

TIME AND THE PROBATION PRACTITIONER

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Abstract

'It is a question of extracting from time, ever more available moments and, from each moment, ever more useful forces.' (Foucault 1991 / 1975, P. 154)

Introduction

Perhaps most would agree that it is preferable to be a little too busy at work than to be bored. A sense of competence can arise from achieving a lot in a day whilst confidence can ebb when under-employed and time hangs heavily. Nevertheless, it might also be agreed that there are limits beyond which being busy, even very busy, spills over into something less productive and more disorientating. This balance regarding time, pace and quantity of tasks is difficult to achieve in the field of probation practice, an arena subject to strong political pressures and this article explores the forces which govern time in probation practice and the effects which the prevailing 'time culture' has on practitioners and the quality of their work. It is argued that time and pace in probation practice is currently governed by a performance culture which is characterised by the audit of cash-linked indicators and, whilst the importance of efficiency in practice is recognised, it is suggested that the unintended effect of too zealous a performance culture is an irrational haste and associated reductions in the effectiveness of practice. As Merrington and Stanley observe, performance management in probation has:

placed particular emphasis on timeliness of activities, rather than content or quality (p453).

Writing of the 'New National Probation Service,' Nellis (2002) drew attention to the importance of time in shaping probation practice commenting that:

the amount of time that professionals perceive themselves to have – the deadlines they have to meet – significantly shapes the way in which they approach their task (p71).

Taking an overview at the turn of the century he expressed concern regarding the pace of practice noting that:

anecdotal evidence suggests that probation staff, managers and basic grade workers alike, already feel an acute sense of time pressure (p61).

More recently, a number of research studies focussing on the experience of probation practitioners have indicated that the 'time pressure' which Nellis described has intensified significantly (Farrow 2004, Mair, Burke and Taylor 2006, Robinson and Burnett 2006, Petrillo 2007, Mehta 2008, Davies and Durrance 2008). Indeed, commentators warn that time scarcity and a sense of relentless haste threaten to displace other practice considerations. To give an example, Robinson and Burnett (2006) tracing the experience of probation staff in keeping abreast of the development of NOMS, found that a sense of time scarcity tended to relegate much updating of knowledge to the bottom (or, rather, off the end) of a very long list of things to do.

Almost all interviewees made some comment along these lines:

I'm always chasing my tail and I don't really have the time, you know (p322).

In this instance, updating knowledge and maintaining an awareness of key changes in the governance of the agency are displaced by the pace of daily activity. A concern explored here is that other necessary aspects of effective practice are also eroded by haste.

In order to place the discussion in context, a broad overview is taken of developments in the field of probation and the ways in which they have shaped how time is structured in practice. Following this, and focussing particularly on recent research findings, evidence is presented which illustrates the influence of these developments on time and practice but in more immediate and concrete ways. In conclusion, consideration is given to the implications of time scarcity for effective working relations, risk management, 'proper punishment' and the rehabilitation of offenders.

Who Knows Where the Time Goes?'

Now, here, you see, it takes all the running you can do, to keep in the same place. If you want to get somewhere else, you must run at least twice as fast as that! (Carroll L. 1970 /1871 p210).

Running ever faster and yet remaining stationary is a puzzling as well as a dispiriting thing. In order to make sense of this apparently paradoxical situation use is made of Nellis' (2005) identification of three criminal justice discourses which he argued are constitutive of the field of probation namely the 'punitive-repressive', the 'surveillant-managerial' and the 'rehabilitative-humanist' discourses (P 44). Here Nellis echoes Garland's (1996, 2001) account of the transformative effects of the rise of the neo-liberal approach to crime control, in both its managerialist and punitive forms, on the pre-existing penal welfarist paradigm. It is argued here that both punitive and managerialist approaches to probation practice require a quicker (indeed, an ever quickening) pace and, in addition, that an intensification of focus on risk management coupled with a drive to commercialise probation services have acted as

further accelerators. It is further argued that, together, these approaches have been forcefully operationalised through performance indicators which bind probation practice to their definition of effectiveness and timeliness through the stark and irresistible logic of the cash-link. It is finally suggested that penal-welfarism and the rehabilitative-humanistic paradigm, although marginalised and altered by the new discourses, have nevertheless remained active at the level of practice. Since this approach indicates a contrasting time-frame, difficulties are created for practitioners who must reconcile the requirements of 'target time' with a construction of time governed more by the dynamics of human interaction and change.

