

CRIMINAL JUSTICE IDENTITIES IN TRANSITION: THE CASE OF DEVOLVED PROBATION SERVICES IN ENGLAND AND WALES

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In 2014, the coalition government's Transforming Rehabilitation reforms led to the wholesale restructuring of probation services in England and Wales. As part of this reconfiguration of probation services, more than half of the employees of public sector Probation Trusts were transferred to 21 new Community Rehabilitation Companies (CRCs) set up to manage medium- and low-risk offenders and destined for sale in the criminal justice marketplace. This article presents the findings of an ethnographic study of the formation of one CRC, with a specific focus on the construction and negotiation of identities. We identify a number of key themes, prominent among which is 'liminality': i.e. the experience of being betwixt and between the old and the new, the public and the outsourced. Other themes discussed in the article include separation and loss, status anxiety, loyalty and trust, liberation and innovation.

Keywords: probation, criminal justice, identity, liminality, privatization, England and Wales

Introduction

This article contributes to a growing body of literature which is exploring the experiences of those most intimately involved in and affected by the outsourcing and privatization of criminal justice services and functions: namely, those workers who are employed to deliver them. Internationally, the role of the private sector in managing and delivering criminal justice services is not a new phenomenon and the criminal justice field is just one of a number of public/social policy fields which have increasingly been opened up to the market (c.f. [Hebson et al. 2003](#); [McDonough 2006](#); [Waring and Bishop 2011](#)). However, what this paper and others concerned with the transfer of labour in the contexts of policing ([Skinns 2011](#); [White 2014](#)), prisons ([Ludlow 2014](#)) and courts ([Ward 2015](#)) are beginning to illustrate is that, even in a national context, these transitions do not follow a uniform pattern or adhere to an accepted blueprint. Rather, there is a diverse set of 'privatization journeys' that can be taken and that need to be understood, given the prospect of further devolution of public sector responsibility for administering public (including criminal justice) services in England and Wales and beyond. We argue that, whilst there are some similarities between the experiences of workers subject to the involuntary transfer of their labour to private sector organizations within and between fields, there is also the potential for some important differences, related, e.g., to the particular occupational cultures and loyalties involved, to the speed of processes of transition and to the certainty of outcomes. How workers experience and manage such transitions, we contend, tells us a great deal about the

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prospects for retaining (formerly) public sector staff within fields that are increasingly being subject to private sector influence.

This paper examines these themes in relation to the case of the outsourcing of probation services in England and Wales and in particular focuses on the views and experiences of workers immediately in and around the point at which the existing public sector probation service was dissolved and the journey toward privatization commenced. The wholesale restructuring of probation services in England and Wales began with the publication of the current government's *Transforming Rehabilitation* (TR) reforms in September 2013 (Ministry of Justice 2013a; 2013b; Annison *et al.* 2014). The subsequent reconfiguration of probation services involved the transfer of *all* probation staff¹ from employment in public sector Probation Trusts to one of two new organizations: a public sector National Probation Service (with responsibility for work with high risk offenders) or a Community Rehabilitation Company (CRC), of which there are 21 in England and Wales, responsible for work with low- and medium-risk offenders. On 1 June 2014, just over half of the population of probation staff—more than 9,000 workers—joined CRCs under TUPE regulations (Ministry of Justice 2014a). CRCs were established as companies limited by shares to be owned initially by the Ministry of Justice but sold through a competitive process in late 2014/early 2015.

The probation case is unusual in that it involved a rather protracted period of transition and journeys for the new CRCs without specified destinations in terms of future ownership. Under the original reform plans, it was made clear that the identities of the new owners would not be known until December 2014 and that there was a potentially very diverse field of interested bidders from which the Ministry of Justice would ultimately choose. In the weeks before the successful bidders were announced, the Justice Secretary revealed that there were on average 4 competing for each of the 21 contract package areas; that at least eight bids involved either full or partial staff mutual involvement; and that more than half of the bids submitted included a charity, mutual or social enterprise (Ministry of Justice 2014b). Although rules of commercial sensitivity meant that there was limited information about precisely who was being considered, the Ministry of Justice was keen to stress that all bidders had had some involvement in delivering criminal justice services previously and provided an indication that the bidding process had generated a number of newly formed alliances between large multinational businesses and smaller UK-based charities. In contrast to the outsourcing of other discreet pieces of criminal justice work, the competitive tendering process in respect of CRCs was spread across England and Wales, thus making it difficult to accurately predict not only who would be responsible for delivering probation services in particular parts of the country, but also the size of the contract package area portfolios they would eventually develop. It was a process that was as challenging for probation staff—trying to comprehend who their future employers would be—as it was for bidders who could not develop medium and longer-term planning without knowing the location, size or number of CRC package areas they would be awarded.²

¹ Except those who took voluntary redundancy or left for other reasons. Probation Trusts, established by the 2007 Offender Management Act, were dissolved on 31 May 2014.

² On 29 October 2014, the Ministry of Justice published information about the 'preferred bidders' for each of the 21 CRCs (Ministry of Justice 2014c).

The research on which we draw in this article is rooted firmly in this period of great uncertainty for workers moving from public sector Probation Trusts to the newly established CRCs. More specifically, we explore the impacts of this transition on the identities of probation workers in one CRC, with whom we have been conducting ethnographic research since March 2014. In common with CRC staff throughout England and Wales, these workers learned of their allocation to the CRC in late 2013 and, from that point, were engaged in a process of transition from employment in a public sector Probation Trust to an organization whose future ownership was yet to be determined. This was a largely involuntary process: although staff were invited to express a preference for one of the two organizations, allocations were ultimately decided by senior Trust managers, in accordance with guidelines issued by the Ministry of Justice.

