'tick-box culture' of monitoring (Clinks, 2018: 24) among those who continued to deliver services, as downward pressures inhibited their ability to build meaningful relationships with clients and partners. The financial instability that characterised partnership working with the voluntary sector demonstrates how *TR* damaged probation's function as a 'broker' between different social spheres (Senior et al., 2016). Dominey (2019) conceptualises probation relationships through notions of 'thick' and 'thin' supervision. The former refers to a productive relationship with the individual, embedded within the community; the latter is predominantly office-based, with poor links to the community. She concluded that if probation is underpinned by networks of relationships, both *among* people and *between* people and organisations, then the *TR* reforms pushed practice in the CRCs 'in the direction of thin supervision' (Dominey, 2019: 298).

As such, *TR* undermined the wide range of relationships on which probation is based. After several decades in which successive governments sought to reshape the knowledge, autonomy, and values on which probation was founded, the ways in which the reforms failed to enhance professionalism in probation raises questions as to if and how the service can be re-professionalised. To this end, services were 'unified' in June 2021. This was accompanied by a 'workplace professionalisation agenda' (HMI Probation, 2021: 13), at the heart of which was a commitment to an 'independent statutory register for probation professionals' (MoJ, 2019: 4).

Professional registration: A brief timeline

On 28 April 2023, the Ministry of Justice (2023) issued an interim policy outline for the 'Probation Professional Register', before publishing a revised edition on 28 March 2024 (MoJ, 2024b) and a policy framework on 30 September 2024 (MoJ, 2024a). These documents laid the foundations for registration, detailing the professional and personal standards to which qualified practitioners will be held and the criteria for a loss of authorisation to practise. The stated purpose of professional registration is:

to recognise the competence and commitment of probation qualified staff to high standards of professionalism and provide assurance to HMPPS, government and our stakeholders and partners that those individuals authorised to assess and manage the risk of people on probation have the right qualifications, knowledge and skills to do so. (MoJ, 2024a: 4)

This focus on training (broadly defined), competencies, standards, and professionalism aims to increase 'confidence' (MoJ, 2023, 2024a, 2024b) in probation following the period of *TR* and a recognition of the need 'to stabilise' services (MoJ, 2018:3; Robinson, 2021; Robinson et al., 2023).

The implementation and evolution of the professional register is being led by the Probation Workforce Programme. Legislatively, it is grounded in the Offender Management Act 2007: Section 10 states that 'the Secretary of State [for Justice]

may publish guidelines about any qualifications, experience or training required to perform the work of an officer of a provider of probation services' (c.f. MoJ, 2024a: 4). An online, voluntary probation register was previously managed by the Probation Institute. This was organised according to different professional roles and sought to address the needs of providers within and beyond probation with responsibility for service provision. That the register was voluntary, however, resulted in 'limited uptake' (Probation Institute, 2021: 14). Staff in the Probation Institute's (2021) small-scale, qualitative consultation of staff working directly on probation, or with an interest in the sector as members of the Probation Institute, researchers, or retired personnel, were overwhelming in favour of compulsory registration. Implemented in September 2024, registration is 'mandatory for roles in Statutory Guidance where there is a requirement to have a probation officer qualification and those roles where there is an essential requirement to have a probation qualification in their job description' (MoJ, 2024a: 4). This means that, at present, registration does not extend to probation service officers (PSOs). Regional Probation Directors (RPDs) are responsible for ensuring that staff are aware of the register and understand what is necessary to comply with its requirements, while those it affects must ensure that records pertaining to their qualifications and continuous professional development are accurate on the Single Operating Platform (the service's digital HR management system).

The policy framework outlines six professional standards, which are intended to 'overarch' (MoJ, 2024a: 10) similar codes, policies, and rubrics found across HMPPS and the Civil Service. These are:

- Support public protection and changing lives
- Act with honesty and professional integrity
- Promote and value each person as an individual
- Responsible and accountable for my quality of practice and decision making.
- Establish and maintain professional relationships.
- Maintain my continuing professional development.

