

The Probation Service in England and Wales: modernised or dehumanised

Peter Raynor describes what has been lost and what could be regained in probation practice.

In 1958 Leon Radzinowicz, the founder of criminology in Cambridge, stated: “If I were asked what was the most significant contribution made by this country to the new penological theory and practice which struck root in the twentieth century . . . my answer would be probation”. Nearly fifty years later, we find a former probation officer turned academic writing in the *Howard Journal* about whether the Probation Service is dying: he concludes that it was actually killed off some time ago (Mantle, 2006). At the same time we can read reports by the Service’s National Director which claim that the Service is achieving more and performing better than at any time in its history (NPS, 2005). To understand the paradox which these conflicting claims represent, we need to look at what has been happening to the Probation Service since Radzinowicz wrote his comment. (For fuller versions of this history, see Vanstone, 2004 and Whitehead and Statham, 2006.)

The Probation Service of the 1950s and 1960s (or rather the Probation Services, each locally organised and answerable to a local committee composed mainly of magistrates) had emerged from charitable and missionary beginnings to become more professionalized, with national training organised by the Home Office and an increasingly recognised role in the criminal justice process. Officers used their individual judgment and had a high degree of autonomy, and probation was a negotiated contract between the probationer, the officer and the court which required explicit consent. An intellectual underpinning for the work was beginning to be found in American social casework theory, which drew on Freud and other sources to promote the idea of social work as a form of therapy: delinquency was a product of hidden drives or family conflicts, and the social worker’s aim was to give people insight into the ‘real’ reasons for their problems. In spite of the many limitations of this approach, it did place a useful emphasis on the importance of trying to understand how individual probationers saw and experienced their lives, and on trying to establish a helpful relationship which facilitated communication and trust.

Populism, toughness and ‘reform’

Unfortunately when the methods used by this locally based and personally delivered service were more thoroughly studied in the 1970s they appeared to be of questionable effectiveness in reducing offending. Similar research in several countries

gave credence to the international consensus that ‘nothing works’. In response, the Service found a new role as a means of persuading sentencers to pass community sentences where otherwise they might have sentenced people to prison. If nothing ‘worked’ better than anything else, at least sentencing could be shifted towards less expensive and damaging options. The Home Office’s first national statement of ‘objectives and priorities’ in 1984 emphasized this role, which was actually carried out with some success, and in some cases the community options also showed lower reconviction rates.

The greatest threat to the future of the Service came not from research but from politics: the resurgence of law-and-order populism associated with Michael Howard’s tenure as Home Secretary from 1993 to 1997 transformed the agenda and faced the Service with the real possibility of disappearance (see Howard’s own account of his tenure elsewhere in this issue). Training of probation officers on social work courses was abolished (for a while there was no training at all) and the political hostility was unmistakable. The principle of consent to a community sentence was abolished in 1997. Much of what has happened since can only be understood in the light of these lean years. Ironically they coincided with the rediscovery and international dissemination of a new generation of research studies which challenged the ‘nothing works’ doctrine (for example McGuire, 1995). Among the more promising developments was the emergence of approaches based on social learning theory which aimed to influence thinking and attitudes, and to teach skills of self-management and problem-solving which could help people to cope with crime-free living. Sometimes these methods were combined into a structured syllabus or ‘programme’, and it was largely around the idea of large-scale delivery of programmes that Probation Service leaders devised their ‘What Works’ rescue package.

The election of a new Government in 1997 and the launch of the Crime Reduction Programme in 1999 provided the opportunity and resources to try this, though hindsight suggests that the attempt was more hindered than helped by the Treasury’s unrealistic time-scales and hugely ambitious targets for programme completions. At the same time, the Service had to cope with major reorganisation: in 2001 the separate locally based Services, with their special relationship with the Courts, were abolished, and the Service became the National Probation

Service for England and Wales, run from the Home Office by a National Probation Directorate (NPD) which quickly grew into a large and managerialist bureaucracy. Local Probation Boards, which replaced the old Committees, had very limited autonomy and the lives of local managers were dominated by reorganisation and by new forms of accountability through targets, 'weighted scorecards' and league tables. For a while, the drive to implement programmes seemed to dominate everything: even the independent Accreditation Panel set up to assist in development and approve programme designs came under pressure to go faster, and although it was able to influence the programme designs it was not able to slow the implementation process to a more cautious pace or to ensure that everything was evaluated properly. The narrow focus on programmes led to a relative neglect of continuity in case management and of supportive supervision: this probably contributed to the high attrition rates which threatened to undermine the programmes, and may also have contributed to recent high-profile failures of supervision. Meanwhile many offenders' contact with overloaded probation staff has become more superficial and impersonal, and there have been reports of staff spending up to 70 per cent of their time at their computers (Whitehead and Statham, 2006).

Punitive or effective?

One of the new Service's explicit objectives was 'the proper punishment of offenders', and a great deal of effort went into the stricter enforcement of reporting requirements. Although this was seen as important for credibility, it further increased attrition and helped to boost the already growing prison population. Early in 2004, following a review by a successful businessman turned Downing Street advisor and with amazingly little consultation, a new National Offender Management Service was announced which would commission 'offender management' services and 'interventions' by putting them out to tender. This could, for example, see a Probation Trust (the successor to a Board) lose all its work to a private company or a voluntary organisation. The possible piecemeal disappearance of the Probation Service was after all on the agenda, in spite of improved performance against the all-important targets. Since then there have been many twists and turns but the basic proposals remain unchanged, and the future of probation remains uncertain.

England and Wales, of course, are not the whole of probation. On the contrary, probation today is a world-wide movement, over a century old, which is being embraced by more and more countries as the strategy of choice for reducing prison populations and developing constructive penalties in the community. England and Wales, once the leaders, now seem outside the mainstream, oddly preoccupied with enforcement and punishment while prison numbers continue to rise. This is the clue to the paradox with which we started: it is indeed possible for a Service to meet all its targets and lose focus on its central mission. Probation has always been at its best when developing and supervising constructive alternatives to ineffective punishment, and securing supervised people's compliance and cooperation in them. Probation's current predicament in England and Wales reflects New Labour's mistrust of the public sector, its preoccupation with restructuring and with tough eye-catching legislation, and its exaggerated respect for rich businessmen and the private sector, but this need not be the whole story. Perhaps

the new Probation Trusts, if they contain plenty of magistrates, will go some way to rebuilding connections with localities and sentencers; perhaps the new (and overdue) emphasis on continuity, motivational skills and pro-social modelling in offender management will restore some of the lost personal content to routine probation work. Like programmes, these methods are supported by research and can contribute to reductions in offending. The problems experienced in implementing 'what works' are not reasons to abandon the evidence-based approach, but reasons to take evidence more seriously.

A further step might be to restore to probation services some discretion to enforce orders in a more graduated and individualised way, with the aim of enhancing compliance rather than meeting enforcement targets, particularly for those people under supervision (the majority) who are not dangerous. There is even a case for reconsidering the issue of consent to community sentences: if they represent, in part, a behavioural contract between the Court and the offender, a formal agreement can be an important symbol of this. To return to basics, the Oxford criminologist Max Grunhut (a contemporary of Radzinowicz) wrote in 1952 that probation's strength was "due to a combination of two things, conditional suspension of punishment, and personal care and supervision by a court welfare officer". This remains one of the best summaries of the principles from which we are in danger of drifting away. Without them probation's future looks bleak.

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