Setting the Scene

Extant research on the consequences of migration of workers from public to private sector employment for occupational identities has tended to centre on the fate of a public service ‘ethos’ (e.g. [Hebson *et al.* 2003](#)) or ‘habitus’ (e.g. [McDonough 2006](#)) among workers in a new environment. For example, [Hebson *et al.* \(2003\)](#) analyse their data from interviews with staff in an NHS Trust and a Local Authority (both engaged in public-private partnerships [PPPs]) with reference to the five principles of public service developed by [Pratchett and Wingfield \(1996\)](#): namely, accountability, bureaucratic behaviour, public interest, motivation and loyalty. [Waring and Bishop’s \(2011\)](#) research on the involuntary secondment of NHS clinicians to employment in Independent Sector Treatment Centres offers a more nuanced approach, starting from the assumption that clinicians in the United Kingdom are likely to regard not just the public sector but also the NHS as important sources of occupational identities. Similarly, [White’s \(2014\)](#) recent study of the outsourcing of key service areas by Lincolnshire Police considers the fate of both a ‘public service ethos’ and ‘deeply embedded police values’ among police staff in a range of operational contexts (2014: 1003). These latter studies, then, have recognized that the public sector may not be the only source of occupational identities for migrating workers, who may also have strong professional or organizational allegiances.

In the probation context, research explicitly addressing workers’ occupational identities is rare, but a number of recent studies suggest a general identification with a ‘probation ethos’ which incorporates aspects of the more general public service ethos found in other contexts. This probation ethos has been found to be quite resilient despite significant changes to the organization and content of probation work over a prolonged period. Until the implementation of the current reforms, probation has been a public sector occupation, built on a foundation of philanthropy in the 19th century and a longstanding professional association with social work ([Vanstone 2004](#)). Until the late 1990s, training for probation officers (POs) resulted in a qualification in social work, such that POs were social workers who specialized in practice with offenders and were therefore inclined to identify with the values and ethics associated with that profession (e.g. see [British Association of Social Workers 2012](#)). When in the mid-1990s the then Home Secretary, Michael Howard, declared his intention to sever probation from its social work roots, there was considerable professional opposition from within probation and a lively normative debate ensued in the academic literature centred on

‘probation values’ and the consequences of probation’s independence (including the future of probation training) (e.g. [James 1995](#); [Nellis 1995](#); see also [Gelsthorpe 2007](#)). The 1990s also saw probation opposition to electronic monitoring, the surveillant function of which was seen as incompatible with its traditional values. This opposition subsequently paved the way for the wholesale contracting out of electronic monitoring to private companies ([Nellis and Bungerfeldt 2013](#)). The challenge to probation’s professionalism has also been evident in other ways. It is significant that since 2002 probation service officers (PSOs) have outnumbered qualified POs. In the decade from 1998, the number of PSOs increased by 177 per cent, compared with a 7 per cent increase in POs ([Mills et al. 2010](#)). It has been claimed that as a result of these various developments, contemporary probation has been defined by the loss of roots, traditions and culture ([Mair and Burke 2012](#)) although this narrative of decline has been challenged ([Mawby and Worrall 2013](#)).

Indeed, the best evidence pertaining to the occupational identities of probation workers comes from a recent study by [Mawby and Worrall \(2013\)](#).³ This timely research revealed three ‘types’ of probation workers (‘lifers’, ‘second careerists’ and ‘offender managers’), distinguished principally by how they were trained and when they joined the service. ‘Lifers’ were those workers with only one, usually very long, career, and for whom probation might be described as a vocation; ‘second careerists’ arrived in probation from former careers in health, social work or elsewhere and ‘offender managers’, the most recent recruits, were predominantly young, pragmatic and adaptable. Despite their differences, however, people across all three categories were found to hold similar values, centred on ‘a belief in the capacity of the individual to change for the better’ (2013: 39). In this respect, the findings of Mawby and Worrall’s study echo those of [Deering \(2011\)](#), who similarly found that probation was continuing to attract staff with ‘traditional’ values, motivations and orientations to the work. More recently, reflecting on data from interviews with 116 probation workers in three Trusts, [Robinson et al. \(2014\)](#) argued that despite sustained and considerable turbulence in and around the probation service, there was evidence of an enduring ‘probation habitus’ among frontline workers, which they strove to maintain. This habitus, they argued, centred on interviewees’ perceptions of themselves and their colleagues as ‘the right kind of people’ for the job: i.e. people ‘with the right values, virtues, qualities and experiences’ rather than a particular set of technical skills (2014: 133).

Beyond this general finding of a relatively stable probation ethos or habitus, we know relatively little about the extent to which the specific organizational/regional context plays a role in the formation of workers’ identities. [Mawby and Worrall \(2013\)](#) argued that there was no monolithic ‘culture’ across probation, but rather that different geographical areas and different aspects of probation had different cultures, and the opportunity for individuals to ‘craft their jobs’ by experiencing a range of cultures was seen as a positive aspect of a probation career. This finding is consistent with the idea that the identities of probation workers may be, at least partly, derived from the particular culture associated with where they work—something which is accepted for

³ Mawby and Worrall conducted 60 interviews with a diverse and broadly representative range of former and current probation workers whose experiences in the service ranged from current posts as trainees to senior management roles, with lengths of service ranging from less than a year to 40 years.

other penal professionals such as prison officers, police officers and magistrates (e.g. Flood-Page and Mackie 1998; Liebling 2004) but under-researched in the probation context.

