

## **Probation, Technical Compliance and the 'Drowning' of Hope**

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## **Probation, Technical Compliance and the ‘Drowning’ of Hope**

### **Abstract**

Hope and optimism are central to processes of reform. However, in the context of the dramatic restructuring and reorganisations which the probation service in England and Wales has undergone in the past decade, there are questions over the extent to which such hopes are realisable. We seek to explore the of hope in transforming individuals lives away from engagement in crime. Via an analysis of interviews that were co-produced with people with experience of probation and undertaken with practitioners, those who have been supervised and those on ‘the edge’ of the criminal justice system, we find that peoples’ hopes can be categorised as deep or institutional hopes. We argue that many probationer’s and staff members’ ‘deep’ hopes were ‘drowned’ by bureaucratic, managerial and risk-focused cultures. There was evidence that probation staff wanted to instil a sense of hope in those that they supervise but that the current regime does not easily facilitate the creation and fulfilment of such hopes. We conclude by identifying ways in which probation could – given adequate resources and structures – become a more hopeful process for people under supervision.

Keywords: Probation supervision; Hope; Compliance, Co-production

### **Introduction**

Hope, efficacy, optimism and positive expectations are correlated with higher levels of psychological and physical well-being (Alarcon et al., 2013) and peoples’ ability to change (Bartholomew et al., 2021). As such, hope is important for people who have a desire to change following a period of punishment or criminalisation (Burnett and Maruna, 2004; Farrall et al., 2014). In this article we explore how people under probation supervision and people who have experience of working in probation conceptualise hope and identify some of the ways in which the Probation Service in England and Wales does and does not facilitate the pursuit and fulfilment of hope. The research was co-produced with people with experience of probation through interviews with people representing a wide range of experiences of probation. Our findings are situated in the context of macro-level structural change as well as recent meso-level policy change such as the now abandoned process of probation privatisation (known colloquially as TR). We explore what changes at those levels did to probation practice and culture in probation and the article develops knowledge on the effects of this on people under

probation supervision where research has, thus far, primarily focused on the experiences of staff (Millings et al., 2023; Robinson et al., 2015; Tidmarsh, 2020).

We start from the position that whilst probation is often understood – on a societal and political level – as lacking punitive rigour (Robinson and Ugwuodike, 2012) it brings many adverse impacts for those under supervision (Hayes, 2018). We suggest that the nature of probation work and its organisational structure inhibits the nurturing of hope by practitioners, and the achievement of hope by people under supervision by drowning out hope through modes of practice which prioritise technical over substantive compliance and – as such – institutional over transformational hopes. Our analysis has implications for the institutional legitimacy of probation in the eyes of people under supervision and staff and we conclude by reflecting on what a probation service that is designed to facilitate hope might look like. This article thus makes a contribution in three distinct ways: firstly, it sheds light on what people hope to get from probation, secondly we identify what gets in the way of probation supporting them to achieve those hopes and, thirdly, we explore what our research indicates needs to happen to make probation a more hopeful experience for people on probation.

### **Hope in criminal justice**

The most widely used definition of hope is that developed by Snyder (2002). Here, hope is defined as ‘the perceived capability to derive pathways to desired goals, and motivate oneself via agency thinking to use those pathways’ (Snyder, 2002:249). Hope thus requires people to have goals that are – to some extent – achievable. The theory suggests that hopes can be achieved if people are able to think their way to achieving their goals. In this way, hope is conceptualised as a ‘way of thinking’ (Snyder 2002:249). Hope is relevant to probation practice, because it ‘may be helpful in fostering adaptive rehabilitation processes through the use of intervention techniques aimed at creating clearer and more sustainable goals, increasing pathways thoughts, and instilling greater agency’ (Snyder et al., 2006).

Snyder’s work has had a significant influence on how we understand the impact of hope on peoples’ ability to change and achieve goals and it is particularly pertinent to the criminal justice context where people experience a lack of autonomy, control, and choice due to punishment-related constraints which are placed on them. People in prison or on probation can feel hopeless and disorientated about their present and future and punishment can create ‘goal interference’ (Snyder et al., 1991:571) by disrupting life course trajectories. A more nuanced definition of hope – albeit still cognitive in nature – is that people can only have hope if they have: (a) “a belief that an event  $p$  is possible,” (b) “the goal that  $p$  occurs,” and (c), “the belief

that *p*'s attainment is not (completely) within one's control" (Miceli & Castelfranchi 2015:161-3). In this way, we see how agency and hope are closely related. For one to have hope, one must feel like one has the agency to work towards and achieve those hopes. Considering the links between agency and desistance (Healy, 2013) we can further see the potential import of hope for people under probation supervision.

Whilst Snyder sees hope as something to which emotions are just a corollary, others see emotion as integral to hope. For example, Lazarus (1991:282) describes hope as a defense against negative emotions, as "an antidote to despair," as "a yearning for amelioration of a dreaded outcome," and as "fearing the worst but yearning for better." Hope and its opposite – hopelessness – are seen by TenHouten (2023) as being both underpinned by and the product of fifteen primary and secondary emotions. This points to the need to understand the emotions that people experience whilst under probation supervision and make connections between those emotions and what hope means for people under supervision.