The Punitive-Repressive Discourse

Expressive punitiveness is described by Garland (2001) as one aspect of the neo-liberal approach to criminal justice which has in recent decades superseded and transformed the previous welfare hegemony. Severity in sentencing and a rising prison population embody a more morally directed, condemnatory criminal justice. In line with this, the confidence of the public and of the judiciary in probation has been seen as resting heavily on toughness demonstrated by the swift enforcement of sentences. In probation this discourse has been expressed forcefully in the reconstruction of the probation order as punishment in the community (Worrall and Hoy 2005, Farrant 2006) and in drives to tighten the enforcement of community sentences and licences. In this environment, practitioners are required to enforce within the time frames laid down in National Standards (Home Office 2007) and failures to do so are policed through performance management, the accompanying threat of a withdrawal of funding and the publication of national, local and individual performance details (Faulkner 2001). In day to day practice, this introduces an overriding imperative to complete the 'paperwork' stemming from breach in a timely way where timeliness is defined by the requirements of punishment enabled by National Standards and the performance management framework.

The Surveillant-Managerial Discourse

A second aspect of neo-liberal governmentality in criminal justice stems from the economics of small government and a loss of trust in experts and public servants. Transparency and value for taxpayers' money have increasingly been demanded of public services such as probation and these demands have been embodied in the installation of a performance framework at the heart of the organisation. In addition, this discourse has brought to bear a profound scepticism regarding the efficacy of rehabilitative work with offenders, tending to replace this with actuarially informed practices designed to contain offending and risk within acceptable limits. As Garland observes:

The same lowered ambition and retreat from positive social purposes reinforces the new meaning of imprisonment and probation both of which are increasingly represented as modalities of punishment and incapacitative control, rather than as transformative measures (2001 p120).

In this climate, probation has been required to demonstrate its 'economy, efficiency and effectiveness' (Power 1997 P. 10) through the achievement of numerically expressed 'output' targets such as the percentage of Initial Sentence Plans completed within the stated time limit or the proportion of offenders breached within a specified period following a failure to comply. The relevance of this for the pace of practice will be readily apparent. As Merrington and Stanley (2007) point out, regarding audit and the examination of performance:

much of the emphasis is on timeliness of practitioner actions, deriving from National Standards (p451).

Good practice is thus defined in terms of 'timeliness' which in turn is constructed with reference to the valuing of speed and numerically demonstrable productivity.

Expanding on these points, it is readily acknowledged that there are sound ethical and pragmatic arguments for organisational efficiency. The concerns explored here are firstly that undue time pressure has the unintended effect of impairing both efficiency and effectiveness and secondly that a fixation on in-house output targets detaches an organisation from its wider remit and rationale. Where managerial frameworks tend to espouse 'continuous improvement' (Wallis 2001 P. 8) and where performance is tied closely to speed the organisation is locked into a commitment to work ever-faster. However, where there are many equally pressing priorities and deadlines, targets can only be met by reducing quality. The ironic effect of this is that effectiveness, whilst ostensibly achieved by virtue of hitting a target, is actually reduced. The public are not protected for example nor are criminogenic needs addressed since the assessment is quick but superficial and the offender is not engaged in any real way in supervision. Although apparently self-evident and beyond question, the rationale of speed alone is in fact debatable.

Finally, it should be emphasised here that performance management frameworks, audit, league tables and the cash link are very powerful drivers of speed. As Power (1997) recognises:

Audit is never purely neutral in its operations (and it) inscribes the values it embodies in the heart of the organisation (p13).

It penetrates, through inspection and the electronic surveillance of practice, down to the level of the daily activities of the individual practitioner whilst at the same time setting the agenda for senior managers through the funding stream and the potential shaming inherent in league tables.