The Study

Transforming Rehabilitation represents perhaps the most significant challenge yet to established working practices within probation. Unsurprisingly, the reforms have been met with considerable opposition from within probation and its advocates, not least the National Association of Probation Officers (Napo) whose campaign to keep probation in the public sector culminated in a judicial challenge to the measures. Given both the context we have described and the findings of recent research on ‘worker migration’ from the public to the private sector, we began our research with a working hypothesis that the transfer of probation workers to CRCs could have significant implications for workers’ identities (cf Waring and Bishop 2011). Following informal discussions in late 2013 with senior managers in one Probation Trust (who had at that stage been appointed to manage the future CRC in the same geographical region), we began to plan a process-based ethnographic case study which would enable us to observe the ‘becoming’ of the CRC and hear the phenomenological accounts of people engaged in the transition from Trust to CRC. The incoming senior management team granted us full access to a wide range of meetings and briefings, as well as permission to approach and recruit (on a voluntary basis) research participants from every level within the organization. In this article, we draw upon data collected between March 2014 (when the study commenced, and some weeks prior to which Trust staff had learned of their allocation to either the National Probation Service [NPS] or CRC) and the end of October 2014 (when the preferred bidders were announced). It was in the middle of this period (1 June 2014) that the CRC was officially inaugurated, such that the research has been able to capture both the planning and anticipation, and the early months of operation of the CRC. We refer to these below as ‘Phase 1’ (March–May) and ‘Phase 2’ (June–October) of the fieldwork. In Phase 1, we conducted 30 individual interviews, and in Phase 2, we conducted 29 individual and focus group interviews with 40 people. In addition, we attended around 60 senior management meetings, staff briefings etc. across both phases. Our sampling strategy has included a longitudinal component, such that around half of those interviewed in Phase 2 were also interviewed in Phase 1. Our ‘tracker’ sample includes all members of the senior management team (SMT) and a range of people in practitioner, middle management and support roles.⁴

In the sections below, we explore the major themes which emerged from the first two phases of our research. In this article, we focus on the experiences of operational staff (i.e. POs, PSOs and middle managers), and we do not address in any detail strategic decision-making at senior management level. As relevant, we refer to the findings of other studies of the migration of public sector workers in other occupational fields.

⁴ Members of the research team used a variety of strategies to recruit participants to the study, including brief presentations at staff engagement events, the circulation to all staff of written information about the study and attendance at team meetings and e-mail invitations. In some cases, we identified and approached individuals in under-represented roles or locations to ensure balanced representation of staff, such that our sample included Senior Managers, Middle Managers, POs, Probation Service Officers, Programme Tutors, Case Administrators and Corporate Operations and Administrative Staff.

Liminality and insecurity

Sociologists and organizational scholars have long recognized the impacts of the sorts of rapid changes associated with late-modernity on ‘ontological insecurity’ in the workplace (e.g. Giddens 1990; 1991; Ashforth 2001). In a growing number of occupational fields, we have witnessed uncertainties and turbulence which have largely undone traditional assumptions about stable jobs and careers, particularly in areas of public administration, which have been subject to downsizing in economically austere times, as well as competition from the private sector for portions of its work. For probation staff transferring to CRCs, there has been uncertainty about future terms and conditions of employment; but also uncertainty about who future employers will be (and their potential palatability). CRC workers, then, have arguably joined the ranks of the ‘precarariat’ (Standing 2011; Fitzgibbon 2013), and it is unsurprising that insecurity emerged as a strong theme in our interviews. As one PO explained: ‘I think we feel less safe, I feel less safe. I feel like the rug could be pulled out from under me at any time’ (Phase 1 interview).

Insecurity in the CRC was however exacerbated by another feature of existence in and of the CRC, and that was its *liminal status*. The concept of ‘liminality’ was developed in the anthropological literature to refer to rites of passage in identity construction (e.g. the passage from childhood to adulthood or from girl to bride) (e.g. Van Gennep 1960). Turner (1967) developed the idea of liminality as an ‘interstructural’ state in which the person is ‘betwixt and between’ socially constructed identities. To the extent that liminality has been explored in organizational settings, it has tended to be deployed in relation to ambiguous or unstable roles, such as those occupied by temps or consultants. However, we contend that it is possible to conceive of the whole population of CRC staff as ‘liminars’ (Beech 2011), operating in a temporary domain ‘betwixt and between’ two worlds: that of the ‘old’ Trust (which has been dissolved and exists in the past) and the new ownership which had yet to be determined. It is this liminal state which distinguishes CRC staff from other public sector workers who have been ‘resetled’ in the private sector: CRC staff find themselves in a ‘halfway house’—a ‘holding tank’ as one middle manager put it—in which it is difficult to fully ‘settle’.

Liminality in the literature has a predominantly negative connotation: e.g. it is associated with ‘social invisibility’ and even ‘death’ in Turner’s work. However, Beech (2011) has argued that in organizational contexts, liminality does not have to be experienced in negative terms. This is an important observation, and it helps us to make sense of why, whilst many of those we interviewed felt anxious and disempowered, others were seemingly unfazed or even energized by their ‘liminal’ status. Indeed, some individuals used the liminal space in which they found themselves to pause to engage in serious reflection about their future careers, and in some cases, this led to a decision to leave the organization to embark on something new. These are arguably examples of *reflection* as one of three ‘liminal practices’ described by Beech (2011) which may be enacted by individuals in liminal states as part of an active, dialogic process of identity reconstruction. The other practices described by Beech are *experimentation* (whereby the liminar ‘tries out’ versions or aspects of the self) and *recognition* (whereby the liminar reacts to an identity that is projected onto them). In our research to date, we have seen and heard about examples of the former in the assignment of some staff to new roles within the CRC and their ‘trying on’ of these new roles. In a more general example,

the transfer of operational middle managers from the Trust to the CRC coincided with their ‘rebranding’ as ‘Local Delivery Leaders’ (colloquially ‘LiDLs’), with a view to developing this grade of staff as more autonomous *leaders* (of innovation and change) in contrast to their traditional role as *managers* of practitioner-grade staff. We return to the theme of *experimentation* below, in our discussion of ‘liberation and innovation’.

