Unrealistic Politicians and Frustrated Probation Officers

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If you really want to change people who are born into poverty, and then have difficult family experiences, and draw them out of those, you have to see it as taking at least the period of a generation.

During the research for our book, *The Honest Politician’s Guide to Prisons and Probation* (King and Willmott 2022), Roger Hill, the longest serving director of probation, told us that this was the essential truth about probation work which politicians failed to acknowledge. He was frustrated at the hubris of successive ministers who were constantly restructuring the service, in their unrealistic quest for a ‘silver bullet’. They always wanted ‘to discard what existed and replace it with something utterly different ... it takes two years to dismantle what’s in place and a further two years to build the new arrangements, and in the meantime performance dips and delivery stagnates.’ Politicians need to realise that ‘there is no perfect structure’ and that instead we should ‘build on the strengths’ through a process of ‘fine tuning’.

We sought to interview the key players who had instigated, or coped with managing, the changes to both prisons and probation over the thirty years from 1990 to 2019. We gave them the opportunity to explain what they did and why in their own words. We interviewed all surviving Home Secretaries and later Secretaries of State for Justice, responsible for prisons and probation and many of their junior ministers, as well as directors and inspectors of services, all four surviving, but retired, Lord Chief Justices and three key report writers.
We have elsewhere provided brief accounts of the prison changes (King and Willmott, 2022a) and on judicial views on the changes to sentencing policy (King and Willmott 2022b). In this short paper we reflect on some of the changes in probation, as it moved from an essentially local to a centralized probation service uncomfortably linked to the prison service. During that time the nature of probation was changed from a helping profession, with a social work ethos, to an arm of law enforcement.

Kenneth Baker and Ken Clarke said little about the probation service apart from castigating what their successors had done to it. The trigger for change came from Michael Howard who told us: ‘it was hard enough (for the police) to find the perpetrators, if they found them the chances are the CPS would say there is not enough evidence to prosecute; if there was enough evidence the chances were they’d be acquitted; and if by some miracle they were convicted they’d probably be sent away with sixpence from the poor box.’ Around this time the public mood, and the political rhetoric, about crime and justice had been heightened in the wake of the killing of Jamie Bulger by two young children. Prime Minister, John Major declared that, ‘society needs to condemn a little more and understand a little less’. Tony Blair promised to be ‘tough on crime’ and ‘tough on the causes of crime’. Michael Howard had convinced himself that ‘probation was soft on crime’ and told the Conservative Party Conference that ‘Prison Works’. From here onwards successive Ministers, and the tabloid press, regarded the performance of prisons and probation in reducing reoffending as the benchmark against which success or failure must be measured - no matter how unrealistic their expectations actually were.

There were real fears that probation services were going to be dismantled. In 1995 Howard’s Green Paper on Strengthening Punishment in the Community proposed the removal of the requirement for offenders to consent to community orders, the abolition of the national training and social work qualification for probation officers, and the introduction of new national standards and performance indicators to increase accountability. It reversed the spirit of ‘principled sentencing’ advocated in Douglas Hurd’s 1988 Green Paper ‘Punishment, Custody and the Community’ which looked towards diverting offenders from custody for all but the most serious crimes. The CJ Act 1991, based on that Green Paper, was carried through Parliament by David Waddington, and had already involved what Peter Raynor described to us as ‘a bit of cosmetic rebranding’ of probation as punishment in the community. But it was Howard’s proposals that marked a sea change in the nature of the relationship between offenders and their probation officers and seriously undermined the professional status of the latter.