Prior to moving on to consider the influence of the residual rehabilitative-humanistic discourse on time in probation practice it should be noted that other time-drivers have become increasingly influential in recent years. Important amongst these is the growing centrality of risk assessment and management (Beck 1992, Nash 1999) which impacts on practice time through imperatives to record and to share information promptly and also through the increased depth and scope required in reports by the Parole Board. To this can be

added progress towards the commercialisation of practice following the introduction of contestability and commissioning in the Carter Report (2003). The current push towards Trust status, for example, confirms what Garland (2001) observed some years previously when he wrote that:

public sector agencies (prisons, probation, parole, the court system, etc.) are now being re-modelled in ways that emulate the values and working practices of private industry (p18).

With regard to time, it might be fair to say, the 'values and working practices of private industry' are straightforwardly unsympathetic to activities which do not appear to be directly related to hitting in-house productivity targets. These factors combine with the discourses of punishment and management to intensify the time environment to a point at which counterproductive effects are generated and these effects are amplified, in a rather different way, by the rehabilitative-humanistic discourse.

The Rehabilitative-Humanistic Discourse

So far, the focus has been on the challenges for the practitioner of relentless hurry. However, turning to the rehabilitative-humanistic discourse, a further challenge arises concerning the resolution of tension between different time-paradigms.

Although it has been argued that humanistic values and rehabilitation have been more or less abandoned in probation practice (Farrant 2006, Nellis 2005), a number of important contemporary practice initiatives might be said to embody a penal welfarism which has adapted to the neo-liberal climate. For example, the thrust of Evidence-Based Practice (Chapman and Hough 1998, McGuire 2002) is rehabilitative and treatment-oriented whilst at the same time lending itself to centralisation, a victim-centred ethos, the audit of referrals/completions, and resource management through 'the risk principle.' A more recent initiative still, the 'Seven Pathways' developed by NOMS (2006) on the basis of the Social Exclusion Unit Report into ex-prisoners (2002), directs practice towards traditional welfare needs (accommodation, education/training/employment, health, substance misuse, finance/benefits/ debt, children and families as well as attitudes/thinking/behaviour). Although clearly designed to be compatible with contestability and the commissioning of services relating to the several pathways, this approach to practice represents a long tradition of 'help' (Bottoms and McWilliams 1979). Finally, a third example of the resilience of rehabilitation is provided by the 'core correctional practice' of Dowden and Andrews (2004) which has been embraced by NOMS (2006 p39). With its encouragement of 'warm, open and enthusiastic relationships' (p39) and 'quality relationships' (p37) this represents an aspect of the Evidence-Based Approach which draws on the humanistic tradition of relational work which is now being re-emphasised following the evaluations of group interventions and the emergence of the key role of the offender manager in programme completion (Roberts 2004, Harper and Chitty 2004, Mills, Davies and Brooks 2007). Indeed, the welfare-oriented objectives of 'help' and 'change' are installed at the centre of

the NOMS Offender Management Model as the core objectives of tiers two and three respectively (p49).

In addition to these formal, institutional manifestations of the survival of the rehabilitative-humanistic discourse, it is argued that the essential dynamics of practice also require that practitioners draw on this discourse at the level of daily practice. That is, human interaction continues to constitute a key vehicle of probation practice whatever the setting in which it is delivered and human interaction, it is suggested, requires behaviours which draw strongly on a humanistic-rehabilitative ethos. Practitioners know from visceral, first hand experience that people respond negatively to punitive, detached and managerial approaches and they are supported very strongly in this by the available research (Rex 1999, Trotter 1999, Miller and Rollnick 2003, Dowden and Andrews 2004, NOMS 2006). Where these styles of interaction are used neither constructive 'punishment' nor genuine 'control' are achieved let alone 'help' or 'change' (NOMS 2006 p49). Research relating to effective practice through human interaction, on the other hand, underlines the value of listening, empathy and genuine communication.