In the context of punishment, hope has been shown to take on different forms (Seeds, 2022). Institutional hope is tied to institutional rules and contexts. Thus, in the context of prisons, institutional hope tends to centre on the hope that someone will successfully complete their sentence or peoples' hopes revolve around appealing a conviction or sentence. Institutional hope can also be understood as an adaptive strategy that allows people to cope with the challenges caused by imprisonment. In this way, appealing sentences and convictions can be understood as a 'key mechanism of psychological survival' (Crewe et al., 2020:126). Several studies have found that hope can act as a protective factor against the adverse effects of imprisonment (Wai-Ming Mak et al., 2021), mirroring the wider empirical literature on the role of hope in supporting higher levels of well-being. Deep hope, meanwhile, centres on transformation and involves moving away from previous ways of living:

[deep hope] is not invested in existing legal, medical or other paths. Rather, hope begins with the loss of the structures upon which daily life was organized and that previously gave life meaning. Here, hope's object and the means of reaching it are obscure. Sparked by the absence of an institutional apparatus, hope is a process of reorientation. (Seeds, 2022:241)

This can manifest as a process of 'renarration' in which people in the criminal justice system reconstruct their own identities and commit to being better people (Seeds, 2022). As such, Laursen (2023) found that for people serving short sentences hope is a process of 'betterment' rather than the 'end result of specific chances or a particular mode of

thinking'. Laursen's (2023) participants' hopes were 'deeply relational and spurred on by reflections on ethical selfhood and imagining different becoming'. There are clear links here with desistance research which emphasises the role of redemption scripts as manifestations of an agentic retelling of peoples' lives and, crucially, their future (Maruna, 2001). Elsewhere, Farrall et al. (2014) point to the changing nature of hope that people experienced as they desisted from offending. Thus, in relation to rehabilitation and change following a period of punishment, hope is significantly and negatively correlated to risk scores (Martin and Stermac, 2010) and having hope has been shown to be correlated with reduced reoffending (Burnett and Maruna, 2004) whilst people with a conviction for a sexual offence who have hope are more likely to desist (Farmer et al., 2015).

Hope has been incorporated into some models of criminal justice practice such as the Good Lives Model (GLM) (Ward and Brown, 2004) which focuses on developing peoples' 'goods' and creating a more hopeful outlook. GLM asks practitioners to practice in a way which 'adds to... personal functioning' rather than removes or manages problems (Ward et al., 2007). As such, arts-based projects delivered in custodial and community settings have been found to encourage decision-making and a sense of empowerment and hope because they create the conditions for people to understand that they could be of value to others, shape peoples' identities and look to the future (Atherton et al., 2022). In research with women in prison, hope was constructed as a belief in a better future and – crucially – was 'heavily dependent upon outside sources that would provide structure and discipline' demonstrating the potential for probation services – which in England and Wales supervise almost everyone who has spent time in prison – to provide strengths-based reentry programmes, mentorship and goal-setting strategies (Stearns et al., 2018:397). Whilst these strategies can support people to be more hopeful, they tend to be specialist interventions and so are not widespread: most people under probation supervision will not have access to them. On the other hand, almost everyone serving a community sanction or post-release licence experiences probation supervision and this represents a potentially valuable opportunity to instil hope with people on probation.

### **The changing nature of probation in England and Wales**

Probation in England and Wales has been subjected to almost constant change since the mid-1990s. Across these periods of tumult, two important overlapping and inter-related narratives are useful for understanding the analysis presented below. In the late-1980s and 1990s probation in England and Wales began to be subjected to the principles of new public management (NPM) that were emerging in other social policy fields (Newman, 2000). NPM

revolves around governing and structuring public services in a way that emphasises outputs and targets to demonstrate efficiency over effectiveness. Although the now abandoned attempt to privatise probation was ostensibly about freeing up the management of offenders from the bureaucratic public sector, the privately-run probation providers (CRCs) were just as managerial and bureaucratic as the Trusts that they replaced (HMI Probation, 2019; Tidmarsh, 2020). Although the post-TR project of unification is still ongoing, recurring inspection reports have shown that the Probation Service is not performing well, and that it is just as, if not more, bureaucratic as the CRCs and Trusts that came before (Tidmarsh, 2023).

Probation has developed an endemic tick-box culture. Part of the move towards a more bureaucratic service has involved probation becoming increasingly focused on risk management and public protection with research demonstrating evidence of managerialist cultures underpinned by a reliance on risk assessment tools and a focus on targets and key performance indicators (Kemshall, 2019; Phillips, 2011). It is not necessary to cover these developments in detail. Suffice to say, the Probation Service is – and has long been – as much about risk assessment and risk management as rehabilitation:

Rehabilitation no longer claims to be the overriding purpose of the [penal] system, or even of traditionally rehabilitative interventions such as probation...It is no longer viewed as a general all-purpose prescription, but is instead targeted at those individuals and groups most likely to make cost effective use of this expensive service.....it has become a (contingent) means, not an end in itself. (Garland, 1996:6)

Robinson and McNeill's (2008) distinction between different forms of compliance illustrates one of the effects of an increasingly managerial, risk-focused and bureaucratic system. *Technical compliance* means complying with the minimum set of requirements of their sentence (such as attending on time and not reoffending); *substantive compliance* is indicated by 'active engagement' in a sentence (Robinson and McNeill, 2008: 434). Research has suggested that probation has – in recent years at least – prioritised technical compliance over substantive compliance (Phillips, 2016), partly because it is more 'auditable' than substantive compliance (Robinson and McNeill, 2008). One effect of this has been a form of practice in which technical compliance and successful completions became the primary goal. In turn, demands for probation services to account for and measure their performance to demonstrate effectiveness have led to providers emphasising performance over quality and a form of rehabilitative work that is inscribed with risk (Robinson, 2008). Put simply, rehabilitation has ceased to be a

legitimate end for probation in and of itself, but is framed and operationalised primarily as a means of achieving public protection although it should be recognised that practitioners may understand their work in ways that may be at odds with policy (Robinson and McNeill, 2004).

These two narratives of probation policy change – bureaucratisation and risk – have been linked to changes in macro-level structures such as the onset of neo-liberal politics and a society characterised by ontological insecurity and concerns about risk which can be characterised by the conditions of late-modernity (Beck, 1992). Social drivers such as globalization, technological advances, and changing nature of media coverage contribute to the growing emphasis on managing risks associated with crime. As a result, governance modalities have evolved from reactive, welfare-oriented approaches to more risk-oriented models, often emphasizing security and surveillance. These changes have shaped criminal justice priorities, focusing on crime prevention, risk assessment, and the protection of vulnerable populations. Organisations within the criminal justice system have subsequently adjusted their strategies to respond to perceived threats, shifting away from rehabilitation towards security-driven agendas and punitive measures through a series of what Garland (1996) terms ‘adaptive strategies’. Although there is clearly scope for resistance to such changes (Cheliotis, 2006). Analyses suggest that when macro-level structures are changed such that the operation of an organisation changes, individual lives are impacted (Farrall et al, 2010, who argue that recent changes in the UK economy and social structures have changed the routes away from crime for some individuals, making desistance harder for some). In this article we explore how these macro-level changes shape peoples’ experiences of probation.