New Labour bought into the ‘What Works’ agenda, originally sponsored by Graham Smith the former Inspector of Probation, as a defence against Michael Howard’s proposals. Much money was made available to develop treatment programmes. Straw told us that Howard’s ‘decision to end professional training for probation officers was crazy’. He introduced a new Diploma in Probation but this was no longer linked to social work and constituted a lower entry qualification to what was becoming a less professional service.
But like Howard, Straw told us that probation was falling ‘into disrepute’, that rehabilitation was not ‘inconsistent with law enforcement’ and there was ‘no case for having a probation service’ if it was not effective at reducing reoffending. He wanted to bring probation closer to prisons despite their having very different structures, cultures and ways of working. His Criminal Justice and Court Services Act 2000 established for the first time a National Probation Service, with Eithne Wallis as its first Director. It reduced the 54 Probation Committees to 42 Probation Boards aligned with police boundaries, and required the police and probation services to work together to manage the risk of violent and sexual offenders through Multi-Agency Public Protection Arrangements (MAPPA). Sonia Flynn, interviewed in her position as Chief Probation Officer, told us ‘it changed our purpose from advise, assist and befriend to surveillance and protection’. For Roger Hill it marked the point at which ‘you start to be measured on your failure’.

David Blunkett succeeded Jack Straw as Home Secretary and the main effect upon probation on his watch was that the service was forced into a marriage of convenience with the prison service under the National Offender Management Service (NOMS). This was the brainchild of Patrick Carter and constituted one of the main planks of his report ‘Managing Offenders- Reducing Crime’ (Carter 2003). It was intended to provide end-to-end supervision of offenders before, during and after imprisonment. Like most forced marriages it was doomed to fail, in part because, as Carter told us ‘we didn’t capture the technology or that culturally the difference between the probation service and the prison service was too great’. Although Carter confessed to being an ‘amateur’, and one shouldn’t expect politicians with bees in their bonnets to have appropriate knowledge, it should not have been too difficult to understand the differences between the two services. Nevertheless, it took at least three reformulations of the original model of NOMs over the next dozen years, with Next Steps Agency status, which had originally been granted to the Prison Service by Ken Clarke, back in 1993 eventually passing to NOMS in 2008. Along the way the management of offenders, passed from probation officers in the community, to a system of regional managers, and then functional directors, before an even closer collaboration was imposed by Liz Truss as HM Prison and Probation Service, albeit without the independence conferred by Agency status. Truss’s insistence on direct ministerial control over many vital functions made Michael Spurr’s final years in charge of HMPPS needlessly difficult as he had to seek permission to run his own organization. No wonder people working in the field felt they had been ‘organised to death’ (Hansard 11.9.06).

But by then probation had been required to cope with yet more demands. David Hanson, the first prisons and probation minister under Jack Straw at the new Ministry of Justice in 2007, complained that ‘probation services were independent bodies that I didn’t have direct control over’. Under Straw’s supervision the Offender Management Act (OMA) 2007, which had been much debated and reviewed by David Blunkett, Charles Clarke, and John Reid, was eventually passed into law. The Act provided the mechanism for coercing reluctant Boards to move to Trust status and paved the way for the part privatisation of probation under Chris Grayling’s ill thought through policy of Transforming Rehabilitation.
Our directors of prisons and probation had learned to see the benefits of privatisation in dealing with an incalcitrant Prison Officers Association and were certainly not averse to introducing it into the probation service. But rather than creating many Community Rehabilitation Companies to supervise low risk offenders with an unworkable metric of payment by results, and leaving the national probation service to supervise high risk cases, they would have preferred to see one or two poorly performing probation areas put out to tender for the whole range of their services.

This disruptive experiment was brought to an inevitable end after the devastating Inspectorate Report by Glenys Stacey (2017) and all probation services were brought back into the public sector by David Gauke. Although Michael Spurr had managed to get some of those functions restored as his final act when forced out of office there remain problems yet to be solved in the current arrangements. Most importantly there needs to be primary legislation to secure a sustainable future for the prison and probation services. Ways must also be found to restore the broken links with courts and local communities from which probation developed. This would be easier to achieve, in our view, if there were two separate agencies rather than one covering both prisons and probation. And the new managerial emphasis on accountability in case of failure needs to give way to celebrating quiet successes as probation officers spend more time working with clients rather than sitting behind computers.

**References**


Howard, Michael (1995) *Strengthening Punishment in the Community* (full reference required)

Hurd, Douglas (1988) *Punishment, Custody and the Community* (full reference required)


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