If it is accepted that the rehabilitative-humanistic discourse remains active in practice then this discussion must consider the construction of time which it brings with it and Davies' (1994) concepts of 'clock' and 'process' time are helpful here. Although anxious to recognise how these two approaches to time complement each other in many work settings, she distinguishes between them by associating 'clock time' with the historical displacement of seasonal, diurnal and religious time rhythms by those of industrial production (Thompson 1967). Time here, as typified in Taylorist and, subsequently, Fordist systems, is determined by market dynamics with the speed of production being directly related to costs and competitiveness (Tomlinson 2007). As Davies (1994) points out, the logic of human relationship, by contrast, evokes a time governed partly by 'process' (p279) as opposed to one governed entirely by the clock. For example, the time required to listen to someone and to respond genuinely cannot be entirely predicted and scheduled in advance and a very brief interview necessarily imposes a detached, instrumental, unresponsive interaction on the participants. As Nellis (2001) points out, the same applies to the process of establishing working relations with community leaders and agencies. There are, therefore, tensions between 'clock time' and 'process time' since both support a rather different understanding of the term 'timeliness'. This is of particular importance to probation practice since effectiveness in achieving its objectives is dependent on a combination of 'clock time' efficiency and the thoughtfulness and relatedness associated with 'process time'. At present, it is suggested, the balance has tipped too far in favour of the clock and practitioners, therefore, constantly experience the force and logic of 'process time' and the claims it makes on them as they strive for effectiveness in practice whilst, at the same time, being acutely aware of the claims made on them by 'clock time' through the imperative to meet time-related targets. Not only are they rushed, they are also conflicted.

If these are some of the key forces driving the experience of time in probation practice, what are the detailed implications for practitioners?

Practice Concerns

Anecdotally, in conversation with practitioners and trainees, it is rarely long before the matter of time arises. Often it is described as a governing dimension of the work environment tending to render other considerations and questions subordinate. For example, interviewing, assessment, thinking and making links with other service providers retain an importance which is heavily qualified by the prevailing time constraints. Further to this, so many tasks carry an urgent status that prioritisation threatens to break down. Time pressure seems to penetrate and characterise the practice experience and presents as a reality which reconfigures other considerations in its own terms.

Turning to examples from recent research, this anecdotal impression would seem to be supported. For example, a participant in Farrow's study (2004) of morale and commitment amongst staff with over ten years of practice experience comments:

All of us are beside ourselves...it's just impossible...the targets are wholly unrealistic (p212).

The term 'beside ourselves' suggests both disorientation and anxiety whilst the use of the words 'impossible' and 'wholly unrealistic' convey a sense of despair. This practitioner points to 'the targets' or performance indicators as a source of the difficulty whilst another participant in Farrow's study is concerned about the relationship between pace, risk management and the possibility of making mistakes:

I work with high-risk offenders and I'm always chasing my tail. I don't have time for reflection...have I done things properly? (p212)

This practitioner also refers to manic, misdirected activity ('chasing my tail') and it might be reasonable to assume that her concern about whether things have been done properly relates to the suffering both for others and for herself arising out of an imagined Serious Further Offence (SFO). Reflection is simply precluded by shortage of time.

In other related comments made in the course of the same study participants traced the impact of time scarcity on their work with offenders:

We see people as a national standards requirement each week for five or 10 minutes... (p211).

I probably spend 80 per cent of my time with paperwork, 10 per cent with offenders (p212).

We're constantly being told what to do...and that we must not spend too much time on offender activity (p211).

A number of messages, it is suggested, are contained here: that time spent on 'offender activity' is noted and somehow suspect, that relations between staff tend to take on an

authoritarian tone, that offenders are perceived primarily in relation to the meeting of standards, and that the heart of the job lies in the 'paperwork' or screen-based tasks.

Turning to a different research study, Mair, Burke and Taylor (2006) examined the initial national survey of probation practitioners' experiences of the Offender Assessment System (OASys). Although they found many favourable views, they note that, amongst the difficulties OASys presented:

by far the most commonly mentioned problem (irrespective of which version was used) was that it was time-consuming to complete (p13).