## **Methodology**

### *Creative and co-produced methods*

We undertook group interviews as we walked to the village of Hope in the Peak District. The aim was to use the village as both a conceptual and geographical focal point for our discussions that we hoped would enable free flowing conversations about hope in the context of probation. We aimed to create a research environment that was ‘flat’ in terms of power hierarchies but hilly in terms of terrain. By using walking methodologies we hoped to be able to focus on space, time, and place (O’Neill et al., 2021).

We set out to co-produce both the research design and the data with people who had experience of probation supervision as meaningfully as possible, since this would ground our research and analysis in the lived realities of probation supervision. Firstly, we talked to a group

of people who had previous experience of probation about how to design our data collection process in a way that would enable us to talk to people about hope in probation in meaningful ways. We ran four walking groups with 20 people during which we talked – in broad terms – about research, data collection, the concept of hope and how to ask questions in appropriate ways. These discussions were then used to inform our data collection instrument which was intended to comprise further walks to Hope with people on probation and probation staff. The people we spoke to on these walks were positive about the walking group method and encouraged us to pursue this as a method for our main data collection. Alas, we were not granted approval to do this by the HMPPS National Research Committee and so had to revert to more traditional - and less risky - interviews. Despite this setback, we sought to co-produce the research by including people who had experience of probation and thus recruited two researchers with lived experience to work on the team. Together, this means that our research is situated at the top end of the ‘co-production’ ladder (Think Local Act Personal, 2021) which details different forms of co-production from more shallow forms of co-production such as consultation to deeper and more meaningful means of collaboration such as co-design and co-delivered studies. In particular, we focused on ensuring that the research was co-designed (in that people with experience of probation helped design the study, based on their experiences) via our walking groups and then co-produced via shared decision-making and contributions to undertaking formal data collection. The researchers on the team with experience of probation had received relevant training as part of their employment by [ANONYMISED] and were paid for their work on the project.

### *Research Design and Sampling*

Our desire was to interview people with a range of insights into current and recent probation supervision. With this in mind, we drew on our collective networks to generate a sample of people who knew about probation from a range of perspectives. This produced a heterogeneous sample and a process which is not easy to summarise. We approached recovery forums and groups local to the cities in which we lived, and undertook interviews with former- and current service users (some of whom now worked in or on the edge of the criminal justice system), those who were employed in organisations (such as hostels for homeless people or those with histories of drug and alcohol use), and current and former probation staff. We also interviewed those associated with a penal reform charity and those who worked in organisations who campaigned for former-criminal justice system service users or were parliamentarians of some sort. From these initial contacts, we snow-balled towards other individuals (see Table 1). Naturally, this approach meant that our sample will not be generalisable to everyone with

experience of probation and our analysis needs to be understood in the context of the presence of a selection bias in our sample. Indeed, we are very likely to have recruited people who were drawn in by the concept of hope and are likely to have had strong views either way. Of the former practitioners that we interviewed, many had chosen to leave probation and work in allied roles, primarily as academics teaching trainee probation officers. These participants – in the main – left front-line work because of a sense of despondency about what they were able to achieve but remain committed to probation as both a profession and an institution (Ainslie and Riley, 2024). The current practitioners in our sample were probation officers or trainee probation officers with up to 40 years’ experience. Our service users group was drawn from a diverse pool: some participants had finished their periods of supervision very recently whilst others had last been on probation a decade earlier. People who were on probation at the time of the research were recruited via an organisation which represents the voices of people on probation and so were more likely to be engaged and interested in both their sentence as well as broader concerns about how probation should be organised and delivered. Despite these differences in timeframes, their views were broadly similar in terms of how probation should and could facilitate hope, although those who had been on probation in the 2000s were generally more positive about how probation had actually helped them than those with more recent experience. Participants working on the edge of criminal justice (such as drug workers), policymakers and other stakeholder groups were drawn to the project through an interest in the concept of hope and whether probation should be more focused on facilitating hope: they were able to provide a view on hope from a perspective that was slightly more removed than service users and practitioners.

All of the authors undertook the interviews, in some cases the two members of the research team with lived experience of the criminal justice system conducted interviews together. In one instance, two people were interviewed together (at their suggestion), and in another, a focus group was conducted with seven currently under supervision. Some of the interviews were conducted face to face, and others were conducted online.

**Table 1: Summary of Interviews by participant ‘group’**

People with experience of probation supervision	24
Former-probation staff	11
Current probation staff (or similar)	6

Working on the edge of the criminal justice system	2
Policy workers	5
Other stakeholders (e.g. politicians, sentencers)	4
<b>Total number of interviewees</b>	<b>52</b>

Since some people were, for example, former service users who now worked in the criminal justice system, the coding above is not as discrete as it may first appear. In terms of their genders, 15 were female and 37 were male. Three were of Asian background, four were Black British and the remainder were white British/European (n = 45). Our interviewees' ages ranged from their late-20s to their 60s. Our sample of 52 is therefore relatively large for qualitative research.

It is important to recognise the backgrounds of our research team because we will all have approached the research topic, participants and analysis from different perspectives. Two of us are female, and four male; four are white British, and one is British Asian and the other Black British. Two of us had lived experience of having been sentenced by the criminal justice system; one of us worked as a probation officer for 7 years and a probation officer trainer for 5, and another worked for several decades in a policy and research role for a criminal justice campaign group. Two of us are 'career academics' although one had worked in criminal justice prior to entering academia in 2009.

