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Introduction

How Should We Treat Offenders and What Can We Learn from the Past?

Rehabilitation work with offenders is a challenging task and responsibility, for this has moved from its roots in philanthropy to an offender management system, supervised by the probation service, often working in collaboration with the voluntary and private sector. This development has taken place over the past century and it is important not to lose this history and indeed to understand why it has evolved into the current structure. This means that the history, pressures and politics within the criminal justice system need to be conceptualized and analysed. In particular, change has not been steady but rather the last twenty years in particular have been a ‘rollercoaster ride’ as politicians have become interested in micro-managing this area to an extent not generally understood by the general public.

In organizational terms the probation service has moved from locally managed services to a national service (in 2001). Even as this was being implemented, there was a further major change proposed in a review of community justice undertaken by Patrick Carter in 2003 (Carter, 2003). His report, which recommended end-to-end management of offenders, was to have a profound effect on the probation service when the government agreed to implement his proposals without further debate. He introduced the notion of ‘contestability’ with the intention of forcing probation to compete for the work that it undertook. However, there was never an evidence base for this (Nellis and Goodman, 2009). Probation became in effect a junior partner (in terms of size and influence) with the prison service in a single managed organization, the National Offender Management Service (NOMS; see Home Office, 2005a). The move to making probation part of a market-driven model was formalized in the Offender Management Act 2007 (it received Royal Assent on 26 July 2007). This Act transferred to the Secretary of State the statutory duty to provide probation services, which can be commissioned by providers in the public, private and voluntary sectors.
Rehabilitating and Resettling Offenders in the Community

The actual commissioning process is somewhat opaque as it will not only fall to the Secretary of State to undertake this. Probation Services were to become (public sector) Trusts who might compete for the work as well as commissioning work themselves. The implications of this will be considered in this book.

Probation has been at more crossroads in its long history than many other areas within the criminal justice system. This book is being written at a time of some uncertainty about its future. A professional organization needs a trained workforce and the present training arrangements represent more uncertainty, which is unfair on a service with a proud history of resettling offenders. In particular the growth of semi (or lesser) trained probation service officers at the expense of fully trained probation officers (POs) could lead to the public being put at more risk from offenders under supervision. It is also unfair on the offenders. As Senior comments about the new (2010) Probation Qualifications Framework: ‘a Rolls Royce award is being superseded by a more building block approach…it remains to be seen whether routes to full probation officer status remain possible in this tightening fiscal climate’ (Senior, 2010, p. 1). If probation officers become the minority element in comparison to the number of probation service officers then the training will have a minimum impact on practice and on how ‘the probation service as an organization understands its job and its relationship with offenders and with wider society’ (Dominey and Hill, 2010, p. 11).

A training manager was very concerned when speaking to me, at the end of 2010, that the probation service, being much smaller than the prison service component of the NOMS, was in danger of being squeezed when resources were 'needed' to produce yet more prison places. NOMS joins the prison and probation services together at the top level, but is it too large an organization to deal effectively with both arms? This will be discussed further in Chapter 9.

Responsibility for resettling offenders has been an activity that has oscillated between the voluntary and statutory sectors. Resettlement has had a number of contradictory and complementary philosophical underpinnings and contexts. These range from the religious and the saving of souls, to punishment, including banishment overseas. As well as the roles of religion and philanthropic endeavours needs to be added the development of the treatment ideal and the concept of the scientific management of offenders. The early police court missionaries, while having religious beliefs, were also eugenicists and were comfortable with the notion of locking up morally defective juveniles to prevent them from breeding the next generation like themselves (Vanstone, 2004).

Probation has a fascinating history, starting with a Boston cobbler, John Augustus, operating in Massachusetts between 1841 until his death in 1859, who stood bail and then supervised offenders until they received their sentence at court. This notion of working with offenders prior to them receiving a sentence was central to the early history of work with offenders. Augustus wrote reports for courts, but was not an official of the court. The Howard Association brought his work to the attention of the Home Secretary (in Gladstone's new government) towards the end of the nineteenth century when there was a mood in government for a more enlightened approach to dealing with young offenders (Bochel, 1976).
Thus the notion of reclaiming offenders was located in the tradition of voluntary service, for the good of the public.