Separation and loss

For many of the workers in our case study, migration to the CRC did not involve physical relocation to a new building or office. Rather, Trust staff allocated to NPS and CRC continued to inhabit the ‘old’ estate and found themselves co-located in the same offices, albeit separated on different floors or different parts of the same buildings. For the majority, then, physical separation from former colleagues was only partial. However, this did not mean that the experience of the split was psychologically easy; nor that individuals did not feel loss on a significant scale. Indeed, in an early Phase 1 interview, before the split, a member of senior support staff explained that senior managers had anticipated a grieving process among staff and were making regular use of a model of bereavement to help staff⁵ make sense of their own ‘emotional journeys’ (Kübler-Ross 1969). In another Phase 1 interview, a long-serving PSO likened the splitting of the Probation Service to a divorce: ‘You don’t often get splits which don’t have immediate fallout; financial fallout as well as emotional fallout’.

As this quotation indicates, the split had ripple effects that extended beyond collegial relationships and the ‘family’ that had been the Trust. Thus, for example, in Phase 1 of the research, several of our participants talked about the pains of separation from service users with whom they had built good working relationships but who were now in the process of being transferred to the NPS due to their high risk status. Some (typically longer-serving workers in practitioner and middle manager roles) expressed anger about being coerced out of the public sector: in their accounts, they portrayed themselves as ‘cast out’ from a formerly happy relationship in an unwanted divorce: ‘I’ve fought against this politically [...] We’re public sector workers. That’s why we came into this’ (PO).

In Phase 2 of the research, having already recognized loss as a theme in our earlier interviews, we explicitly asked participants to tell us whether they felt a sense of loss following the split, and if so what that was about.⁶ Loss was felt powerfully at all levels in the organization, and similar themes arose in interviews with senior managers and other staff. Many interviewees mentioned the physical loss of former colleagues to the NPS (felt to be exacerbated by structural impediments to communication across the ‘interface’ between the two organizations) and/or the loss of human capital through voluntary redundancies, but there were also perceived losses connected with the separation from the public sector which was seen by many to threaten both a ‘probation ethos’ and the authority and legitimacy of the new CRC. We also noted a powerful theme of loss in relation to the local identity of the former organization, in which many had worked for long periods of time and were obviously very proud, as the following quotations illustrate:

Personally I think there’s a sense of loss that I’ve always identified myself as working for [X] Probation Trust, because I first started 20 years ago [and] probation has been good to me [...]. So it did feel

⁵ Not all staff who mentioned this in interview said they found this particularly helpful.

⁶ In the interest of balance, we also asked interviewees whether they felt anything had been gained.

strange that on that day we became CRC...I have to really think about this is where I belong now this is where my identity is, within the CRC (Middle manager)

I think the greatest sense of loss is identity, I think there is an identity crisis between the two, in terms of the CRC and the NPS. The whole idea of a [local name] organisation I think has been lost. I think the professional loss is seeping around everywhere, I think the loss of pride that we were always a pretty good Trust. So I think there is that sense of identity, maybe pride in their work and the reason to do the work. If we are getting sold to the lowest bidder it hardly makes you feel proud does it? (PSO)

Status anxiety

A very significant theme in our research, status anxiety was both closely connected to the above two themes (separation/loss and liminality/insecurity) and evident at both organizational and individual levels. In relation to the CRC as a nascent (and liminal) organization, many of our participants voiced concerns about ‘social invisibility’ (Turner 1967) and lack of recognition in the reconfigured criminal justice field, associated with being the ‘new kid on the block’, as one senior manager put it. Indeed, around half of our Phase 1 interviews included comments about the ‘problematic’ identity of the CRC, e.g. ‘To be honest, the phrase CRC is actually the worst thing, because what’s CRC? It doesn’t say anything’ (Probation Officer). More worrying than this, though, was the related prospect of rejection by established partners, particularly those statutory organizations (police, prisons, the courts) with which the Trust had built good working relationships and shared a reasonably equal footing. Several interviewees alluded to the idea of the NPS as ‘the elite’ organization, casting the CRC in the role of ‘second class’ probation. We heard several stories about the CRC not receiving invitations to multi-agency meetings, or being treated as an unnecessary presence alongside NPS representatives—incidents which caused significant hurt and upset. In reality, it seemed that the CRC and its staff were at once helped and hindered by a general lack of awareness about probation reforms in the wider criminal justice sphere, such that some organizations appeared to be entirely ignorant about the split, and/or the implications for inter-agency working.

CRC staff coped with these uncertainties about their status by various means, but principal among these was a conscious holding on to their ‘probation’ identities, not least in public fora. This was perhaps helped by the retention of existing e-mail addresses and the sharing of the ‘probation logo’ (a pattern of white and purple blocks) by both NPS and CRC, despite the creation of different insignia for the two organizations (cf. White 2014). Several interviewees gave examples of conversations or meetings with external organizations in which they consciously chose to describe themselves as being ‘from probation’, either to enable the other’s understanding or to avoid feelings of stigma associated with being (1) not NPS and (2) a (quasi-private) ‘company’. However, this did not entirely quell fears about future relationships, and the willingness of statutory bodies (formerly partners) to work and share information with a (potentially) private company.