### *Analysis*

Our analytic strategy was not straightforward. It had been our intention to analyse the data thematically (Braun and Clarke, 2021), looking for similarities in feelings and experience between respondents and groups of respondents and exploring this in more detail in terms of 'what it meant' and 'what it *really* meant' in terms of the messages could be extracted. However, two things disrupted these plans. The first was that, via our design of the interview schedules (which was a group process, and which did not prioritize academic insight over lived experience), and via our stance of learning from each other's interviews and interviewing styles as the fieldwork progressed, our questioning and probing techniques encouraged our respondents to provide explanations of some of the causal processes we were seeking to uncover. This meant that shared understanding of processes which might be hard to articulate became all the easier for respondents who knew that 'their' interviewer(s) 'got' what they 'were on about' and because the interviewers were able to reflect back to the interviewees their

inherent understanding of such matters. In this way, our analysis is the result of co-production between researcher and participant as well as co-production within the research team itself.

The second way in which our initial plans were disrupted was due to the similarity of the experiences which were relayed to us. All of our respondents had similar over-arching experiences, be they the ones 'delivering', 'receiving' or 'witnessing' probation supervision. As such, our task as analysts was not so much about 'getting at' the 'hidden meaning behind' what was being told to us, and more about marshalling which themes and quotes to focus upon. This does not mean a) that we simply took their word for it, or to b) call into question the purposes of social scientific enquiry. We did not simply 'take their word for it'; we thought critically about what was being said to us and subjected that to scrutiny through discussions within and outside of the research team. Analysis, therefore involved each of us following the steps that are inherent to thematic analysis (familiarisation, coding and theme generation) and then discussing these as a group during a day-long, team-wide analysis day. This meant that the 'reviewing themes' stage of the process was carried out as a team to ensure that the stories we wanted our themes to tell were grounded in the data and – more importantly – were seen as trustworthy (Lincoln and Guba, 1985) from all team members' perspectives. For example, we reflected on how the stories we heard about how probation is unable to facilitate hope to help us understand how common such experiences might be and whether they reflected one particular group of participants or were common across our groups. Similarly, we reflected on the fact that whilst much of what was said chimed with our own wider understandings of how probation supervision 'worked' we did not want to fall into the trap of confirmation bias. One example of how we avoided this was through our researchers with lived experience of probation reflecting on how what they heard from probation practitioners was at odds with how they thought practitioners thought about probation. Through these examples we can see how the diverse nature of team added depth to the research process as well as ensured that the themes generated adhere to Lincoln and Guba's (1985) principle of trustworthiness by being credible, dependable and confirmable. In this way we were able to facilitate equitability of knowledge production because analysis was carried out in a truly collaborative manner. As such, we were able to 'be both "transcendent" (namely to see systemic functioning in its entirety, to stand above the politics and cultural dynamics at play) and situated (to be involved in dialogue and engagement with practitioner groups and understand the particularities and pressures of their day-to-day encounters)' (McAra, 2017:785). Finally, due to the diversity of our research team our data is the result not just of interviewee triangulation (which is common in much research) but also of interviewer/life-experience triangulation. This is important to recognise: had we found

that there were differences in terms of the substantive findings which was associated with previous life-experience, our findings would be open to question. Rather, we found ourselves confronted with data which spoke 'with one voice' to the concept of hope in probation.

We (the authors) do not 'own' these analyses; we have simply co-produced what many may have felt themselves but not been able to voice in any formal outlets. In this sense, we hope that our approach contributes to recent discussions on 'equitable epistemology' which seeks to incorporate 'academic inquiry and personal lived experiences, without hierarchical structure, to create inclusive and emancipatory ways of knowing' (Nichols et al, 2024:3). This is, of course, not the only way to co-produce research and many people have done studies in more structured ways (see Crawford, 2020 for an overview of some co-produced research studies in criminology) but we do feel that our approach allowed us to afford equal priority to the knowledge and experience that each of our team members brought to the table. In this sense, we were able to carry out a piece of research which enabled 'a two-way flow of knowledge between researchers and non-academics (not simply its 'transfer') and a normative concern with usefulness and action' (Crawford, 2020:507).

## **Findings**

### *Types of hope in probation*

Our interviews focused on what people on probation hope to get from probation. Here, we found evidence of three types of hope: hopelessness, institutional hopes and transformational hopes. By starting with hopelessness, we are reminded of the marginalised nature of people who find themselves on probation as well as the painful nature of penal supervision. For some, being on probation felt like an extension of previous experiences of authority and control with probation being seen as just another form of formal social control:

I had no hope at that time, I'll be quite honest with you. It was just basically the way I seen it was like they're just an authority figure over me. And at that time I was rebelling against any sort of authority. So, I just seen them as police and that was it... I didn't want to get anything out of it.

People also talked about how life was so bad that they just lacked any hope, and it seems that being on probation had little to do with this:

I was just a bad penny, really at the time. So I didn't really have much hopes or dreams.

I think a lot of them in the state that there are in, they don't hope to get anything.

The strongest theme, here however, was the importance of what Seeds (2022) describes as *institutional* hopes. Most participants' – both staff and people on probation – priorities revolved around getting to the end of the sentence or complying with minimum requirements. This type of hope rests upon the institutional logics of probation, suggesting a reliance on engagement and practice which is technical rather than substantive in nature (Robinson and McNeill, 2008):

Generally, it's hoping that I could attend these appointments, not get breached and it all go away.

Well, it can be so many things you know, for some people it's something simple ... [it] is just getting to the end of that period of being supervised or monitored.

Having these types of hopes for a community sentence led to engagement that seemed to be distant, technical and closed:

Interviewer: What did you hope to get out of [probation]?

Participant: I didn't. I just wanted to get it over and done with so I could carry on with my life. I didn't hope to get anything from it.

Moreover, this type of engagement seemed to be underpinned by a general distrust of the service:

The purpose for me was avoid getting recalled. That was simply to avoid any sort of trouble... I'd heard stories if you tell your probation if you get too angry or frustrated or whatever like that's enough for recall, if you use profanity towards your probation officer so you're probably gonna get recalled. So that was my intention was just cover my ass. Make sure I tick the boxes necessary for me to get off licence as possible.

We also identified examples of 'deep (transformational) hopes' (Seeds, 2022). For our participants this meant moving away from harmful lifestyles to something more 'normal':

Not to go to prison. To have a normal life, I said. Because I was like, yeah, I I really have an addiction with opiates and... So get clean. I wanted to change my life and I wanted to... Maybe I just wanted to be a normal 16-17 year-old girl, you know.