The rationale for supervision has changed greatly over time as the probation service has embarked on a quest for professionalism and an attempt to first find a role, and then maintain one, in its work with offenders. From its early work of reclaiming drunks and taking pledges to remain free of alcohol came the notion of befriending, and offering counselling support to offenders. When there was pessimism that this did not change offending behaviour, a further change occurred which represented a major break with past tradition, when the notion of the offender as a person with problems moved to one of a free-thinking individual, who made rational choices. Therefore the choice to offend represents a faulty conditioning of the person's thought processes. To change this, no longer was it appropriate to offer counselling; rather, the person needs to be taught cognitive skills and pro-social modelling. The latter aimed to enhance positive views of looking 'legitimately' at the world. The jargon has changed from 'counselling' to 'promoting behavioural change'.

The question to be answered is whether by focusing on the choices made by the offender, the background experiences, deprivations and inequalities are at least downplayed, but more likely ignored, when explanations for offending are now sought. There are major implications for ethnic minorities and gender difference in terms of economic disadvantage and lack of opportunity.

The individual redemption of the offender is less important than the protection of the public, in whose name all actions are taken. National Standards for supervising offenders lays down regularity of contact and changes the ethos of the agency to one of offering 'punishment'. For the sake of 'programme integrity' offenders are put through identical programmes throughout England and Wales. These programmes are to be taught to probation officers: will this make them operatives or reflective professionals? Indeed, will probation officers or unqualified officers deliver these programmes, and is this a spurious distinction, if the tasks are so preset that discretion is a vacuous term? I asked probation staff how they experienced the changes in their practice: was it still appropriate to see the task of probation officers as to 'advise, assist and befriend' offenders, or has the notion of befriending been overtaken by the requirement to maintain a surveillance role, filling in forms to feed into computers to check whether the offender has become more or less dangerous? If this is the case, then actuarial computation has taken precedence over the clinical judgement of front-line staff, as far as decisions of risk are concerned, and the emphasis on working with offenders has shifted to considerations of risk to the public, away from individualized concerns for and about the offender, as if these concepts are mutually exclusive (Feeley and Simon 1992, 1994).

**Personal Experience**

My interest in working with offenders is difficult to explain, and was not from any sense of philanthropy. I used to go on a soup run with the homeless and rootless
before I had thought about a career, and it was distinctly preferable to the maths degree I was studying. It was nearly always middle-aged single men who appreciated a hot drink and food, and they enjoyed the opportunity to have a talk with a person who did not judge them. After graduating, a conversation with a probation officer was enough to get me ‘hooked’ on the idea of working with offenders, and after a two-year training course I started as a probation officer in 1975 in the London borough of Hackney, the area that I was born and brought up in. The training for the job was completely focused on psycho-dynamic counselling, human growth and development, and discussion of ‘change agents’ and systems. The sociology of deviance or criminology was not on the agenda.

Probation officers were all white, working with a predominantly young black client group, disaffected and with suspicious relationships with the police. Relations between the black community and the police were poor and the overuse of the ‘sus’ law (the police at this time used Section 4 of the Vagrancy Act 1824, which referred to ‘being a suspected person loitering with intent to commit a felonious offence’, or ‘sus’ for short) ensured that it was getting worse, culminating in the riots of 1981 in areas of several cities including London (Brixton, Hackney), Liverpool (Toxteth) and Birmingham (Handsworth). Individual probation officers adopted a community work approach but this was frowned upon by management (discussed in Chapter 6).

The staff group was very committed to practicing in a way that did not discriminate, which meant knowing and working with community agencies and resources. However, practice was individualistic and idiosyncratic and often idealistic. I left the service in 1990 to train probation officers in a university social work department, having had a varied experience of field posts, prison probation (HMP Holloway), the After-Care (resettlement) Unit for the homeless and rootless, and various training responsibilities.