(MoJ, 2024a: 12–14)

Assessment of conformity to professional standards falls to line managers, not through additional scrutiny but as part of reflective practice and 'rolling ... performance management and regular conversations' (MoJ, 2024a: 5). While breaches will not necessarily result in formal disciplinary procedures, failure to meet these standards could result in loss of authorisation and, in serious cases, dismissal. Staff who are not directly employed by HMPPS are also expected to meet these standards despite not being on the register. As such, work is underway to explore how non-directly employed staff can conform to the standards outlined above in the initial phased implementation.

Sonia Flynn (2024), the Deputy Director of the Probation Workforce Programme, was one of the speakers at the conference. She provided an update on the status of the register (as of February 2024), as well as important insight into its future. Sonia described 2024 as a 'building block' as the service moves towards registration. She

explained that she would like to see PSOs registered, but this has proved difficult due to regional differences in training and qualification requirements for this group (see Bailey et al., 2007). Accordingly, the Ministry of Justice (2024) policy framework states that work is ongoing 'in relation to the requisite qualifications' (MoJ, 2024a: 4) of PSOs, and Sonia hoped that a new Act of Parliament would enshrine in law the professional register and protect the titles of 'probation officers' and 'probation service officers'.

The most significant development Sonia announced was that the register would be externally regulated. This is not mentioned in the Ministry of Justice's (2023, 2024b) policy outlines; but it marked a shift from plans for 'an internal professional register for probation qualified practitioners' (HMPPS, 2020: 6; MoJ, 2018), thereby echoing calls by HMI Probation (2019) and the Probation Institute (2021) for independent regulation. Sonia attributed political support for this decision to Alex Chalk KC, then an MP and the Lord Chancellor and Secretary of State for Justice, who provided ministerial approval. Indeed, the most recent policy framework committed to the establishment of an 'independent oversight panel, with external members ... to provide oversight and challenge to the operation of the register' (MoJ, 2024a: 2). There had, Sonia stated, been a lot of work to define what training is needed depending on the individual's role, particularly with regard to PSOs (see MoJ, 2024a); and to this end, consultation with recognised trade unions was underway. Professionals in many registered professions must pay fees in order to be registered; but the Probation Workforce Programme's position – welcomed by conference participants – is that HMPPS should pay fees on behalf of practitioners. This mirrors the current approach to registration fees for HMPPS-employed forensic psychologists. A PSO apprenticeship is in development, and Sonia hoped that a wide range of educational providers would be able to compete for its delivery. Efforts were also underway to learn about how professionals engage with external regulation from probation services where registration is mandatory, such as in Northern Ireland (O'Rourke, 2024), as well as other professions.

Accordingly, Sonia argued that the register allows for practitioners, and the service at large, to feel more valued; it should provide assurance that their employer will create the right environment for them to train and develop their knowledge and understanding. The opportunities presented by professional registration are, however, accompanied by significant challenges. The next section reports on the former, before the subsequent section discusses the latter.

Opportunities of professional registration

Like the Probation Institute's (2021) research, the view among most conference participants was that professional registration presents considerable opportunities for the service and its staff. Such opportunities were typically articulated through the potential impact of registration on confidence in the service, professional identity and values, and enhanced continuous professional development (CPD) frameworks.

Increasing confidence in probation

The emphasis within recent policy documents on 'confidence' in probation (e.g. MoJ, 2018, 2023, 2024a, 2024b) has been mirrored in increased academic scrutiny. Robinson (2021: 152) argues that confidence has both *internal* and *external* dimensions: the former concerns the identity and self-image of the service and its staff; the latter relates to recognition from extraneous stakeholders. In Robinson et al.'s (2023) study of RPDs' views on confidence, three key 'domains' were consistently cited: sentencers; ministers, and probation staff. A fourth group – the public – were discussed to a lesser extent, which the authors attribute to the 'positionality' of RPDs and their focus 'on more proximate audiences' (Robinson et al., 2023: 16); but it is the external confidence of this group that is typically considered the most important in policy documents (Robinson, 2021). There is a general sense that public confidence in probation is low: the service is not a 'newsworthy' organisation (Hedderman and Murphy, 2015); it makes headlines not for its successes but for high-profile failures, such as serious further offences (Phillips, 2014). Indeed, of the 32 references to 'confidence' in HMPPS (2020) Target Operating Model, just one discussed the term in relation to staff (Robinson and Burke, 2024) – that is, internal confidence.

