

# Transforming Rehabilitation: the end of the Probation Service?

Mike Guilfoyle reflects on the likely impact of the latest government's proposals

*After more than one hundred years, the future of a unified Probation Service looks bleak in the face of current proposals by the Ministry of Justice to open up the market for rehabilitation services to new providers from the private, voluntary and community sectors.*

## The development of the service

The modern Probation Service in England and Wales was accorded statutory footing in 1907 by a reforming Liberal government. It had had its embryonic Victorian antecedent in police court missionaries, who worked in local magistrates' courts to redeem or act as guardians to many of the socially excluded – those deemed by society as 'incorrigibles'. The primary duty to 'advise, assist and befriend' was enjoined on new entrants in what became a professionalised, welfare oriented community based statutory agency.

The union representing probation staff, the National Association of Probation Officers (NAPO), was formally established in 1912. The social work ethos that informed and shaped the casework responsibilities of probation officers was facilitated by the development of what was widely seen as pivotal: the professional relationship between probation officers and their clients. This role was strengthened with additional responsibilities, including work in prisons, parole supervision and aftercare, the provision of social enquiry reports (now known as pre-sentence reports), as well as the setting up of bail hostels. Another significant statutory task which became integral to the Probation Service's work and certainly strengthened its penal credentials was the introduction of community service in 1972.

## Increasing scrutiny

With the election of a Labour government in 1997 the Probation Service came under greater political and organisational scrutiny via the Home Office, becoming a more centralised organisation (the National Probation Service was inaugurated in 2001) and began to undertake more systemised approaches, under the influence of the 'What Works' movement. This examined with purportedly academic rigour effective ways of working with those under supervision, in order to reduce reoffending rates, assist desistance and promote better reintegration. The results of such research proved, at best, inconclusive as the timescales involved did not favour quick fixes in terms of the intended outcomes of reduced reconviction rates.

This implementation strategy was premised on the (well founded) belief that greater public confidence and

support was needed to revitalise the role of community penalties. The pace of change and structural reorganisation began to appear remorseless with the introduction in 2004, after very little formal consultation, of the National Offender Management Service (NOMS) as the single umbrella organisation for prisons and probation.

## Towards demise?

For many inside and outside the service the demise of a free standing public probation service appeared near inevitable. The central thrust of Patrick Carter's report (Carter, 2003), which established NOMS, was the need to control the overuse of imprisonment, particularly the 60,000 subject to short term prison sentences, whose high reconviction rates and lack of resettlement support had already been identified in the work of the Social Exclusion Unit (2002). The subsequent Labour Party manifesto in 2005 alluded in mangled jargon to 'contestability' (privatisation in sheep's clothing!). The near ubiquitous language of 'offender management' seeped effortlessly into the Probation Service lexicon, a service now almost too bruised and cowed by political interference and bullying, exemplified in the resignation of London's Chief Probation Officer following the publication of the damning report of the management of the case of Dano Sonnex (Ministry of Justice, 2009).

These sharp correctional shifts had already been outlined in the Carter Review, which had noted the need for a commissioning environment where voluntary organisations and the private sector would be offered greater opportunities to deliver offender services. The contribution of the voluntary sector and private companies was already well established across the Service in the multiplicity of local partnerships centred on the vexed issues of accommodation, mental health, training, employment and substance misuse. The growth of ever tougher punitive rhetoric and sentencing practices (i.e. the much criticised Indeterminate Sentence for Public Protection (IPP)) called into question the future direction of rehabilitation services founded on what were deemed outmoded welfare oriented interventions. The passage of the *Offender Management Act* in 2007 (the centenary year of the Probation Service) consolidated many of the penal developments that arguably reached a peak in the Ministry of Justice 'mini' six week consultation at the beginning of 2013, *Transforming Rehabilitation – a revolution in the way we manage offenders*. This was the third consultation on the future of probation in 12 months.

## 'Transforming Rehabilitation'

The Justice Secretary would like the proposals contained in *Transforming Rehabilitation* to be effective by 2014. Their main thrust involves contracting up to 70 per cent of core probation work (relating to those assessed as low/medium risk offenders, about 230,000 people) to other providers in the third/private sector. The Probation Service will not, it appears, be allowed to tender for such work. *Transforming Rehabilitation* scales up the payment by results model, much favoured by Mr Grayling from his tenure in the Department of Work and Pensions (DWP, 2010). It would mean that a rump Probation Service would retain statutory responsibility for public protection, so that the 50,000 people deemed to be high risk (i.e. people with predominantly sexual/violent convictions) would remain supervised under what is known as the Multi-Agency Public Protection Arrangements (Mappa) framework. The initial risk of harm assessments on all offenders, the preparation of pre-sentence reports to courts and of the reports to the parole board on prisoners serving beyond 12 months imprisonment would also be retained.

These changes seem to ignore the fact that probation has better reconviction rates than prison. The Probation Service, often viewed at home with suspicion and misunderstanding by politicians, media and the public, is held in high regard internationally as a publically accountable, national service working to common standards, but through its Trust structure (there are currently 35 Probation Trusts in England and Wales) responsive to local conditions. Placing so much reliance on commercial contracts seems a very high risk strategy when dealing with many of society's most difficult, damaged and dangerous individuals. The Probation Service has in recent years been publicly excoriated for 'supervisory failures' which have led to fatal outcomes: how might private sector providers respond to such events (much like the G4S Olympic fiasco)? Whose accountability will it be if an offender enmeshed in a multiple matrix of providers commits a serious offence?

Under payment by results outcome-based contracting schemes would private contractors be discouraged from informing the police if someone under supervision reoffends, if that would mean risking loss of payment? What might signal a raised risk of harm from medium to high, a metric by which other providers will enter the contractual scrim, if this threatens to reduce the 'market share' of potential clients? The poster child of commercial

inroads into probation, namely the Serco contract to run Community Payback in London took two years to implement. Within days of the transfer to Serco dozens of redundancy notices were being issued.

The Probation Service had met all its targets in 2011/2012 and had won a Golden Award for Excellence in 2012. It is now being expected to reorganise twice in the next six months: many will see these moves as cost driven, poorly evidenced, wanton ideological vandalism, likely to fragment service delivery, weaken accountability and governance and compromise public protection. After 105 years the demise of the Probation Service now looks ever more likely if these proposals proceed without due regard to the well grounded criticisms by those most directly affected by what many consider a *faux* consultative fig leaf. The Service has experienced fevered organisational changes and endless top down reorganisations (the cumulative impact of which have often not been fully thought through); it feels marginalised and under-valued and now seems to have lost the faith of its political masters. It is with some historic irony that a service founded at a time of progressive liberal reform now faces its endpoint under a coalition government.

Maybe the Deputy Prime Minister's Nick Clegg's prescient words when he spoke to NAPO at the time of the probation centenary in 2007 (NAPO, 2007) could well serve as its swansong: 'it is crucial that the unglamorous, painstaking, yet hugely important work of the service is cherished, not undermined, by both government and opposition parties'. We shall see. ■

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## References

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