When I left the probation service, the emphasis was still on casework skills, although the Home Office had begun to set priorities for the service and probation management had acknowledged these, even if most probation officers had not changed their traditional ways of working. My training for the job had been a two-year postgraduate course and was at the transition point from the time when it had been an ‘in-house’ venture, run by the Home Office. Further training within the probation service included ‘trust games’ and person-centred therapy, rather than considerations of the seriousness of the offence and the degree of dangerousness of the offender. Offenders could be ‘treated’ for their personal difficulties and the frequency of probationers reporting to their probation officers was variable, although parolees were supervised conscientiously. Parole had started in 1967 and was the first experience of the power of the Legal Executive as opposed to judicial power (Carlisle Committee, 1988). Probation officers from the 1960s had seen themselves as caseworkers, rather than evangelical saviours or missionaries (McWilliams, 1983, 1985, 1986, 1987) and this continued into the 1980s and beyond (Fielding, 1984).

Over the years I have conducted a number of interviews with probation staff and other relevant professionals, and I have drawn on this archive for the book. I carried out a piece of research for the Inner London Probation Service (ILPS) in 1986 that
investigated the consistency of contact by different probation staff with prisoners. I discovered great variation in practice and very little control by management. I revisited some of the informants in 1994, which revealed the need to gain a wider picture of the profound changes occurring within the probation service. By this stage staff had virtually stopped visiting prisoners, the concept of through-care support had stalled, and was linked to statutory responsibility when parole reports were needed.

This book will draw on the case study of the After-Care Unit (ACU) to demonstrate that probation work with the homeless was sacrificed at the end of the 1980s, as the priority was changed to working with offenders in the community, rather than the resettlement of ex-prisoners. Offenders sentenced to one year or less in prison might be seen either by volunteers or (more likely) not at all. They were no longer allocated to probation officers, as contact with them would be voluntary on discharge, as they would not be subject to a period of statutory supervision on licence on discharge from prison. It was claimed that as probation moved to working only with statutory offenders this would mean they had committed more serious crimes. Ironically, the ACU did have a high-risk ‘heavy end’ caseload as, typically, they were offenders wanting a fresh start in the London area. The work of the ACU could lay claim to being the precursor to ‘joined-up thinking’ in relation to working with offenders as it included close working relationships with psychiatrists from the Institute of Psychiatry and a number of institutions, including hostels, throughout London. Perhaps the homeless and rootless offender, like aggressive car window cleaners at traffic lights, much cited by politicians, are perceived as a visible threat to the public as they represent the ‘underachieving’ element who have yet to find a stake in society.

Thus if a focus specifically on work with prisoners and ex-prisoners could not give a full picture of the changing nature of probation practice, it became necessary to investigate, with probation staff, the full range of their work, and this became my principal research interest. Personnel interviewed were open and honest about their practice and how the probation task and role was changing. These changes were on a number of different levels: frequency of contact, the expectation that failed appointments would not be ignored but would lead to action being taken, including the offender being returned to court for resentencing for the original offence. Offenders were likely to be placed on group work programmes to deal with their perceived ‘faulty thinking’, rather than being seen individually for practical and emotional support.

The book examines, from both a practice and theoretical context, the changing nature of probation practice with offenders, from its evangelical roots to ‘treatment’ and most recently actuarial justice and risk management. It draws on 27 interviews with relevant professionals conducted between 1996 and 1999. In addition, probation archival material was drawn on, as well as interviews with the founder of the London Probation Service (1935), a Borstal After-Care Association worker from the 1950s, a probation manager from the 1960s and a voluntary hostel manager running houses for ex-offenders, which were managed and organized by staff from a specialist probation office working with homeless and rootless offenders.
In 1987 I was given a sabbatical from the probation service I was working for to carry out a study of probation practice with prisoners and ex-prisoners. I interviewed 19 probation and senior probation officers and I have drawn on the conclusions from this study. Five interviews were undertaken in July 1994 with probation staff working with prisoners and ex-prisoners. These interviewees had been part of the group interviewed in 1987.

The interviews with retired staff were useful in placing probation practice in an historical context, as did the case study of the After-Care and Resettlement Unit. This was an exemplar of practice with the homeless and in describing how innovation in service delivery stemmed from meeting needs unmet by the other agencies, voluntary and statutory, in the state system, not necessarily in criminal justice. The rise and demise of the unit served as an example of how the changing tensions and priorities within the probation service impacted on practice and priorities. This was particularly apposite in December 1999 as the Labour government rediscovered that ex-prisoners and offenders were over-represented among the homeless, a fact well known to officers who had worked in the ACU decades earlier.