Within this broad group of transformational hopes we identified formless and concrete hopes (Farrall et al 2014). The first of these comprises hopes which begin 'with the loss of the

structures upon which daily life was organized and that previously gave life meaning' (Seeds, 2022:241); hopes which are about – in a general sense – leaving behind engagement in crime as a goal in and of itself:

It's about not ever going back to a situation where they're involved in the system again.

Participants talked about how these hopes had their roots in having become tired of previous ways of running their lives and leaving behind lives which were structured by forms of behaviour which were illegal and harmful. These hopes can often be nebulous and there is – naturally – an element of uncertainty about how to achieve those hopes but it 'is spurred by, and carries on despite, the absence of a known way forward' (Seeds, 2022:242). When we talked to people about what they hoped for their lives, we also heard about concrete and distinctly ordinary hopes:

But in the end, it's more of a hope of just living quite normally. You know, just quite uneventful lives. I've never, never really had anybody say they want to own a Caribbean island or a boat or anything like that. A lot of people would just like to have a job, would just like to have something where they don't feel really ashamed of the behaviour, of people telling them that they're ashamed of them. And seeing that it's not, you know, they're not extraordinary for most people.

So yeah, being a better parent was often one. Anybody who has a parent role or wants to be a parent role, or who is absented from their parent role from, you know from circumstances wants to be there. So in terms of that ability to be active and productive in their, you know, in their child's life to be a role model in some way, you know, to their child life was quite was quite a driver for most people.

These concrete hopes (Farrall et al 2014) are both tangible and 'common' and include things like getting married to a specific person, having a (2<sup>nd</sup>) child, getting a new job, going on holiday, or moving to a bigger home.

Fulfilling one's deep hopes involves traversing 'an unmapped terrain towards a future that is not known' (Seeds, 2022:241) and it is here where participants felt probation could play a role:

I think for me, a lot of the, for me, the majority of offending behaviour is the by-product of other things. And actually, when you deal with the other things, the offending behaviour tends to go away because again, it's the hope of a better life. But for most people in their eyes they're making a lot of rational choices about the

fact they can't. They can't. They can't hope for things that they see other people having day-to-day and that's even though that causes harm.

There was a general consensus amongst participants that hope should be a central part of probation practice and that probation should support people to traverse the terrain to a better future. In this sense, participants connected hope with a form of probation work which is about inspiring people to change; a model of practice which brings people on and enables them to adopt more positive, future oriented thinking that is central to having hope (Snyder, 2002):

I think there's just something about inspiring people... I think that's a really powerful narrative... hope for me is about instilling, in the person that you're supervising, that they are talented and skilled.

I think hope for somebody who's going through that process is knowing that, who they're confiding in or speaking to, is actually on the same page as them. They're definitely keen to help them progress and for them to feel that what they share is gonna translate into something.

Applying Miceli and Castelfranchi's (2015) tripartite definition of hope, we understand this as practice which increases peoples' belief that an event is possible and encourages people to create congruent goals. Our discussions about how probation can facilitate hope were often linked to person-centered ideals of probation practice that underpin what it means to be professional (Tidmarsh, 2022). For many participants, probation practice that instills deep hope which conveys a human centred message rather than, necessarily, practice which prioritises criminogenic risks and narrow sentencing aims of rehabilitation and change:

To me, it will always be about advise, assist and befriend. It's about being there for people being alongside them, valuing them, you know, thinking about them, holding them in mind... it is also about starting where they are and working through on a journey that is not just informed by the service user it's also informed by everything else we know about how things work in society and that notion of risk is still there.

Hope-based probation work was positioned as contrasting with the system's current emphasis on risk management and technical compliance which was summarised by one participant as 'basically to monitor risk and ensure compliance':

It's important obviously to monitor risk, but I think there should be a more supportive role in trying to promote growth and reintegration into society. It is to equip people the skills to access community services, universal services, to have a good network of

support so that when times get tough, they can access that and I think for me everything is about bolstering someone's identity. So how do you strengthen who they are, where they want to be so that they don't resort to committing offenses.

Participants felt that the emphasis on technical compliance was working to 'drown out' deep hopes and argued that people on probation would be better served by an organisation that was more focused on substantive forms of compliance. Indeed, the most prevalent theme across our data was that whilst probation *should* focus on supporting people to have and achieve transformative hopes the system is not set up to do this:

I was hoping that probation... would be able to understand that, provide the appropriate support and mechanisms to process those thoughts and feelings. That's what I was expecting it but it wasn't really the case unfortunately... that understanding I hoped for that at the beginning and then after a few sessions I kind of realized that that was never gonna happen and they're literally just there to put restrictions on me and to make sure that I don't do certain things. So my hope definitely went down to next to none to be honest.

#### *Drowning out hope*

Whilst participants felt that probation should be supporting people to achieve deep (transformational) hopes, there was a concern that probation fails to do this. We thus sought to understand what gets in the way of supporting people to achieve their hopes when on probation. The most common theme here was that of a tick-box culture that our participants experienced as a dehumanising process:

Probation is too focused on the tick box checks. Have they been where they're supposed to be? Yes, right. Okay, job done, next person. Not in terms of, is there any quality or is there any change been there. Have they turned up? Yes or no, right next one. So, it's pile them high and sell them cheap at the moment, which is a bit understandable, given the high caseloads.

Emphasising technical compliance and performance management over and above substantive engagement (Robinson and McNeill, 2008) and holistic approaches leads to what several participants described as 'drowning hopes'. Much of this was attributed to probation being part of a bureaucratic civil service that stifles innovation and local responsivity, reflecting findings from recent research in England and Wales (Millings et al., 2023).

Technical compliance – which has come to dominate practitioner understandings of compliance in recent years (Phillips, 2016) is particularly sensitive to quantitative measurement (Robinson and McNeill, 2008). Thus, emphasising technical compliance, is likely to appeal to a service that has to demonstrate effectiveness through managing risk and meeting targets (Phillips, 2016). Our analysis shows how tick box cultures and high workloads can create a service in which deep (transformational) hope becomes ever more difficult to focus on:

I guess you just feel time pressured and then you sort of skim over things that you wish you could delve deeper into.