These examples provide a bridge between the organizational- and individual-level experiences of status anxiety in the CRC, which were expressed by people in a variety of roles within the organization. However, status anxiety has been felt most keenly by POs:

namely, those practitioners who have gained a professional qualification. Among these workers—both recently qualified and experienced—we found the strongest fears about deskilling and the potential ‘death’ or redundancy of their role. POs talked about their potential redundancy in respect of several areas of work which had become NPS territory: principally, working with high risk offenders, working in the courts, writing court and parole reports. As one experienced PO explained:

I, rightly or wrongly, have taken it quite personally [...] Now, I have to remind myself: “I am qualified as a Probation Officer. That’s what I am. The fact that I work for a company that doesn’t deal with the things I used to deal with doesn’t mean I’m not capable of doing that, because I am”. I have to keep saying that.

Other interviewees who had very recently qualified as POs were equally frustrated and upset, having (in their view) now been relegated to PSO roles they had occupied for a number of years prior to putting themselves through a very tough training regime in order to experience a fuller range of functions—including work in courts and prisons and with high risk offenders. Several interviewees expressed concerns that the PO role would ultimately be reduced to ‘just signposting’ offenders to other services and resources, which for many was seen as a compromise too far from the relational work they had come into the service to undertake.

Loyalty and trust

In their research on probation workers’ identities, [Mawby and Worrall \(2013\)](#) explored the utility of [Hirschman’s \(1970\)](#) ‘exit, voice and loyalty’ model as a means of understanding the ways in which probation workers ‘manage their identities while negotiating routine work within a difficult operating climate’ (2013: 12). In Hirschman’s model, loyalty is a characteristic of employees who feel an attachment to the organization which acts as a psychological barrier to exit. In the context of the TR reforms, new challenges to the loyalties of probation workers have emerged. Senior managers in the CRC were well aware not only that many of their staff had expressed a preference to join the National Probation Service, but also that some of these continued to harbour resentment and/or anger having been allocated to the CRC. The senior management team responded to this by means of a strategy centred on the establishment of *confluence* (e.g. [Chreim 2002](#)). Confluence refers to the maintenance of continuity for organizational members during times of major change, designed to provide ‘anchors to the past that organizational participants rely on for a sense of self-consistency’ (2002: 119). From the earliest days of the CRC, this took the form of appealing, very explicitly, to a collective commitment to ‘probation values’ among staff, and seeking to involve people at all levels in the new organization in the articulation of its values. ‘Probation values’, then, were invoked to provide a bridge between the ‘old’ and the ‘new’ and to build the internal legitimacy of the CRC: i.e. its legitimacy in the eyes of organizational members ([Bottoms 2003](#)). This was regarded as an important step toward developing new attachments and loyalties to the organization; but it can also be understood as a process consistent with identities (among senior managers) focused on (among other things) the ‘guardianship’ of a public sector ethos, as found in [Waring and Bishop’s \(2011\)](#) research in the NHS context and [White’s \(2014\)](#) study of Lincolnshire police.

In an attempt to gain a better understanding of emerging loyalties, Phase 2 interviews included a question which required participants to rate their loyalty to the CRC on a simple Likert scale of 0–10. Responses varied widely (from 0 to 11), but more telling than raw scores on a scale were the explanations offered, which revealed a complex set of loyalties—to colleagues, to service users, to ‘doing the work’ and to the local brand—if not to the somewhat nebulous organization they found themselves in:

I’m not loyal to the CRC. I’m loyal to the profession. I’m loyal to the offenders. I’m loyal to the courts (PO).

I would say about a 5. I’m loyal to the team that I work with and to the staff members that I manage, because I can see the hard work they do. I can buy into the bigger operation and the bigger picture and I’ve got a lot of time for what they’re trying to do [...] But in terms of if someone offered me a job tomorrow that I thought would fit me then no, I’d be gone, so about a 5 (Middle manager).

Loyalty? I’ve always struggled with that. I would say I’m loyal to my profession [...] In terms of CRC, I’m not sure because I don’t know who the owners will be (PSO).

Loyalty, then, emerged as an important but complex issue, which for many could not be ‘settled’ in the present liminal space. But what was clear was that the loyalties of many had become detached from the organization in which they worked: former attachments and loyalties to the Trust had not transferred unproblematically to the CRC, rendering workers portable—and potentially open to exit—in the projected futures of many. On a number of occasions, practitioners implied a partial withdrawal of loyalty, with comments that they were no longer willing to ‘go the extra mile’ and more inclined to treat their job as a ‘9-5’ (though whether this translated into practice is unclear).

Our findings in respect of loyalty resonate quite powerfully with those of [Hebson *et al.* \(2003\)](#) in their study of PPPs in an NHS Trust and a Local Authority. In their study, loyalty was explored as one of five public service principles identified by [Pratchett and Wingfield \(1996\)](#) as workers moved, involuntarily, into private sector employment. They too found a complex situation characterized by continuing loyalty to the ‘old’ employer, coupled with a continuing commitment to the idea of ‘working in the public interest’ (i.e. in the interests of clients) and some resistance to identification with the new (private) employer. However, continuing loyalty to the old employer was mixed with some resentment about the perceived poor handling of the job transfer process and the psychological contract based on the idea of ‘a job for life’. In a similar vein, [Ludlow \(2014\)](#) found that among staff at HMP Birmingham, the negative experience of the transfer process was exacerbated by the paucity of information that staff could understand and the fact that senior managers found it difficult to provide effective leadership in that context. The result, Ludlow argues, was an erosion of cooperation, trust and commitment which had formerly been among the prison’s organizational and cultural strengths.