The use of the interviews from 1987 showed the then nature of probation practice with prisoners and ex-prisoners and the ad hoc nature of what might be offered to them. The interviews undertaken in 1994 demonstrated the changing nature of the service, the drive to use partnership organizations to deliver work with offenders, and a resistance among some probation officers to take on board National Standards. This was after the first version of National Standards 1992 (Home Office, 1992b), which still acknowledged the social work skills of practitioners.

I spent time in probation offices, especially Newham in London, observing interviews and socializing with staff. As a former probation officer I was accepted and trusted by them and they took me into their confidence. I was conscious of the dangers of ‘going native’ I have sympathy for the difficulty of working in an environment where the process of working with offenders has been seen as more important than the outcome of the intervention. The views of these staff did not differ significantly from those of other probation staff I interviewed. I would not describe my role as that of ‘poacher turned gamekeeper’; however, my previous profession meant that I was familiar with their jargon, culture and work tasks.

Most recently, in the aftermath of some high-profile supervision failures, I set up a Master’s programme in public protection, in close collaboration with a large probation area. I have continued to interview staff both formally and informally, with agreement for their comments to be used in this book. Working with staff who have a strong commitment to work with high-risk offenders has been a stimulating and exciting experience that has reinforced my belief that the time has come for probation to be left to develop and strengthen its knowledge and skills in order to rehabilitate offenders and protect the public. The frenetic pace of change needs to be slowed, and a moratorium on ‘common sense’ innovation stalled. The views of these staff and others are drawn upon in Chapter 6 when current practice and ideas are discussed.
From Professional to Technical Skills

The concept of personal discretion is intimately bound up with the question of whether the probation task is still a professional activity. As probation evolved from its philanthropic origins, it changed to an activity whereby individual staff worked with offenders using their skill and judgement. We shall see that practice is changing to probation staff carrying out set programmes with offenders, drawing on a well defined script. Schön usefully outlined the difference between activity of a mechanical nature and one where personal decision-making was called for, involving professional judgement:

‘When a practitioner reflects in and on his practice, the possible objects of his reflection are as varied as the kinds of phenomena before him and the systems of knowing-in-practice which he brings to them. He may reflect on the tacit norms and appreciations which underlie a judgement, or on the strategies and theories implicit in a pattern of behaviour. He may reflect on the feeling for a situation which has led him to adopt a particular course of action, on the way in which he has framed the problem he is trying to solve, or on the role he has constructed for himself within a larger institutional context. Reflection-in-action, in these several modes, is central to the art through which practitioners sometimes cope with the troublesome “divergent” situations of practice.’ (Schön, 1991, p. 62)

The process of change from unadulterated individual discretion began in 1984 when the Home Office produced its Statement of National Objectives and Priorities (SNOP). The process, which is still continuing, consists of a tightening of authority on probation priorities backed up by the threat of financial sanction. Local areas, after SNOP, were required to produce their local statements of priorities, and the failure to follow the Home Office lead was revealed by a Cambridge Institute study (Lloyd, 1986). In 1989 the future direction of the criminal justice system was flagged in two government papers: the White Paper Crime, Justice and Protecting the Public (Cm 965) (Home Office, 1990a) and the Green Paper Supervision and Punishment in the Community (Cm 966) (Home Office, 1990b). The proposals were enacted in the 1991 Criminal Justice Act which made community orders sentences of the court in their own right, and promoted a new managerialist approach to practice, which had to recognize that the Court was the ‘client’ of the probation service, not the offender. Furthermore, the probation role had to change from being the exclusive provider of services to more of a case management role, with closer cooperation with the other agencies in the criminal justice system and community. The Green Paper made it clear that probation training, located within social work, did not provide sufficient detail on probation matters (paras 9.16–9.24, Home Office, 1990b, 33–35).

