

Rehabilitation, punishment and profit: The dismantling of public-sector probation

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Probation has been nurtured and developed for over a century as the key cornerstone of our community justice system in England and Wales. However, a fundamental transformation in the way in which offenders are managed in the community is underway. After 106 years of rehabilitative intervention, the Probation Service is about to be dismantled - at least, in its traditional public sector incarnation. On 9 May 2013, Justice Secretary Chris Grayling formally confirmed the Conservative-Liberal Democratic coalition government's plans to privatise the majority of probation work by 2015.

Those plans had been outlined in the government's earlier consultation document 'Transforming Rehabilitation: a revolution in the way we manage offenders' (Ministry of Justice, 2013c). While few would argue with the principle of supporting rehabilitation, there was controversy over both how this could be achieved and which agencies might deliver it. The privatisation of probation was viewed as a key component of the government's "rehabilitation revolution", which was officially defined as the establishment of 'an offender management system that harnesses the innovation of the private and voluntary sectors, including options for using payment by results, to cut reoffending' (Ministry of Justice, 2010:3).

The Justice Secretary, fresh from implementing the Work Programme as employment minister, is leading a concerted push for payment-by-results in probation. The resources required to back successful bids for work currently undertaken by the Probation Service will inevitably bestow a significant advantage on those private companies that possess the infrastructure to support a bid. While efforts have been made to sugar the privatisation pill by emphasising the potential of charities and voluntary groups to bid, large multinationals like Serco, Sodexo and G4S - already enriching shareholders via privatised incarceration - may be ideally positioned to take over the bulk of probation's core public sector rehabilitative work. Revolutionary rhetoric notwithstanding, the privatisation of probation means the deprioritisation of rehabilitation and penal-welfare intervention.

What will change?

The pace of change is fast. It is anticipated that around 70 percent of the core work of the Probation Service will be put out to tender by 2015. Many existing public sector probation staff will be transferred to private companies. The 35 existing Probation Trusts will merge into 21 contract package areas. The Probation Service was responsible for supervising a total of some 227,339 people in September 2012. The private sector (which may include third sector providers) will assume responsibility for all those supervisees who have been assessed as presenting a low or medium risk. This includes both those sentenced to community penalties and those released from prison on licence. Those assessed as posing the highest risk - up to 50,000 people - will continue to be supervised by a rump public sector Probation Service.

This may result in the smaller public sector Probation Service being left to work with the most problematic and difficult to manage clients, which could in turn set up the public sector rump for further delegitimisation in the future. Supervision will also be extended to include short-term prisoners serving 12 months or less (a group that previously could not access supervision or support on release

from prison). This new supervision will be undertaken by the private sector according to the principle of payment-by-results.

Critics have argued that outsourcing probation work privileges profit and ideology at the expense of public safety. The Probation Association, speaking for the Trusts, has expressed concerns about the inevitable fragmentation of probation work and a potential increase in public risk. Napo, the probation union, estimates that almost 70,000 - out of a total of 140,000 medium and low-risk cases that will be moved outside the public sector - may be individuals convicted of violent and sexual offences, domestic violence, burglary, and robbery (Justice Unions' Parliamentary Group, 2013: 6). Pushing over two thirds of probation's challenging workload into untrained private sector hands is viewed as an inherently risky strategy that may compromise public protection. Given the prevalence of mental health problems and substance abuse within probation's client group, there is unease about the ability of private companies to conduct adequate risk assessments. There are also concerns focused on decreased accountability and the dilution of inter-agency cooperation. One frontline probation practitioner, blogging anonymously - understandably so, given the Justice Secretary's edict that probation staff who publicly challenge the outsourcing of their work on social media face disciplinary action - observed that the Bill laid the foundations for a "perfect omnishambles" (Brown, 2013).

Reform or deconstruction?

In addition to the evidence of probation's capacity to reduce reoffending and protect the public, the service also provided substantial fiscal value to taxpayers. The cost of a single place in prison for one year was £37,648 in 2011-12 (National Offender Management Service, 2012: 3). This sum would fund around nine community orders. In terms of staff numbers, the probation is relatively small. With just 16,466 full-time equivalent employees (Ministry of Justice, 2013a), the Probation Service is currently around one third of the size of the Prison Service, and a ninth of the size of the police. Nevertheless, the Probation Service supervises a total caseload of around three times the size of the current prison population in England and Wales. This serves to underline the scale of probation's achievement on relatively limited resources.

Out of the entire National Offender Management Service annual budget of £3.4 billion in 2012-13 (which includes the cost of imprisonment), less than a quarter was spent on probation (Comptroller and Auditor General, 2012: 5). The agency has not just achieved its targets, it was even awarded the British Quality Foundation's Gold Medal for Excellence - the first time a public sector organisation has won this prestigious honour. In short, probation already provides real value.