Perhaps not surprisingly, we found a similar erosion of trust between workers and senior managers during the transition process. Tasked with implementing an unwanted ‘reform’, members of the SMT found themselves between the proverbial rock and hard place. Whilst most of the wider staff group appeared to empathize with the difficult and conflicted positions senior managers found themselves in, others viewed them with suspicion and/or resentment. Thus, as the research progressed, we began to hear comments about a growing physical and social distance between senior managers and the

‘shop floor’, as well as some more openly hostile remarks pertaining to their failure to put up a fight against, or slow down, the change agenda:

I know some of the Trusts did make some sort of noises, but we don’t feel ours did. We feel ours really wanted to prove themselves and getting it through, and then at the end it was pushed through, not even properly, just so they can tick a box saying “Yes, all transferred, everything fine”, when it wasn’t (PO).

It is telling that in several of our interviews and interactions with practitioners, individuals appeared to be identifying on some level with service users, illustrating (we think) feelings of powerlessness in the change process, but also a sense that some shared of having been let down or disappointed by the organization’s leaders, both locally and nationally. Several times interviewees commented that the mantra ‘No decision about me, without me’, popular with ‘user voice’ groups (Department of Health 2012), had not been applied to them during the change process. This point was fleshed out in the following exchange from a focus group in Phase 2 of the research:

PSO: I think there’s a loss of faith in the organisation. I think there’s a lot of lip service to the idea of ‘doing with’ as opposed to ‘doing to’, and the whole consultation event [...] was just lip service to me, the whole consultation, and the fact that my managers, who I used to have a lot of respect for because they were in a job for the right reasons, for humanity and those sorts of things, are now businessmen and women. It’s a sour taste [...].

Interviewer: So, what would you like to see more or less of at senior management level? What do you think they should be doing?

PSO: Transparency, clarity and humanity. Giving a damn, really. It doesn’t seem like it, and I’m sure they’ve been busy and they’re trying to knit something together that’s going to be sold. It just feels like we’re in the dark.

Although this individual’s view of senior managers was not representative of staff across the CRC, it effectively illustrates a sense of powerlessness that was experienced to some degree by the majority in the involuntary transfer process, as well as the difficulties for senior managers to maintain ‘trustworthy’ identities in the eyes of their staff.

Liberation and innovation

Much of the content of this article has focused on negatives. Themes of loss, separation, status anxiety, insecurity and mistrust all point toward the pains of TR from the point of view of probation workers in the CRC. These pains were and continue to be very real, and we do not wish to underplay them. However, it is important to acknowledge the fact that, as our research has progressed, we have seen many glimpses of positives (real and potential) from the point of view of a process of identity reconstruction in the liminal space of the CRC.

At the heart of the government’s TR rhetoric is the idea of *innovation*. TR has been communicated from the top down as an opportunity for providers of probation services to liberate themselves from central control and develop creative, effective solutions to the problem of reoffending (Ministry of Justice 2013a; 2013b). Of all the elements of TR, this was the one which found most sympathy among the participants in our study, and it was at the centre of processes of *dis-identification* and *re-identification*, whereby organizational members are encouraged to leave behind some attributes of ‘old’ structures

and embrace something ‘new’ (Ashforth 2001; Chreim 2002). So, in Phase 1 of the research, several participants voiced hopes around being liberated from desktop computers, from cumbersome data management ‘systems’, and from National Standards which have governed probation work for the last 20 years (see also Robinson *et al.* 2014).

The reality was not quite as liberating as many had hoped, in that the data management systems remained in place and caseloads were higher than anticipated. Meanwhile, new governance structures replaced old ones, with performance targets specified in the CRCs contract with the Ministry of Justice taking on increasing importance during Phase 2 of the research, as the announcement of the preferred bidders in the TR competition came closer. Nonetheless, during Phase 2 of the research, we heard numerous examples of liminal practices of individual ‘experimentation’ (Beech 2011), exemplified in the following interview extracts:

I walked round the CRC floor. I was beginning to see the green shoots of the CRC coming through. I was beginning to get: ‘things aren’t so bad now’; to get ‘I am ready now to think about having that semi-specialist caseload because there is this partnership that we can link with’. I was beginning to see the liberation from high risk of harm [cases] from POs in particular. They are beginning to concentrate now on the opportunities for a refocus on rehabilitation, which is great. They are hearing messages about how we can do things differently and actually, I think, starting to believe that and get involved in sharing their ideas. (Senior manager)

I think to myself, “This guy needs me to do x, y and z. I’m going to do that.” I’m much more hands-on in a key worker type of role with clients...My priority has been more offender-focused than computer-focused. That’s very out of the box of where we were. (PO)

We heard many examples like these, but we also heard a few stories which brought to the surface important differences in the experience of (a degree of) ‘liberation’ among practitioners. As this experienced middle manager explained:

One of the things that excites me, I’m actually struggling to get the message across to my officers, is the flexibility that we now have. I understand people being resistant to change; you’ve only got to think of the client group we work with...we’re resistant to change, because change is scary. Change doesn’t scare me; change excites me, but I fully appreciate how my staff are scared of it, and it’s about levels of self-confidence; I’m convinced of this. I’m saying to people, “Why don’t you see your people in Tesco’s café?” It’s like panic, fear, “Why?” People really want their badge round their neck; they want a table between themselves and the offender; they want that offender sitting, in a waiting room, waiting for them, because all of those power things makes them feel comfortable...but that’s not what it’s about; it’s about, “Look, you’re a mess, and I really don’t think you want to be a mess; let’s fix it, shall we? Fix it together?” That approach; that’s what I came into probation for, and that’s never ever changed. Some people, I think they’re either scared that they can’t do that, without these other trappings of power around them.