Probation officers were given National Standards (NS) to work in community service in 1989 which outlined minimum expectations of compliance. In 1992 National Standards for all probation practice was published, which were also to be
used for young offenders. The Standards could be described as good practice initiatives: they drew on, and acknowledged, the skills of the professionals as social work practitioners. In 1995 a second edition of the Standards was published, which had a very different emphasis. Supervision was now about punishment and the role of the probation officer was more akin to that of a ‘technician’ who had to adhere to the imperative to see the offender more often. NS 1992 mentioned the offering of 12 appointments in the first three months, NS 1995 changed this to interviews. In the second Standards the probation officer, while retaining the possibility not to take an offender back to court after two missed appointments, had to discuss this with their senior after the first missed appointment, and could not take this decision themselves. This coincided with a new Home Secretary, Michael Howard, who made it clear that, in his opinion, prison worked and probation didn't. Probation was to receive a major shock in terms of how its ethos was to change from professional social work to the administration of punishment in the name of the public. This theme will be considered at length in Chapter 4.

In 1995, after a public debate and what was described as a review (very few individuals or organizations agreed with the outcome), the link with social work training was severed. There was an unprecedented alliance of ACOP (Association of Chief Officers of Probation), NAPO (National Association of Probation Officers), Standing Conference of Probation Tutors (SCOPT), Central Probation Council (employers), Association of Black Probation Officers (ABPO), Joint University Council Social Work Education Committee (JUC/SWEC), Committee of Vice-Chancellors and Principals (CVCP) who met regularly to try to thwart plans to bring in ‘on the job’ training or even (as was rumoured at one stage), ex-armed services personnel as direct recruits. I was a regular attendee of the meetings in my role as a committee member of SCOPT and, as will be detailed in the research, it was successful in delaying any decisions on the future of training until after the general election of 1997 (Wood, 1999).

**Fast-Track Punishment**

In terms of legislation there were further Criminal Justice Acts in 1993 and 1994 which had major implications for probation practice. Law and order was high on the political agenda in the run-up to the general election and in their pre-election material ‘New Labour’ made it clear that they would be adopting a hard-line attitude to offenders, especially young offenders. The mantra on billboards said, ‘tough on crime, tough on the causes of crime’ and also ‘fast-track punishment for young offenders’. What this was going to mean in practice was not spelled out, but it was clear that the Conservatives had had their traditional hard line on law and order matched by New Labour (Brownlee, 1998; Dunbar and Langdon, 1998; James and Raine, 1998; Nash, 1999). The final act of the Conservative government was to publish a Green Paper which advocated a raft of tough policies. After the election the incoming Labour government implemented a number of these policies in their first Criminal
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Justice Act in 1997. This was followed up with the Crime and Disorder Act 1998 and the Youth Justice and Criminal Evidence Act 1999 which targeted first-time offenders. The Queen’s Speech in November 1999 contained a number of Home Office Bills.

In terms of the probation service, the Home Secretary, Jack Straw, and the Minister of State for Prisons and Probation, Paul Boateng, have been aggressively disparaging about the probation service's inability to enforce National Standards: in particular, the rate of returning offenders to court was seen as far too infrequent. This was echoed by the Home Affairs Committee’s Third Report (Home Affairs Committee, 1998), which was vociferous in its condemnation of the failure of probation officers to take offenders who did not keep their appointments back to court (this is known as breaching the offender). Simultaneous to this drive to toughen probation practice was a commitment to ‘what works’ and the ‘effective practice’ initiative. This has one weapon in the armoury of stopping offenders from reoffending, namely the teaching of cognitive skills. National pathfinder schemes are being set up in England and Wales with a view to evaluating and selecting the ones seen as most effective. These schemes will then be replicated and will become the only way that offenders will be worked with. In mid-November 1999 Paul Boateng gave a speech to Chief Probation Officers and Chairs of Probation Committees. He took the opportunity to state where the probation service was going under the heading of ‘modernization as a coherent whole’ (Boateng, 1999, italics in original).

What Works?

The theme of modernization, according to Boateng, comprised three elements. First, ‘what works’: to ensure that probation practice ‘on the basis of sound evidence’ really did reduce offending. Second, probation was to be judged on compliance to (revised) National Standards. Third, the infrastructure had to be right, meaning that ‘structures and powers’ were in place for these ‘improvements’. Given that the audience was made up of probation personnel, it was a little surprising that when Boateng spelled out his vision of ‘what works’ he started by outlining joint work with the prison service on ‘core curriculum’ changing offending behaviour programmes. Services were told that they would have to give up ‘long-cherished programmes’ which could not be shown to work and, by implication, this ruled out earlier ways of working. Underpinning all of this was offender assessment using a new assessment tool, OASys, an acronym for ‘Offender Assessment SYStem’, jointly with the prison service, from August 2000. Thus there was a continuing notion of change into the new millennium.