This tick box culture and focus on technical compliance results – according to our participants – in a rigid service that fails to respond to peoples’ individual circumstances:

Probably probation supervision may hinder rehabilitation because actually people are getting their shit together and actually having to constantly go to probation stuff or inflexibility means that it's interfering with them trying to maintain a job or maintaining family contact or things like that. Because probation is an unwieldy tool that says, “Don't care if you've got a job interview, You see me at 10 o'clock tomorrow morning”... it can hinder people... and that can diminish their hope because they see probation as more of a cruel punishment, if you get what I mean, Because it's not just “*I've got to go, that's fine. But you seem to be purposely making it so; it doubly punishes me.*”

Much of this was seen by participants to be rooted in the service’s focus on risk. Risk management and desistance-focused practice are not mutually exclusive (Kemshall, 2021) but our participants suggested that – as it stands – the pendulum is currently positioned too far towards risk management. Importantly, this comes at the expense of desistance focused practice which emphasises building strengths and demonstrating a belief in peoples’ ability to change:

I think people particularly in a very risk averse culture, are really struggling to kind of reconcile that... in practice that focusing on the risk means controlling the shit out of people. So you can do the nice, fluffy, huggy rehabilitation work but not if risk is a factor and risk has to come first. I still don't think that people have really managed to marry that up.

The effect of this is practice which ‘dashes hopes’ rather than builds them:

I think we dash hopes all the time in terms of the way that we have to risk manage because... that's inherently against somebody's hope.

We see, here, then, examples of how the emphasis on risk serves to reduce practitioners' abilities to support people in believing that an event is possible (Miceli & Castelfranchi, 2015):

You may have somebody who's a very high risk, for example, domestic abuse perpetrator who's hoping to go and live back at home. Well, that's where that whole balancing act comes in about, in whose interests and those sorts of things.

This is not to say that probation should not be assessing and managing risk and that domestic violence perpetrators should be allowed to return 'home': that is central to what we understand probation to be. Rather, it serves to highlight the difficulties – inherent to probation practice – in trying to instil hope in people under supervision.

When discussing what gets in the way of peoples' hopes, and especially deep hopes we identified a common theme around fear. Whilst discussion of fear in probation tends to focus on processes of accountability which are experienced as blaming exercises rather than opportunities for learning (Mawby and Worrall, 2011; Petrillo and Bradley, 2022), our analysis points to cultures of fear and blame being seen to quash peoples' hopes. Practitioner participants felt this as a fear of making mistakes and, especially, serious further offences. As such, participants made direct links between the emphasis on risk, and a form of practice which limits peoples' hopes:

If I'm completely honest the whole risk thing, I think, and I don't blame probation practitioners themselves... I think they're scared of making any decisions. I think they're scared of following their gut. I think they're scared of following their intuitions because if anything goes wrong they become accountable and from the impression... I think there's kind of a culture of if you get something wrong and you make a mistake, you kind of hung out to dry.

For people on probation, fear manifested in relation to the risk of enforcement procedures such as recall and breach:

I think hope is impacted significantly by a person's level of fear. And if you take somebody on license, By the very nature of being on license. there is always that risk that even just being late to a probation appointment can land you back in prison. I would say that their levels of hope are impacted by the overwhelming level of fear of recall.

Again, then, we can see evidence of how probation practice and the way it operates decreases peoples' belief that an event is possible and – at the same time – increases the belief that the attainment of a goal is outside of one's control (Miceli & Castelfranchi, 2015).

A separate but related development in probation policy has been one of increasing punitiveness, largely driven by a perception amongst politicians that the legitimacy of probation rests on its ability to show that it is a viable alternative to prison by being a punishment in its own right (Robinson and Ugwudike, 2012). A probation service which is underpinned by the punitive principles of retribution and deterrence has to rely heavily on enforcement because this enables probation services to demonstrate efficacy. This emphasis on punishment was seen by our participants to manifest as reduced levels of trust between practitioners and people on probation:

Why would you trust somebody and share your hope with somebody? That's a really personal thing, hope isn't it? For somebody to say to you what they hope for means that they're putting a lot on the line. It is very difficult, particularly for a lot of people who may have experienced that and then not seeing things through, you know or not have professionals see things through with them.

Trust is central to the 'working alliance' (Sturm et al., 2022) and is considered key to perceptions of procedural justice and legitimacy (Fitzalan-Howard et al., 2023). It is perhaps little surprise that methods of practice which create fear and distrust do little to foster hope and hopefulness.

Probation alone cannot help people achieve their hopes (although many thought it should play an important role here) and probation services have long worked with a range of other services to support people on probation (Senior et al., 2016). Reflecting research on the impact of austerity on the provision of community services (Cummins, 2018; Jones et al., 2016), participants talked in depth about how services have disappeared in recent years:

So when I worked with people initially, we had a range of resources that I could draw upon. I had my pocket guide of agencies that I could go to and then the very competitive nature structurally around third sector organisations meant the most of them vanished or it was prescribed and then the targets came in and it became increasingly hard to offer people anything meaningful other than contact and human contact.

Our participants' experiences suggest that the combined effects of systems of punishment which emphasise targets, risk and punishment, high workloads and hollowed out community

services. This means that probation in England and Wales works to a framework whereby a focus on technical compliance and institutional hopes drowns out deep (transformational) hope rather than builds and nurtures it.

### *Creating a hopeful probation service?*

Although our findings paint a generally negative picture of probation our participants, discussed aspects of practice which they felt could make penal supervision a more hopeful process. Probation should be able to capitalise on the fact that for many people their probation practitioner might be the only person who is willing to listen to them and see beyond them as an 'offender':

For some of those individuals that come through the door..., their probation officer, their probation practitioner might be the only person they have in their life that listens to them, or that they can talk to, or that they kind of have any prominent feature in in an individual's life in a positive way.