Probation: Reducing reoffending

Determined ministerial efforts have been made to hold probation responsible for high reoffending rates amongst short-term prisoners, but the reality is that, prior to the current changes, the Probation Service had no statutory responsibility for the supervision of anyone who was sentenced to twelve months or less in prison. The proven re-offending rate for those starting a court order (Community Order or Suspended Sentence Order) is 34.2 percent, which compares well with the 47.2 percent proven re-offending rate for those released from custody (Ministry of Justice 2013b: 8). In any event, it is arguable whether rates of reconviction should be the solitary gauge of success given their inadequacy in measuring the process of desistance.

Yet, despite evidence of probation's success in reducing reoffending compared with imprisonment in like-for-like cases, the government appears determined to consign the service to the margins of history. There is a sense of scrabbling around for statistics to validate a policy already decided upon, rather than letting the evidence dictate the formulation of that policy. This adds weight to the view that, despite official insistence that this decision is rooted in achieving great efficiency and better value for taxpayers, the shift to the private sector is primarily propelled by neoliberal dogma.

Who will profit from probation?

Probation may have a substantial history of embracing the rehabilitative ideal, but private companies focused on shareholder profit are not oblivious to the financial reality that it also amounts to a business worth some £820 million a year. The possibility of boosting shareholder profits by working with up to 190,000 people who are currently subject to supervision by public sector probation staff is potentially lucrative. The real imperative driving privatisation now is profit, which is now a logical imperative in the deindustrialised West. Do we really want to travel the American road of privatised probation? The evidence from the USA (Teague, 2011) suggests that the introduction of the profit motive into community justice does not enhance the rehabilitative process.

If the G4S Olympics security fiasco, which necessitated the army being called in to salvage the situation, is any indicator, then there must be concern for probation's future. The parliamentary Home Affairs committee's comments on G4S may strike a cautionary note for probation's privatised future:

The Government should not be in the business of rewarding failure with taxpayers' money. As private sector providers play an increasingly important role in the delivery of police and criminal justice services, it is vital that those commissioning services look at the track-records of prospective providers (Home Affairs Committee, 2012: para.40).

Neoliberalism and probation

How has this come to pass? Neoliberal governments of both the right and the centre left have propelled the economic and social policies of the UK towards a standpoint which emphasises the centrality of market processes. It is hardly surprising that this prevailing neoliberal orthodoxy has now informed the debate on probation (Teague, 2012a), just as it has other areas of the justice system and wider public policy (Whitehead and Crawshaw, 2012). While the linkage between neoliberal governments and crime control can be complex and even ambiguous, neoliberalism has arguably prioritised punitiveness, de-prioritised rehabilitation, and engaged in the pursuit of private profit at the expense of social justice within the carceral and probation systems. We already possess the most privatised prison system in Europe. The impending large scale privatisation of policing, which may encompass crime investigation, suspect detention and street-level patrols, confirms the scale of change. The privatisation of probation provides a further example of the neoliberal endorsement of the processes of deregulation and wholesale marketisation (Teague, 2012b).

Probation's cultural value base

Community sentences were first introduced in law over a century ago with the groundbreaking 1907 Probation of Offenders Act. The aim was unprecedented - to enable individuals who broke the law to be supervised in the community, whilst facilitating and supporting their rehabilitation. While for much of the twentieth century probation in the UK has operated as a relatively benevolent justice agency focused on changing rather than containing its clients, and facilitating their reintegration into society, contemporary probation may be a radically different agency to that constructed by the early rehabilitative pioneers. The service's shift away from a social work value base towards a culture of compliance and enforcement has been paralleled by a concomitant shift in the culture of probation.

The role of frontline probation practitioners has gradually been transformed under the aegis of neoliberal governments from that of rehabilitative agents who prioritise therapeutic intervention to agents who function in a marketised environment, preoccupied with the demonstration of their "effectiveness" by prioritising targets and meeting key performance indicators. Those individuals with whom the probation service worked began to be labelled as 'offenders' rather than 'clients'.

Probation's professional ethos has undergone upheaval as the service has embarked on a process of transformation from what had been, in essence, an organisation engaged in social work intervention to a more punitive, target-driven agency driven by the key imperative of law enforcement.

The changes in probation, then, can be viewed as part of the continuing transformation of our justice system into a competitive market place in which the attainment of financial return rather than social justice is a primary driver. It is hardly surprising that this process was likely to culminate in privatisation. Following decades of neoliberalism we can no longer view the growing privatisation of public sector justice services, including prisons, policing and now probation, as either tentative or experimental.

Conclusion

Probation undertakes invaluable work - albeit work that is frequently undervalued - which offers real benefits to society. When probation thrives, communities benefit, individuals are rehabilitated, crimes are prevented and potential victims are protected. This essential component of our civil society, with its long humanitarian tradition of protecting the wider society by reducing reoffending and supporting vulnerable people to rehabilitate themselves, faces being dismantled. In the final analysis, the privatisation of probation is all about choice. The cost of corporate tax avoidance by the 700 largest corporations in a single year has been estimated to be approximately £13 billion. This sum alone would fund the probation service for at least fifteen years. The government is poised to dispense with over a century's experience of rehabilitation in order to comply with an established economic dogma.

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