Boateng flagged up the need to contain the ‘relatively small number’ of people presenting a risk to the public due to severe personality disorder. His first priority was protection of the public. The next priority was ‘punishment and the enforcement of sentences’. This included the notion of the ‘seamless sentence’. Drug Treatment and Testing Orders had been brought in under the 1998 Crime and Disorder Act, and £20 million had been allocated to ‘arrest referral’ schemes (that is, intervention
at the pre-establishing of guilt stage). Electronic monitoring was seen as a useful tool, not just to ensure home detention as a punishment but ‘as an effective means of easing the transition from custody back into the community’. The explanation Boateng gave was that this ‘provide[d] an element of stability, which can help to disrupt offending patterns’. He was excited at this extension to supervision, and commented that the new technology could be used in the future in new ways – such as for reverse tagging and to keep people out of certain areas: ‘Our work is at an early stage but this is an exciting and growing area’ (my emphasis).

The probation service could not fail to see where the Labour government saw probation: ‘Let us be clear: the probation service is a law enforcement agency’ (italics in original). This was linked to strong criticism of the lack of order enforcement, and responsibility for this was placed firmly with Chief Officers and Probation Committees. From 1 April 2000 the revised National Standards would cut the ‘tolerance’ of unacceptable failures of probationers to meet with their probation officers from two to one. Finally he mentioned two further ‘issues’ which will be dealt with at length in this book. First, ‘ethnic minority representation’. Boateng mentioned that this minority representation was present at basic probation officer grade level but not beyond this. He did not mention ethnic minority representation among offenders. The issue of anti-discriminatory practice, which was a major consideration under the old training and in professional practice, was not commented upon. Second, he raised the issue of homelessness. This is very interesting as the major theme in probation practice, clearly identified above, is protection of the public. However, he commented that the Social Exclusion Unit report (2002) on rough sleepers noted that many had been through the prison system as well as other institutions. Prisons and probation were to ‘have a new focus on homelessness’. How the probation service continued to be altered and ‘modernized’ under New Labour is described and analysed in Chapter 4, and can be described as a process of continuous change. It has served to demoralize and destabilize many of the staff. Despite this, the probation service remains highly committed to its professional task but uncertain whether it has a future in its current structure and training.

The Future of Professional Practice

The evidence base of what works is complex and does not provide an easy blueprint on how to engage with offenders (Goodman, 2008). Craissati and Sindall (2009) examined the cases of 94 serious further offences (SFOs) committed by offenders who had been under supervision by the London Probation Trust in a 14-month period between 2004–2006, collecting data on background and ‘criminogenic’ variables. Of interest is the observation, ‘in terms of a description of the SFO offenders, the most striking impression is the absence of any remarkable features to their presentation as captured by the variables researched’ (Craissati and Sindall, 2009, p. 21). The conclusion was that the social circumstances that the offender finds
himself in might trigger a serious further offence, so preventing this means dealing with his everyday problems rather than concentrating on issues such as his anger management skills.

Merely being competent to record the characteristics of the individual offender, to produce an accurate offender risk analysis, would not lead to an accurate prophecy of further harm. In this respect therefore I would contend that professional skills and judgement (and confidence) are needed. Indeed, the conclusion that it is the situational context that might trigger a criminal event is underestimated in the way that the work of probation staff is managed: ‘the emphasis on structured assessments and risk prediction – although important – exacerbates this difficulty’ (p. 26). This is at the core of professional practice. The contact between offender and probation officer or offender manager or whatever new descriptor is dreamed up is essential to the job. Irrespective of whether this person operates in the public, voluntary or for profit sector, they needs to be competent and effective. Whether they work with the offender or put them on to a programme, this must not be completed according to a predetermined script based on a risk scale. As Pawson and Tilley (1997) comment: ‘Our baseline argument throughout has not been that programmes are things that may (or may not) work; rather they contain certain ideas which work for certain subjects in certain situations’ (p. 215).