Person-centred practice has long been considered key to probation practice although it has proven elusive in recent years (Sirdifield et al., 2024). Our participants consistently argued that such an approach can facilitate hope, especially, deep (transformational) hope because being person-centred is one way of demonstrating an interest in people and supporting people to 'follow dreams' or – in the words of (Miceli & Castelfranchi, 2015) – grow the belief that an event is possible:

You know we can't always follow dreams. But you know what? Occasionally you can or you can make steps towards that. We try and offer them as many opportunities as possible, so we will. We will introduce them to all sorts of activities, whether it be sports, crafts, different groups, because you just never know where somebody might just we have some DJ, you might have come across the right tracks, guys who are DJ's and work in the recovery community and we've got one chap here who. Turns out he's an amazing painter. And he's gonna follow his dream and his passion and will be very, very good at it

Remove the barriers. Like what are you into? All right. What have you been doing? Ohh. And then I'll tell me about that, you know, and be interested. Be curious.

This way of approaching probation practice can instil hope in two ways. Firstly, having hope requires one to feel like one has agency over their future: removing structural barriers may allow

people feel as though have more agency. Secondly, giving people opportunities to do different activities is likely to make people feel more like they have some control over their lives.

Treating 'people as people' was central to what participants felt should underpin hopeful probation practice. Participants suggested that doing so creates respect and validation and whilst participants who had been under probation supervision were generally negative about their experiences, those who had positive stories focused on this:

She actually sat and asked me what I wanted and how I could use those probation hours to do something... She *treated me like a human being* and she asked me what I wanted, what I was interested in.

Participants emphasised the importance of making more use of service user engagement across a number of levels. Firstly, participants discussed individual co-production whereby people have 'a choice in and control over the type of support they receive' (Weaver et al., 2019):

I think putting some kind of plan together. Understanding what someone's hopes and dreams are, identifying what that looks like. And then perhaps even going away and coming back with some possible options a bit like a mentor, I guess they play less of a mentor role but I think if they could do that, that would be really helpful or at least guide someone to who they can speak with.

Secondly, we heard about the importance of 'collective' forms of co-production (Weaver et al., 2019) where people with experience of probation are involved in the development of policy and delivery of practice:

It's just literally get to the end of order, "see you later". We don't want to hear it. We like to pretend we do. We don't really want to hear it. We don't do anything with it. So maybe more stuff like that. I think involving people with lived experience in probation in various ways and developing policies, that really would be the key for me.

Involving people with experience of probation in the design and delivery of community sentences falls under a broader theme from our analysis: delivering probation differently. This spans a number of potential ideas including changing the environments in which probation is delivered and doing more to deliver probation in multi-agency, hub-type environments (Albertson et al., 2020; Phillips et al., 2020;):

There's a hub that I've heard about in [city] for people to engage in a more holistic way in terms of things that are going to look at life stuff and it's those organisations

that, if they're given space to work alongside us, gives me hope that actually we can offer more to people. I've got hope because I've seen the positive steps in terms of taking a more psychologically informed approach to people, so we're recognising the importance of that and how to foster it.

Participants also felt that a more local service, cleaved from the civil service, would allow probation to return to the community from which it retreated in the 2000s (Bottoms, 2008):

What we did have was localism. You know, we were local. The first office I worked in was two converted council houses put together in the middle of one of the biggest estates. We were there, we were in and amongst it and I think that really had some advantage of knowing what was going on for, for, for people, so starting from where, where people were. So, you know, let's move out of these great big offices where you have to, you know, travel for goodness knows what... let's make it local again. Let's connect people. Let's connect workers back in with the community and the resources that are there.

In the same way that an over-emphasis on risk was seen to 'dash' peoples' hopes, participants were unanimous around the idea that there should be a stronger emphasis on identifying and building peoples' strengths over assessing and managing risks. Participants reflected the idea that strengths-based work is fundamental to probation practice that is more hopeful. Models of practice such as the Good Lives Model (Ward and Brown, 2004) were considered key to practice because of their focus on positive reinforcement (Mullins et al., 2024):

I think obviously understanding someone's strengths, making it strength based. Understand what they can/can't do and working with them on that basis would be really helpful.

Such an approach is underpinned by the close relationships between hope and agency and 'future-oriented' thinking that defines hope (Snyder, 2002). Our participants suggest that the Probation Service in England and Wales has a long way to go before it can truly call itself a 'strengths-based' service:

A risk assessment has to identify the strengths, as it were, the positives and someone's life. That could be the thing that, yeah, that that could be preventing offending [keeping] them on the straight and narrow. Is it meaningful, when their life that needs to be built up, not "let's just keep going on about your reoffending" and you know obviously there has to be, but I think you know the... the balance is not

right. I think it's more focused on that [risk] than the positives were. The positives need highlighting and lifting up and if you keep talking about the offending, you just keep the labelling that person.

The Probation Service is developing a new risk assessment tool called Assessment of Risks, Needs and Strengths (ARNS) (Hinds, 2023). This should go some way to achieving this, although caution is needed around seeing ARNS as a panacea if staff do not have manageable workloads and access to resources and services. As such, and perhaps unsurprisingly, reducing workloads and freeing up staff time so they can spend more time with people on probation was a prevalent theme amongst participants, especially practitioners:

I would get rid of a lot of paperwork. If. Yeah, I think that does get in the way. I think there's a lot more opportunity to just getting out of the of the offices and if there wasn't so many risk assessments and like things like you said, there's a lot of things in the way sometimes.

Returning to Miceli & Castelfranchi's (2015) definition of hope, these examples of how to make probation more hopeful hold the potential to increase the chances of people on probation having a goal, enhance someone's belief that achieving that goal is possible and reduce the sense that attainment of that goal is outside of one's control.

## **Discussion**

Our findings shed light on the concept of hope in probation. As far as we are aware, few studies have sought to use hope as a structuring concept for understanding experiences of probation. Using the concept of hope in this way has exposed a gap between what people want from probation and what probation currently delivers in England and Wales. These findings will be unsurprising to people who have come into contact with probation in recent years, especially in the context of Transforming Rehabilitation. However, it would be a mistake to solely blame TR for these problems: many of the barriers to hope are tied up with longer term trends such as reduced levels of discretion, managerialist cultures and punitive practices identified elsewhere in the academic literature (Tidmarsh, 2020).