Professional registration was seen by many participants at the conference as a means through which to partially address both external and internal confidence deficits. Such views were also captured in the Probation Institute's (2021) research on the professional register: 78% of the 60 respondents thought that it would provide professional status and give the public confidence in probation. Internally, the register can prove a way to reinforce the service's commitment to professionalism and best practice. It can provide a way to strengthen professional identity within the service, a point explored in more depth below. Externally, the creation of a framework that mandates the registration of qualified practitioners establishes a critical safeguard against malpractice. This suggests that the professional register can be a mitigation tool for potential risks to the service's reputation; it can communicate to the public the depth of knowledge and training required to be a probation professional, and the standards they must maintain, in ways that conform to the ideal-typical tenets of professional outlined in the previous section. Accordingly, the professional register can act as a reputation manager, ensuring that the probation service is considered an indispensable part of the wider criminal justice system.

The increased recognition that could result from professional registration, particularly in terms of confidence in the service from ministers, could also act as foundation from which to negotiate better pay and working conditions. A joint pay claim submitted by the trade unions which represent probation staff, Napo (2021), Unison, and GMB, demonstrates that between 2010 and 2020 – a period which was defined by the politics of budget deficit reductions (e.g. HM Government, 2010) – pay increased by just 1% in real terms. This is compared to 15.6%, 12.6% and 10.8% rises, respectively, for police, local government, and health professionals (Napo, 2021). While pay has increased since 2020, the service's struggle to translate its worth into financial remuneration has been linked to ongoing challenges of

staff retention (Millings et al., 2023; Tidmarsh, 2023, 2024). Professional registration can thus strengthen the bargaining position of the service, its recognised trade unions, and professional associations. This could, in turn, attract more, and more diverse, individuals into the profession.

Professional identity and values

Professional ideologies of service have historically been one way through which professions have sought to communicate their worth to the public (Tidmarsh, 2021). The 'advise, assist, befriend' mission on which the service was founded may have lost its political salience in recent decades, but research consistently demonstrates a strong sense of identity within probation. For example, while there has been a greater recognition of the need to manage risk and protect the public (see Robinson, 2008) – especially among non-social work-trained staff (Mawby and Worrall, 2013) – an ideology of service has persisted through numerous organisational restructurings (Grant, 2016; Robinson and Burnett, 2007). This shared professional identity is underpinned by a value base that is characterised by a desire to work *with* people, non-judgemental attitudes towards offending behaviour, and a belief in the capacity of the individual to change (Annison et al., 2008; Deering and Feilzer, 2015; Mawby and Worrall, 2013; Tidmarsh, 2021). Indeed, Gregory (2010: 2284), a former practitioner, argues that these values are 'not merely what we know, but who we are'.

Articulating probation values through the professional register can strengthen professionals' working identities and enhance internal confidence. However, references to 'values' and 'professional ethics' within the Ministry of Justice's (2023, 2024a, 2024b) policy framework refer not to probation research but to the 'Civil Service Code' and the service's current strapline of 'Assess, Protect, [and] Change' (HMPPS, 2021). Neither sufficiently captures what makes the service unique: the former is too generic; the latter is not an expression of the beliefs, principles, and ethical standards that inform probation professionals' conduct, but rather, a statement of their basic responsibilities. Professional registration, therefore, provides an opportunity to follow other professions, like psychotherapy, in which codes of ethics are utilised to strengthen professional identity (Fahy, 2024). The codification of core ethical values can balance what makes the service distinct – that is, the history, culture, and norms of the profession, including a *people-oriented* moral compass – with the contemporary requirements of managing risk and protecting the public.