Mehta (2008), describing the high quality assessments often produced by practitioners for Parole Board hearings, agrees regarding the positive contribution which OASys makes to these assessments but cautions that:

Detailed completion of OASys on a high risk offender can take the best part of a day (p191).

She goes on to point out the relationship between time and quality risk assessment:

It is true to say that comprehensive PARs (Parole Assessment Reports) are the result of many weeks of multi-agency consultation, thought and reflection. They cannot be achieved in the space of a few hours and they certainly cannot be churned out as simplistic pieces of work, as sometimes appears to be the expectation when Home POs are reminded of other competing cash linked targets they are required to meet (p139).

Good assessment is associated here with 'consultation, thought and reflection' and quality is linked proportionally with time invested. Again, the performance culture appears as a potential threat to quality through the creation of time scarcity which, in turn, invites the 'churning out' of 'simplistic' analyses.

Further evidence of the salience of time as an issue for practitioners is provided by Annison, Eadie and Knight (2008). Their three studies of those seeking to join the organisation, trainees and newly qualified officers found that what attracted practitioners to probation work was most often 'direct work with offenders' and 'bringing about positive change.' (P. 265) However, where the hopes of new entrants had been disappointed, reasons given often concerned time:

I am often frustrated by the lack of time I have to undertake my role and with the impact this has on the quality of my work (p265).

Whilst underlining Mehta's message about the relationship between time and quality, these comments also point towards the emotional impact of a 'lack of time' for practitioners.

Taking a final example, this time regarding learning, Davies and Durrance (2008) conducted focus groups with Trainee Probation Officers, Practice Development Assessors and University Tutors discussing their experience of the Diploma in Probation Studies. Participants observed that the course 'requires a lot in a short space of time' (p212). This, in turn, limited the 'reflection,' 'discussion,' 'absorption' and 'digestion' (p212) which they associated with learning. Trainee Probation Officers called for a 'breather' (p213) between modules suggesting that hectic activity restricts learning and might contribute to unchanging patterns of practice by contrast with the developmental patterns flowing from learning and growth.

This reference to recent studies is far from exhaustive. However, it is sufficient to establish time-poverty as a serious concern for practitioners and to begin to map its impact on a range of practice areas. What follows is a discussion of the implications of hurry for effective practice with particular reference to staff supervision and the nature of communication with offenders.

Time the Practitioner and Effective Practice

It can be argued that a forceful, demanding organisational time-framework has the capacity to support a sense of structure and of competence in the practitioner. Working in a setting which requires an optimum pace of work can be enabling and the task experienced as clear. However, the comments already quoted above suggest that an organisational time frame can also have unintended, disempowering consequences for practice. Taking as an example the relationship between practitioners and those who manage them, a contributor to Petrillo's (2007) research into female officers working with high risk offenders, comments on the quality of staff supervision:

It's punitive, it's target-focused, it's, it's primitive... Now, there's not really anyone who can talk you through the practical stuff, never mind the emotional stuff (p404).

Despite the continuation of excellent staff supervision in many locations, the danger dramatically signalled here is that performance indicators come to dominate staff supervision. As compliance is required of staff, as it is of offenders, they too begin to experience the organisation as punitive. This impression is likely to be reinforced by the monitoring and surveillance associated with performance management. For example, a practitioner's contact with management might most often be triggered by the appearance on the latter's screen of a signal indicating that a target has been missed. The sense that practice is continuously under detailed scrutiny, that 'the dust of events, actions, behaviour' (Foucault 1975 / 1991 p213) are caught in a web of observation and records, heightens anxiety. A related danger is that time spent developing high quality working relationships with partners, victims or offenders can become reformulated in a time-scarce organisation as unwanted 'perfectionism' whilst mechanistic but brief practice can be misinterpreted and encouraged as 'good enough'.