This analysis points to potential ways in which changes at the macro-level filter down to people working in the service and impact on people on probation. Moreover, the findings show that whilst being in the criminal justice system represents, in many ways, a hopeless situation, people on probation people are able to have deep (transformational) hopes. By analysing what people hope for through existing thinking on the topic (Farrall et al., 2014; Seeds, 2022) and the

varying disaggregations of the way in which hope is conceptualized, our findings help us recognise that different types of hope exist and that an analysis of what people hope for sheds light on the way in which the system operates. Our analysis suggests that there is scope for probation to be more focused on facilitating deep (transformational) hopes which, in turn, can be understood as ‘a testament to the capacity of individuals to persevere and adapt, grow and change under extreme circumstances’ (Seeds, 2022:247) although there is scope for yet deeper understanding here. Moreover, our participants would suggest that encouraging deep hope is likely to lead to longer-term legal, substantive compliance rather than the technical compliance (Bottoms, 2001; Robinson and McNeill, 2008) that we suggest is linked with shorter-term, institutional hopes.

Politics influence policy and practice, and policies are far from abstract processes which have no or little impact on working cultures and peoples’ lives (Farrall, 2024; Farrall et al., 2010). Analysis such as that presented here starts to show how social and economic structures can significantly alter not just the policy environment but the lives and life-courses of individual citizens. As such, we can see how the wider ‘tough on crime’ discourse shifts the representations of people who have offended (Sloop, 1996) and changes to the legislative frameworks which influence sentencing (Farrall et al., 2016) change routine working practices. In turn, we see how policy frameworks and working contexts shape what can be imagined for services and service users and its impact on individuals’ hopes and dreams.

And what of the future for the Probation Service? It has become increasingly apparent that a number of national English & Welsh and UK institutions are under a great deal of economic and cultural stress. This includes schools, the National Health Service, local governments, transport systems, universities, small to medium private businesses, pensions and, most importantly in the context of this paper, the criminal justice system. This leads us to reflect on the changes within the criminal justice system first identified by Feeley and Simon (1992) who predicted an actuarial approach to rehabilitation and risk management. It was clear from our interviews that the criminal justice institution we examined (the probation service) was not ‘working’ for staff or service users. This was apparent not just from their interviews but from those who had witnessed probation from the edge of the criminal justice system. Questions have been raised about the extent to which macro theories of penal change play out in practice for people in the system (Cheliotis, 2006). By understanding the ways people experience these shifts towards managerial and punitive cultures when analysed through the lens of hope our analysis adds empirical depth to these more theoretical endeavours.

Against this backdrop, it might be worth posing the question “Have we reached the bottoming out of the drives towards punitiveness and a starting point of a new settlement with regards to criminal justice?”. That question may be slightly premature, but at some stage will need to be confronted. We would like to think that some of the above may contribute towards a re-imagining of what probation services try to achieve and the manner in which hopes are turned into realities for both staff and service users alike. As noted above, there has been an almost constant struggle for legitimacy in the context of probation with governments resorting to tough on crime rhetoric to legitimise a ‘liquid’ service (McNeill and Robinson, 2012; Robinson and Ugwudike, 2012). Our participants were strongly of the belief that probation can, and should, be legitimated in a way that makes for more hopeful experiences of supervision:

We have this perception in our country that people just want punishments. There’s the kind of view that were’ sort of Scandinavian, “its namby pamby, we will help people rehabilitate and support them and not just lock them up and beat them with sticks”. And the media and politicians sort of say, “No, we’re gonna be like them. We’re gonna beat people with sticks because that’s what the public wants, bring back the birch” I think if people could actually see that we’re building a service that actually gives a damn. That can actually work and actually make people feel valued, then I think that probably would give it more legitimacy.

There is scant research on public perception towards probation, although we do know that the public is not as punitive as the media and politicians make them out to be (Hough et al., 2009). We also know that – partly due to a lack of awareness – the ‘public’ tend to view probation as a soft and ineffective option (House of Commons Justice Committee, 2023; Marsh et al., 2019) although there is a desire for the criminal justice system to be rehabilitative, albeit sometimes only in relation to certain people (Maruna and King, 2004). Our participants believed that if the public knew more about what probation did and if probation was focused more on supporting people to have and achieve their hopes, then the public’s view of probation would change for the better. There is clearly work to do on persuading the public of this because public opinion is real even if it is not accurate (Maruna and King, 2004). At the moment, we can only hope that our participants’ beliefs turn out to be correct. At the very least, their collective experiences demonstrate both a need for a more hopeful probation service and may provide some optimism for how we might get there.

## **Conclusion**

Hope can provide people with opportunities to identify strengths, progress and increase understanding. As a concept, hope illuminates ‘the capacity of individuals to persevere and adapt, grow and change under extreme circumstances’ (Seeds, 2022:247). Our analysis suggests that probation in England and Wales is not currently in a position to support people to develop nor achieve their hopes although this will have been shaped by the selection bias present in our sample, as described above. That said, our participants had a wide range of views on how probation currently fails to facilitate hope as well as numerous examples of how probation has been able to support people with their hopes. On the other hand, there was a broad consensus in our sample that probation *should* be focused on hope as a driving force for change and there was a general view probation could do more in this respect although it is not possible to ascertain the extent to which this was driven by our sample. Several structural and cultural factors appear to impede hopeful probation practice and there was consensus amongst our participants that hopes are being drowned or dashed by practice which emphasises technical compliance which leads to a reliance on institutional hopes. Whilst this research has focused on probation in England and Wales it has wider relevance to probation practice and governance in other jurisdictions and other criminal justice institutions where social drivers such as globalisation, changes in technology and the media have led to managerial, punitive and risk-focused adaptations in criminal justice system. There is clearly scope for more work to be done in terms of understanding what people hope to get from probation and, more fundamentally, how the system can support those hopes in meaningful ways.

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