A renewed focus on identity can also contribute to better role clarity between POs and PSOs. Given that only POs currently have to be certified to practise, professional registration arguably places too much emphasis on qualifications as opposed to job roles. There was a marked increase in PSOs to cover the shortfalls when training for POs was abolished, albeit temporarily, in 1995 (Bailey et al., 2007). Indeed, in the decades since, research has shown that PSOs have gradually encroached upon POs roles and responsibilities. The former routinely perform tasks and supervise individuals that have traditionally been the province of the latter (Gale, 2012; Mair,

2016; Tidmarsh, 2020). This ambiguity between roles was exacerbated by TR: HMI Probation (2019: 74), for example, found that PSOs were 'doing work formerly undertaken by probation officers'. Accordingly, professional registration provides a significant opportunity to 'tidy up' (Schofield, 2024) role definitions, giving greater clarity in terms of tasks and individuals under supervision for those who want distinct career pathways.

Enhancing CPD frameworks

The convergence of a decrease in staff and an increase in caseloads in the CRCs after TR exacerbated perceptions of poor quality training (see Tidmarsh, 2021), views which have continued post-unification. Inspection reports have noted the detrimental impact of a reliance on e-learning – a shift which, admittedly, was expedited by the COVID-19 pandemic – on staff (HMI Probation, 2022, 2023). That said, there has been 'a substantial increase in face-to-face training since the end of the pandemic' (HMI Probation, 2023: 20), and professional registration provides an opportunity to upskill a relatively inexperienced workforce.

The regulation of training, standards, and competencies is not just about a 'list' of qualified practitioners nor 'fitness to practise' procedures (see below); rather, it is fundamentally about improving the workforce. It was evident from the discussions at the conference that the goal to strengthen the sense of commitment among practitioners can be achieved by implementing a comprehensive framework which encourages CPD. This can, in turn, uphold standards of practice and promote a culture of learning. Mandating CPD can ensure that practitioners can stay up-to-date with new developments and theoretical underpinnings, thereby feeding back into the internal and external confidence discussed above. To borrow from Robinson and McNeill's (2008) distinctions between 'formal' and 'substantive' compliance among people on probation – in which the former refers to meeting the terms of an order and the latter is about meaningful engagement with supervision – the professional register must promote CPD in such a way that encourages purposeful activities rather than 'box-ticking'. Hence, the emphasis on CPD within the professional register is pivotal not only to ensuring that the probation service communicates its legitimacy, but also to improving practice.

The competencies and standards articulated through the register can also contribute to improving practice delivered by non-directly employed (NDE) staff – that is, those *not* directly employed by HMPPS. Here, similar standards and competencies outlined in a quality assurance framework will apply to NDE staff, including reporting mechanisms to safeguard against poor performance (MoJ, 2024a). Where NDE staff, such as those employed by an agency, are 'undertaking an assignment in a role mandated to register' (MoJ, 2024a: 9), they too will be required to demonstrate the requisite qualifications and continuous professional development. As a result, professional registration can contribute to the development of consistent practice.

Challenges for professional registration

However, it is important not to overlook the extent of the challenges faced by probation and the eco-system in which it operates. There are several significant obstacles that the service must navigate if professional registration is to succeed. As this section discusses, these include organisational readiness, perceptions of yet more unnecessary bureaucracy imposed on staff, and an imbalance of scrutiny between frontline practitioners and senior leaders.

Organisational readiness

Doubts about probation's capacity to successfully implement a professional register were consistently articulated on the day of the conference. Here, the phrase 'organisational readiness' was deployed to question the introduction of the register against the backdrop of the service's recent struggles (see, for example, HMI Probation, 2017, 2019, 2022, 2023). Those in Tidmarsh's (2024: 482–3) study of professional identity and practice after unification claimed that staff are 'overworked' and the service 'understaffed', concerns which are borne out in the data. According to an HMI Probation (2022: 15) survey of probation staff, 51% reported that their workloads were 'not so manageable'. This has manifested in a 'retention crisis' (Tidmarsh, 2023, 2024): despite sustained recruitment since 2021, there remains a shortfall of 2156 full-time equivalent POs against the required staffing level of 7292 (HMPPS, 2024). The prospect of yet more reform in the form of professional registration thus represents a significant challenge for staff who may be suffering from 'change fatigue' (Robinson and Burnett, 2007: 332).