We suspect that the above example captures Mawby and Worrall’s (2013) distinction between the more recently trained ‘offender managers’ and the longer-serving ‘lifers’ and ‘second careerists’ whose probation careers pre-date computers, National Standards and offender assessment instruments. Thus, the idea of *re-identification* with an organization in which more freedom to practice creatively might be possible was not necessarily a welcome prospect for everyone, but it was a powerful incentive to stick with the CRC for some, and a key motif in an evolving *CRC identity*, as the following remarks from a senior manager in Phase 2 of the research indicate:

Although it is similar to the identity that the [X] Probation Trust had, I think there are some things about it that are different that we have tried to build from the bottom up, and not necessarily just inherit a lot of stuff from the Trust [...] I think there is this sense of a new beginning and an opportunity to say, “Well, okay, that was the way we did things before; this is the way we’re going to do things now.” [...] The big job that lies ahead of us, which is why I say there’s a real point to the things that we’re doing at the moment, is to seek to retain the identity of that CRC irrespective of who a new owner might be.

Discussion

“We are all on a personal journey in a situation not of our choosing” (Senior Manager, addressing staff assigned to the CRC, 1 May 2014)

In this article, we have presented some of the findings of an ethnographic study of the formation of a CRC in England and Wales, as they relate to the construction and negotiation of identities. As a case study, it contributes to the intersecting literatures on the contracting out of functions and labour formerly situated in the public sector, on the formation and adaptation of criminal justice identities (and more specifically the identities of probation workers) and on experiences of organizational change and ‘ontological insecurity’ in the workplaces of late-modern societies. In relation to the former body of literature, the case of probation in England and Wales shares much in common with recent experiences of the contracting out of existing services in the policing and prisons contexts (e.g. [Ludlow 2014](#); [White 2014](#)). However, the case of probation is also somewhat distinct in that it has involved a different and more complex process than the purchase by private sector companies of existing contracts for provision. In fact, with the added feature of the establishment of new organizational structures, it arguably has more in common with the (UK) National Health Service case of involuntary secondment to employment in new Independent Sector Treatment Centres ([Waring and Bishop 2011](#)). Yet even here, the parallel goes only so far. What is novel about the probation case is the protracted nature of the change process, and the ‘interstructural’ state ([Turner 1967](#)) of the new CRCs in which migrating workers have found themselves in the first few months of their existence; organizational entities which have defied traditional public/private sector demarcations.

In this context, it is perhaps not surprising that one of the key themes to emerge from our research has been ‘liminality’, and the experience of being ‘betwixt and between’ the old and the new; the public and the ‘outsourced’. This was powerfully communicated in a discourse centred on ‘journeying’: individuals were repeatedly said to be on personal or emotional journeys through change: journeys that were still in train at the end of Phase 2 of our research. Indeed, liminality was found to be an attribute of the identities of both the staff (as individuals) *and* the organization/company as a new entity in the criminal justice field. Many of those we interviewed expressed concerns about the social invisibility of the CRC and the pressing need to establish a clear identity for the organization as something other than ‘second class probation’. Interestingly, we found that the continuity of local branding was important to many: although ‘probation’ no longer featured in the name of the organization they worked for, it remained alive in the language workers used to identify themselves to others, but similarly important was the continuation of the local label (i.e. regional name), which

was seen as communicating an important ‘reputational signal’ to other actors in the criminal justice field who were unaware of TR or its implications.

This finding is, we think, important in two ways. Firstly, it points to the role of the *local* in the identities of probation workers—and in the construction of a ‘probation ethos’—that has not been particularly prominent in previous research. Secondly, it perhaps marks out our case study area as atypical. As we have already noted, our research site is a ‘single contract package area’, which means that it has not been formed out of an amalgamation between two or more former Trusts (Ministry of Justice 2013b: 48).⁷ It is thus one of only 12 CRCs which has this (uncompromised) potential to preserve a former (local/regional) identity. We suspect (but cannot demonstrate empirically) that in our case, the regional identity of the former Trust was particularly well developed—not least because the majority of the staff we interviewed were local to the area and had spent their whole probation careers there, such that local probation identities were almost certainly tied up with personal biographies in many cases. But whilst our case study area may not be representative of other CRCs in this sense, our findings raise interesting questions about the extent to which past local (Trust) identities might offer a resource for the kind of ‘nostalgic reflection’ discussed by Mawby and Worrall (2013: 146–8) for workers in both the NPS and in CRCs. In the wider context of research on the negotiation of occupational identities in an era of contracting out, we would urge other researchers to consider the significance of this *local* dimension alongside broader considerations of a public service ethos and the specific values associated with particular professions.