It is the skill of the practitioner in working with the offender to ensure that the potential for growth and pro-social activity is maximized, but enforcing as necessary the requirements of the court order or post-release licence. There has to be some trust and shared expectations between the supervisor and the supervisee or, as my former colleague Frank Treble commented, a shared higher aim.

The Conservative and Liberal Democrat coalition government came into power in May 2010 and in December 2010 they published a Green Paper, *Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders* (Ministry of Justice, 2010a). This complained about the level of centralization within the criminal justice system, in particular the top-down approach in both prison and probation services, which focused on process rather than on results. This is considered in more detail in Chapter 8. It highlighted as its major innovation the notion of payments by results. This is considered further in Chapter 9. The new government seems to be seduced by the promise of new technology, with an exponential growth in the use of electronic tagging up from 3500 electronic tagging orders in 1999 to over 70,000 in 2010, with new contracts up for grabs in October 2011 to the value of over £1 billion. This is despite ministers admitting that the impact of tagging on reoffending is neutral (Travis, 2011).

**Structure and Contents**

In the following chapters I will be expanding on the themes that have been raised in this introduction. Chapter 2 begins with the early history of punishment and reveals the prerogative of mercy as a mechanism for mitigating the rule of law and
establishing the absolute power of the monarch. This was also a time of fear of the vagrant and of popular uprising. In this chapter, the work of Rusche and Kirchheimer (1968) will be examined, as will that of authors such as Melossi and Pavarini (1981), Beattie (1986) and Weber (1948). Links will be made between punishments and 'economic and fiscal' forces. The homeless and rootless were subject to cruel treatment, but they were not seen as requiring imprisonment; rather, they were more likely to receive a whipping and to be sent back to their own parish. As society became more advanced, so the nature of punishment changed to exert the discipline needed to produce a more 'docile' workforce. Despite this, descriptive accounts of prisons, even in the early twentieth century, demonstrated brutality and cruelty. Women were treated differently to men and, during the time of transportation to British colonies, were likely to be sent out to the colonies to boost the future population.

Chapter 3 initially focuses on the changing nature of law as society became more complex. This was characterized by the shift from a Gemeinschaft to a Gesellschaft society. In the former, individuals are motivated to work for the good of the community at least as much as for themselves. In the latter, individuals focus much more on their own self-interest, although this means that they cooperate with others, as it is in their interest to do so. Implications for work with offenders are drawn and key writers (including Hay (1975), Bonger (1916) and Foucault (1977)) who examined the move away from a generally punitive response to offending to one that was more individualized and took into account personal circumstances. The early history of the probation service, which was concerned with rescuing the fallen by using police court missionaries, will be discussed. I then describe how from this religious philanthropic beginning grew a professionally trained service which drew on 'casework skills.' There then followed a crisis in confidence when the notion that 'nothing works' began to take hold of the service. The structure of the service began to change with a growth in managerialism and from 1984 the Home Office began to assert increasing control after publishing its Statement of National Objectives and Priorities (Home Office, 1984). Before this time, individual probation officers held almost complete autonomy over what they did with offenders and this was no longer acceptable to the Home Office or probation management.

Chapter 4 continues the theme of the changing nature of probation practice and ethos, when the groundwork was laid for a 'Taylorist approach.' We shall see that the interventions in 1989 of the National Audit Office (NAO) and Audit Commission introduced the notion of 'efficiency, economy and effectiveness' to the service. In 1991 the Criminal Justice Act introduced the notion of 'just deserts' and the intention was allegedly to move the probation service to centre stage as a community penalty enforcement agency. Probation orders became a sentence of the court for the first time, and no longer a recognizance to be entered into. A further Audit Commission report that year found that the probation service was developing a more managerial approach. In 1992 the first edition of 'National Standards (NS) for the Supervision of Offenders in England and Wales' was published, although NS for community
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service were published in 1989. The NS recognized the (social work) skills of probation officers and could be seen as a tightening up of the supervision of offenders. In 1993 a further Criminal Justice Act removed much of the progressive elements of the 1991 Act, and further punitive and regressive Acts were to follow in 1994, 1997 and 1998. In 1995 the Conservative Home Secretary removed social work training as a requirement for probation officers. A second version of NS in the same year was firmly rooted in the notion of punishment. The notion of probation officer discretion and professionalism was also absent. Finally, the changing nature of probation practice is considered, with a move to the management of risk and the strict enforcement of supervision. In this respect the move from a Conservative to a Labour administration was seamless.