Recent studies of organisational change have highlighted the links between the extent of the challenges faced by the probation workforce and perceptions of inadequate pay (Millings et al., 2023; Tidmarsh, 2023). Staff frequently compared their levels of remuneration to the UK retail sector, such as those working in supermarkets. This is not to denigrate those who work in supermarkets, but rather, to emphasise that a starting salary of £26,475 for PSOs (plus a weighting allowance of £4249 in London; HMPPS, n.d.) is not commensurate with the weight of responsibilities upon the shoulders of probation staff. Professional registration is not in and of itself a guarantee of improved working conditions. While, as argued above, a clear articulation of professionals' skills, accountability, and standards could prove the foundation for negotiating better pay deals that might, in turn, offset the difficulties of recruitment and retention, such decisions are ultimately at the behest of the Government. The Conservative Party's Spring Budget 2024 – the final one of its period in government – outlined a spending cut of £0.5bn (or 4.8%) in the Ministry of Justice's budget over the next financial year (HM Treasury, 2024a). However, in its first Budget (October 2024), the Labour Government announced a real-terms increase in day-to-day spending from £10.4bn in 2023/24 to £11.8bn in 2025/26 (HM Treasury, 2024b). This is welcome, but the majority of the spending rise as it relates to probation (approximately £500m) will be put towards recruiting additional staff. It suggests that a significant pay rise does not

look to be on the horizon for probation, especially given that it is a profession that suffers from a lack of recognition (Robinson, 2016).

In addition to fiscal challenges, the Labour Party inherited a prison crisis from its Conservative predecessor when it ascended to government in July 2024. The extent of this crisis is documented in a House of Lords Library report, which outlined how, as of August 2024, the prison population stood at 88,234, against a useable operational capacity of 89,383 (Brader, 2024). As such, the Labour Government reduced the point at which most (but not all) individuals are eligible for automatic release on licence from 50% to 40% of time served. These individuals will be released into the supervision of the probation service, meaning that professional registration takes place against the backdrop of significant operational challenges.

Unnecessary bureaucracy

Related to concerns over organisational readiness are feelings of unnecessary bureaucracy that could be imposed by the register. 'Bureaucracy' is a term through which both governments and staff have made sense of recent reforms to probation. Despite the Coalition Government's pledge that contractual arrangements under *TR* would minimise bureaucracy (MoJ, 2013), the reforms embedded a 'box-ticking' culture in probation (Cracknell, 2022; HMI Probation, 2019; Tidmarsh, 2021). More recently, though, staff in Tidmarsh's (2024) study reflected nostalgically on the 'dynamism', 'innovation', and 'creativity' found in the CRCs during the period of *TR*. The Civil Service was instead used as a proxy for 'bureaucracy', deployed 'as a byword for inertia and incompetence' (Tidmarsh, 2024: 484). Similarly, conference participants documented concerns over the potential for the professional register to be akin to a 'list' or another form of 'box-ticking', something that lacks meaning. Such concerns, then, pose challenges for professional autonomy and practice: if CPD processes are bureaucratic, taking practitioners away from face-to-face work with clients, then it will impair their ability to '[e]stablish and maintain professional relationships' (MoJ, 2024a: 13).

The impact of unnecessary bureaucracy on line managers must also be considered. Recent research on senior probation officers (SPOs) has found that they are both the 'manager and developer of frontline probation practitioners' (Westaby et al., 2023: 40); however, present workloads mean they are unable to give sufficient support to their staff. As such, 'their focus is too often on non-operational tasks' (HMI Probation, 2024: 4) rather than on service delivery and managerial oversight. Coley (2020) observed similar absences of supervision by SPOs, who lacked the time to work through cases with their staff. Given that this group will be responsible for ensuring that training requirements, standards, and competencies are upheld by practitioners (MoJ, 2024a), the professional register risks further burdening SPOs with additional tasks that could undermine reflective practice. This suggests, with Westaby et al. (2023), that better role clarity is also necessary for this group of staff.

An imbalance of scrutiny

The requirements with which staff will have to comply as a result of the professional register will only apply to POs (MoJ, 2024a). Senior leaders (such as RPDs), by contrast, will not be captured on the register. This is perhaps because management is regarded as a different skill-set, and HMPPS do not want to limit recruitment to senior positions only to those who hold a probation qualification. However, it also risks undermining internal confidence in the register, for frontline practitioners could be held to different standards.