As we have previously noted, Mawby and Worrall’s (2013) study provides a particularly useful baseline for our research, being the only explicit study of occupational identity in the British probation context, conducted very recently. A key conclusion of their research was that although probation tends to be understood as ‘dirty’ or ‘socially tainted’ work, probation workers manage to construct identities ‘that allow them to believe that they are still part of an “honourable profession”’ (Mawby and Worrall 2013: 2). In our research, we have found that a great deal of energy, particularly on the part of the senior management team, has been devoted to keeping that particular narrative ‘going’ (Giddens 1991; Waring and Bishop 2011), not least via the active construction of a set of ‘probation values’ to act as a bridge between the (positive) past and a desired future. It is, we think, worth noting a parallel here between the ‘guardianship’ role of senior managers that we have described, and the activities of the new national Probation Institute, which was established in March 2014 in the context of the TR reforms. In September 2014, the Institute published a set of core values and ethical principles which it developed in its first six months (Probation Institute 2014a).⁸ Intended as a statement of ‘what people can expect of probation staff in all sectors’ (Probation Institute 2014b), this can be seen as a clear attempt to establish confluence between the ‘old’ and ‘new’ contexts for probation work on a national scale, but above all as an explicit attempt to preserve a ‘probation ethos’ that probation workers located

⁷ Twelve of the original 35 Trusts are single contract package areas; the other 23 have been joined with up to 3 other (Trust) areas, creating 21 CRCs.

⁸ The Code includes eight items pertaining to: belief in the ability of people to change, the individual dignity of service users, the promotion of social justice and inclusion, the value of relationships in probation supervision, the rights and needs of victims, training and continuing professional development, the development of knowledge through research and professional integrity.

in CRCs can use to defend themselves and their practice in the face of ‘private sector values’ which have yet to make significant inroads into probation work. It is the view of many in the reconfigured field of probation that the encroachment of such values threatens to ‘taint’ probation in a new way—rendering it a profitmaking enterprise. As one Probation Officer said of probation work in a Phase 2 interview: ‘It’s not supposed to make a profit, is it?’

In their study of the occupational identities of NHS clinicians transferred to new private sector Treatment Centres, [Waring and Bishop \(2011\)](#) revealed three ‘emergent identities’, which they characterized respectively as ‘pioneers’ (who saw opportunities to improve service quality and/or develop themselves); ‘guardians’ (who sought to protect and replicate a public service ethos within the private sector) and the ‘marooned’ (who felt an enduring sense of loss, isolation and anxiety and longed to return to the NHS). We certainly recognize these characteristics across the population of workers in our case study—and as noted above, we have found a strong ‘guardian’ identity among the organization’s leaders—but in the liminal space of the CRC, they have appeared to us more as ‘floating’ than ‘fixed’ identities, pending concrete information about the future ownership of the organization. We contend that CRC staff, and CRCs, will continue to be liminars, and that the kinds of liminal practices described by [Beech \(2011\)](#) will continue for some time yet, as organizational members navigate through changing terrain and try to work out whether and how they fit in the reconfigured probation field. As Phase 2 of our research came to an end and we moved into Phase 3, we began to see clear evidence of both individual and collective liminal practices that were beginning to coalesce around the theme of ‘resilience’. The following extract from an interview with a middle manager, conducted at the end of September 2014, illustrates this well:

Interviewer: What three words would you use to capture the character of the CRC as it is at the moment, as it feels to you?

Respondent: I think we’ve shown a resilience, you know, that no matter how difficult this transition has been, in terms of that split, I feel like we’ve almost come through the other side relatively unscathed. You know, we’ve had problems along the way. I don’t think we’ve been doing the service users justice, I don’t think we’ve done our staff justice. I think they’ve been through a really rough time [...] So I think resilience. We have, relatively unscathed, come through the other side. I think if there are two words, a cautious optimism. A cautious optimism – I wouldn’t to say an optimism, a hopefulness, but I think there’s a cautious optimism that people are feeling okay, and perhaps looking intrigued about how things may pan out. But I also think there’s an anxiety, and there’s an anxiety currently, and I suppose the real anxiety at the moment is about who’s our employer going to be. I think that’s the next huge milestone that we’re going to be looking at as we move towards December.

It would be difficult to overstate the emotional cost of TR to the workers we have engaged in our study, and the respondent quoted above alludes to this. She also illustrates very powerfully the push and pull of both emotions and cognitions experienced by CRC staff, who are still engaged in a process of coming to terms with and trying to gain footholds of control over their tumultuous professional lives. We do recognize the emergence of a resilient identity among workers in the CRC, which is becoming more

explicit as the TR process moves forward. We also recognize the cautious optimism referred to in the quotation.

There are multiple challenges that confront the (d)evolving probation field in England and Wales: allowing new owners and their models of working time to bed in, adopting payment by results mechanisms and establishing ‘through the gate’ and post-sentence supervision structures introduced by the 2014 Offender Rehabilitation Act. But as this snapshot of the views of staff at the moment of separation indicates, a not insignificant tension that this specific privatization journey needs to grapple with is the ability of criminal justice working cultures to adapt, mutate and endure within the private sector. The anxiety we have found around the potential loss of previously negotiated and highly prized values and principles (an anxiety that outweighs the fear of moving into the private sector *per se*) is very real and remains widespread among CRC staff in our case study area at all levels. To avoid a legacy of TR for the (former) probation service being a significant loss of irreplaceable human capital—as contemporary liminars potentially choose to exit new organizational structures in which they struggle to fit—it is crucial that (business) operational objectives are blended successfully with a compelling and coherent narrative of service delivery that remains true to the core of a probation ethos. The assessments individuals make *reflexively* in terms of aspects of public sector working culture they wish (and are able) to pull through and *progressively* about what opportunities an evolving probation field offers them marks the start of that process.

Funding

This work was supported by the Economic and Social Research Council (award number ES/M000028/1).

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