Chapter 5 focuses on the textual and visual analysis of National Standards for supervising offenders. Versions started in 1992 and were revised in 1995, 2000, 2002, 2005 and 2007. These are important as they demonstrate how the language and presentation of these formal documents affect both the status and power of professional staff and how the ethos of their intervention changed from a skilled activity to one of administering punishment. Having established this, the third version of National Standards (Home Office, 2000) further tightened the reporting conditions of offenders. It is somewhat ironic that, having spent so many years making national standards so inflexible, the 2007 version includes a diminution of contact for offenders convicted of less serious crimes, maintaining the procedural ethos rather than a professional risk-focused one. Finally, the power balance between probation officers and offenders is analysed in terms of how probation officers can use language in reports to give a positive or negative image of the offender. Ironically, with the squeeze on resources the last version, which is not readily understandable to the lay person, represents a lessening of contact between offender and supervisor, compared to earlier versions as pragmatism replaced oversight.

Chapter 6 outlines and analyses interviews with a number of front-line staff and other informants over a period of time. The theoretical questions to be answered concern issues of bureaucracy, control, therapeutic work and the value base of probation; changes in probation practice and its skills base; changes in the knowledge base of the service, whether the offender profile was changing, effective practice initiatives, and finally why the changes were taking place. Issues of enforcement received much comment from front-line and other staff, as did the increase in bureaucratic tasks. The time taken to produce electronic assessments was a frequent source of concern, as this took probation officers away from direct contact with offenders.

Chapter 7 is a case study of a specialist probation unit that operated between 1965 and 1990, offering resettlement to homeless and rootless offenders in the inner London area. Chapter 7 describes how the unit was born out of the old Discharged Prisoners’ Aid Societies and how it adapted imaginatively to provide the services needed by the offenders. It also describes how the unit changed from the mid-1970s to try to fit with the changing nature of the wider (probation) service. A management report completed by headquarters staff in the ILPS in 1988 recommended that
homeless offenders who chose, on their own volition, to move to London would have to make contact with the nearest probation office and seek a service from them. The service would no longer provide a service for them in advance of their move. The unit closed two years later, as probation officers who left were not replaced and new offenders were no longer accepted by the unit.

Chapter 8 looks at the development of through-care and after-care of offenders by the prison and probation services, and how the importance of prison resettlement has fluctuated over time. This area of practice has declined in recent times as it has been deemed to be less important. Yet many reports, such as the Social Exclusion Unit (2002), Reducing Reoffending by Ex-Prisoners and the National Audit Office (2010) report, Managing Offenders on Short Custodial Sentences, show that this group is very vulnerable and highly likely to reoffend. It seems bizarre that they do not get as much assistance from the probation service as they did in the past.

Chapter 9 critically discusses contemporary issues around rehabilitation as probation became centralized and management moved from local control to a national organization and then to NOMS. The story is still unfolding with the creation of Probation Trusts, and the implications this has for the resettlement of offenders will be examined. It will conclude by drawing together the themes from the earlier chapters and will reflect on the future direction of offender resettlement. Will the rhetoric of punishment, protecting the public and moving the victim to centre stage turn the probation service into an enforcement agency that is irrelevant to offenders, especially those wanting to change and needing assistance and guidance in order to be rehabilitated? The wheel has turned full circle, with much work with offenders returning to organizations located outside the state.

If there is a key lesson to be learned, it is that over time there have been numerous examples of the reinvention of the (criminological) wheel. This book, which is not polemical in tone, will highlight examples of this, including the positive conclusion that the pendulum is swinging back from over-centralized control to a professional service that can utilize the skills of its workers to both rehabilitate offenders and protect the public.

The probation service is tiny in size compared to the other agencies in criminal justice, and receives a much smaller amount of the budget. However, its responsibility to protect the public should give it a central role.