If 'organisational cultures of fear' (Petrillo, 2022: 4) exist within probation, particularly around the disciplinary consequences for staff of serious further offences committed by their service users, then concerns were raised at the conference about how the requirements detailed in the register could constitute further burdens on an already overburdened workforce. Such anxieties among participants were particularly acute given that the most recent HMPPS (2023) Staff Equalities Report found that those 'from an ethnic minority background had a higher rate of conduct & discipline cases (1.5 per 100 staff), compared to white staff (1.0 per 100 staff)'. This implies that the register could unintentionally create an imbalance of scrutiny of staff, as practitioners will be held to codified standards whereas senior leaders' accountability is more nebulous. Crucially, it further heightens the need for the register to function as an enabler of good practice as opposed to a disciplinary instrument.

Conclusions and recommendations

This article has documented the major themes which emerged from a recent conference on the opportunities and challenges of professional registration in probation. Research on the register thus far has understandably been limited but has indicated that it could elevate the status of a profession which has historically struggled for recognition (Probation Institute, 2021). Professional registration was generally well received among conference participants, as a way to enhance internal and external confidence (see also Robinson, 2021); to foster a sense of professional identity and culture; and to enhance the CPD framework. Accordingly, meaningful professional registration can help the service to (re)connect with the traits on which its professionalism was founded. However, the potential benefits cannot be divorced from the organisational reality of the probation service. A decade of change, which has witnessed two major, top-down restructurings of the service, has exacerbated long-standing concerns around workloads, staffing shortages, and poor remuneration. Such tumult has arguably impaired the capacity of the service, and the willingness of its staff, to undergo yet more change.

And yet, as recent HMI Probation (2023: 7) testimony on how performance has 'got worse not better' since unification attests, the service has to change. The present situation is unsustainable, extant in the persistence of high caseloads, a culture of fear, and a 'retention crisis' (Tidmarsh, 2023, 2024). It suggests that the time leading into professional registration – a period which has already witnessed a change of Government – is crucial in terms of convincing staff that the opportunities

outweigh the challenges. As such, the Probation Workforce Programme should consider the following as they progress with professional registration:

1. *Continue to explore professional registration for PSOs.* Professional registration for this vital group of staff could improve self-image, enhance internal confidence, and contribute to less porous role boundaries. PSOs constitute a majority of practitioners; not having a system of registration for this group means that a considerable amount of probation work will be undertaken by staff who are outside of the professional regulation, development, and training requirements.
2. *Ensure that the register is not a 'tick-box' exercise.* Given the concerns over organisational readiness and unnecessary bureaucracy, along with staff frustrations with the Civil Service, training and competency requirements should not be reduced to a 'box-ticking' exercise. Substantive compliance with the register requires meaningful investment in the service, including on pay and workloads, so that staff have time to undertake training opportunities.
3. *Use the professional register to better articulate what makes probation unique.* At present, it is difficult to see how the 'Probation Professional Standards' laid out in the policy framework are specific to probation. These standards should be revisited with reference to the wealth of probation research on what motivates individuals to work in probation.
4. *Ongoing engagement with staff.* The Probation Workforce Programme should continue to engage with staff – notably, through trade unions and professional associations – so that they can achieve staff buy-in to the professional register.
5. *Ensure that qualified staff do not have to pay to register.* Given that staff buy-in is essential to the success of the professional register, particularly against the backdrop of concerns around inadequate pay, the Probation Workforce Programme should ensure that staff do not have to pay any fees that may be associated with professional registration.
6. *Conduct an Equalities Impact Assessment on the potential for discrimination as a result of formal disciplinary action.* That staff from an ethnic minority background are more likely to face disciplinary action means an Equalities Impact Assessment should be conducted as part of devising loss of authorisation procedures.
7. *Consider the potential burden on line managers with responsibility for assessing conduct.* Workload challenges are not limited to frontline practitioners. SPOs, too, face considerable pressures which mean that supervision time with their staff can be neglected. As such, the Probation Workforce Programme should continue to consider the impact of professional registration on this group.

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