A further, more general, point can be made regarding the relationship between the practitioner and the time-pressured organisation and this concerns identification with the

work itself. As organisations become more wedded to interim target outputs, value-considerations related to making a substantive difference can recede. It becomes more likely that practitioners will experience a sense of dehumanisation and disenchantment. As Garland (2001) again neatly summarises:

social practices and institutions become more instrumentally effective, but at the same time they become less emotionally compelling or meaningful for their human agents (p179).

Turning to time culture and the working relationship with offenders, it is important not to neglect the value for probation practice of time boundaries. The unsentimental skills of making the most of limited time and conveying a sense of reasonable urgency play an important part in the professional relationship. However, speaking of family conferencing in the field of restorative justice, Nellis (2002) draws attention to an aspect of the working relationship which is impaired by haste:

the point is that for the initial event to have relational, emotional and moral significance to the participants – for them to be present to each other in meaningful ways – it seemingly needs to take place, conspicuously, outside the 'hurry culture' (Daly 1996) (p72).

Put another way, if time is scarce there is little choice for practitioners but to relate to those they supervise as objects. That is, in the language of Martin Buber (1947), to establish an 'I' – 'It' relationship in which the other person is relevant only with reference to the gaining of some other objective such as meeting the target for appointments kept within a certain time-frame. By contrast, an 'I' – 'You' contact prioritises the authenticity of the conversation and challenges both parties to interact in honest and authentic ways. Such contact, it is argued here, often requires time in interview and is necessary not only to engaging with patterns of offending but also to effective risk management. This is partly so since, if listened to carefully, the offender is more likely to engage in a meaningful exploration of their offending and to commit to action designed to reduce risk.

This point is strengthened when the dimension of diversity in practice is considered.

As Bhui (2008) compellingly argues, real engagement with diversity is not something which can be achieved through fleeting, standardised contacts and rapid recording:

Reflective time is critical to the development of anti-racist attitudes and practice (p96).

Probation practitioners, when working with victims, partner agencies and offenders, must constantly bring to bear an understanding of the influence of cultural considerations and the complex, dynamic operation of power and discrimination. Public protection and meaningful punishment as well as rehabilitation depend on their informed and thoughtful analyses, although these are likely casualties when temporal targets are stressed too strongly.

Taking time to think after interview and also whilst recording, planning, reviewing and report writing allows for an informed and alert sifting of the material gained with obvious benefits for the quality of assessment and planning. In relation to risk management and to reducing re-offending these are not superfluous activities but, combined with careful reading of records and close consultation with the staff of other agencies, are the practices most likely to contribute to the prevention of serious further offences.

Conclusion

It has been argued that the way time is constructed in an organisation governs practice in a fundamental way. In the instance of contemporary probation, an acute sense of hurry and time scarcity is driven by discourses of punishment, best value, risk management, and commercialisation encapsulated in a potent and penetrating performance culture. Whilst this can encourage focus, consistency and momentum it comes with an inbuilt dynamic of acceleration and presents serious obstacles to the achievement of core agency objectives including risk management, constructive enforcement, the valuing of diversity and work using human interaction to contribute to the rehabilitation of offenders.

In particular, it has been suggested that the practitioner operates at the crossroads where the rationales of 'clock time' (performance time) and 'process time' intersect (Davies 1994). Aware, on the one hand, of the pressing claims of timeliness in relation to performance indicators and, on the other, of the need for genuine working relationships and for thoughtfulness if substantive goals are to be met, the practitioner is charged with the task of reconciling these forces in their daily practice.

At present, the performance management framework is constructed in ways which render that reconciliation difficult and, often, impossible. An unfortunate chain of events is set in motion whereby, whilst internal targets are hit, nevertheless fleeting and distant contacts with offenders and other relevant parties are followed by thin assessment and planning with the result that the public is less safe, in any real sense, than it otherwise might be.

As Petrillo, referring to the practitioners who participated in her study, succinctly puts it:

reconciling the organizational focus on the achievement of quantifiable targets, with the actual personal, dynamic experience of the work is something that most of the women felt that the Probation Service struggled to satisfactorily achieve (2007 p404).

End Note

1. Who Knows Where the Time Goes' Sandy Denny / Fairport Convention (1969) Unhalfbricking Island Records.

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