

Book Reviews

Pervasive Punishment: Making Sense of Mass Supervision¹

Fergus McNeill

Bingley, UK: Emerald Publishing, 2019

ISBN: 978-1-78756-466-4, 264 pages, paperback, £24.99

From my reading of *Pervasive Punishment*, I found that Fergus McNeill paints a thought-provoking and creative picture of how Probation supervision is used to organise, process and manage offenders. There are seven chapters in the book and each one contains a preamble to the main theme of the chapter in the form of a narrative involving four fictional characters. I enjoyed this novel approach to criminological storytelling. There's Joe, a middle-class offender whom I felt was an interesting choice; Pauline, his world-weary Probation Officer; and Norm, Pauline's line manager. Finally, there is Petra, who is cited to a lesser extent in the narrative and who convenes a self-help group.

I felt that the concept of supervision of offenders and its relationship to pervasive punishment was highlighted clearly in some parts of the book. Fergus McNeill focuses on media headlines that may often give the impression that some offenders 'get off' relatively lightly in court adjudications. However, as those of us working in Probation can agree, involvement in the criminal justice system has consequences, irrespective of social class.

McNeill's use of Joe, a qualified accountant, in the narrative accords with his reference in the book to a middle-class offender who arguably 'walks free from Court'. While judicial leniency might be perceived to be the case, the lived lives of offenders and the fall-out from being on a supervision order can have far-reaching consequences. McNeill invites us to take the perspective of the person who allegedly 'walks free', and in so doing we are given an idea of some of the challenges faced.

It is all too easy to sit in front of an offender during supervision and feel

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some level of complacency. However, on listening to the songs and the evident pain of those on supervision, I was reminded of the difficulties faced by offenders when attempting to carry on as normal with their lives. Remaining in your employment, avoiding exclusion in your community and continuing to sustain relationships are real challenges. The book also made me think again about my own interactions with offenders and the centrality of reflective practice in criminal justice social work.

McNeill's book examines supervision largely from a Scottish perspective, but he also draws on comparative analysis with the US and other parts of the UK. He very usefully charts the expansion of supervision, from a community-based sanction to forming part of a suspended prison sentence. Given the book's topic, pervasiveness of punishment that is meted out through Probation supervision, it clearly illustrates how supervision serves to widen the net of the intrusive reach of the criminal justice system.

The book shows how managerialism has made the transition from a corporate setting to influencing current models of social services. This represents a move away from the idea of social work as a client-focused service to one of programmed interventions, delivered during a period of supervision and informed by structured risk assessments. As we all use risk assessments to underpin and inform our reports and court proposals, I was dismayed at the perceived absence of social work values, but perhaps they were implied? I felt that this was best captured in Norm's comment to Pauline that her role is not to help Joe but to stop him reoffending, as if the two were mutually exclusive. Whatever happened to the care and control approach, a cornerstone for effective interventions with clients?

It is also very clear from McNeill's book that the wider use of automation over one-to-one interactions may have arisen as a result of the semi-privatisation of the Probation Services in the UK and resultant cost-cutting measures. Pauline's workload is the subject of oversight by her manager – not new in itself, as this represents an aspect of supervision, though the focus here is primarily on performance indicators. This approach could be seen as working to the detriment of the offender's progress and to the professional development of the worker, and demonstrates how managerialism can certainly contradict if not usurp social work values.

Overall, the book was a useful eye-opener that will jolt the reader out of any sense of complacency about supervision as a totally benign influence in the life of the offender. I did recognise some similarities but also differences with our own service in the Republic of Ireland. Anyone who has an interest in

social work not only as an area of applied social policy but in its relationship to the criminal justice system should read this book. In my opinion, although managerialism will inevitably continue to form part of organisational paradigms, it should never be allowed to replace the social work values of client dignity, empowerment and the use of reflective practice in effecting and supporting real and positive change.

Probation and Privatisation²

Philip Bean

Abingdon, UK: Routledge, 2018

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We in the Probation Board in Northern Ireland, and indeed colleagues in the Probation Service in the Republic of Ireland, have been somewhat protected from the significant developments of privatisation of the Probation Service in England and Wales. From the security of the 'status quo' of our own Probation structures, we have watched the challenges of privatisation 'across the water' since June 2014. The impact on ourselves has related primarily to the endeavours by Senior Probation Officers and Assistant Chief Probation Officers to navigate the differences between the National Probation Service and Community Rehabilitation Companies (CRCs) and to determine who in England and Wales should take responsibility for the transfer of particular cases from Northern Ireland. Since June 2014 we have moreover read and seen regular media reports and had sight of Inspectorate reports on the impact of privatisation on the management of offenders in England and Wales. A lot of the media coverage has been quite negative. On a personal note and closer to home, my daughter-in-law is currently a Probation Officer with the Wales CRC.

Philip Bean's well-paced account of privatisation opens quite dramatically in the summary introduction with the line: 'the effect was that the existing Probation Service prior to June 2014 lost control of all but 30,000 of the most high risk cases with the other 220,000 low to medium risk offenders being farmed out to private firms'.

The book lays out in a readable and easy style the history of privatisation and how the Probation Service and aspects of Probation work have been

² Reviewed by Mark Nicholson, Area Manager, Probation Board for Northern Ireland (email: mark.nicholson@pbni.gsi.gov.uk).

identified as having potential for the privatised market. This mirrored at times the philosophy of government policy alongside a long-standing vibrant voluntary sector/third sector involved in delivering interventions to offenders. This is particularly reflected in Northern Ireland but also in England and Wales in the provision of services covering accommodation and substance misuse. By default, the book was for me a mini-history of the Probation Service, with the Introductory chapter reflecting that history. This is important as it contextualises how the service arrived at the possibility and indeed the reality of privatisation.

From Chapter 2, the author charts the different phases of increased government involvement, interest and intrusion of both right and left political complexion, his starting point being 'the golden age' of Probation in the period from the 1960s to the uncertainty of the 1980s and 1990s. He includes the 1984 Statement of National Objectives (SNOP) that eventually would lead to the introduction of national standards of supervision across all Probation Service areas and the significant challenges of the 1991 Criminal Justice Act. The act highlighted the protection of the public as a key responsibility of Probation and introduced the new Combination Order combining curfew and electronic monitoring. I was a Probation Officer and latterly a Senior Probation Officer in England during the 1990s and recall vividly the challenges and impact of this act on a changing professional culture and landscape within Probation. The development of evidence-based assessment during this period reinforced this change.

In Chapter 3, the perspective and response of Probation as a professional body to the proposed privatisation agenda is detailed and documented. In Chapter 4, Chris Grayling, the then Justice Minister, becomes a central figure and the reforms from his influential 2013 White Paper *Transforming Rehabilitation* are documented.

Two further chapters detail privatisation work in a balanced way, without necessarily condemning privatisation, and indeed identify positive Inspectorate reports on work done by some CRCs, although this is counterbalanced by many more negative findings on the effectiveness and safe supervision of offenders by CRCs.

Chapter 6 – the final chapter, albeit probably not the final chapter of the journey of the privatisation of Probation – explores what might happen in the immediate future. The author, writing in July 2018, answers his own question: 'Is it [privatisation] working? The answer seems that it is not.' He concludes however that in the 21st century a healthy and effective Probation Service will

inevitably involve 'a mixture of the public and private', stating that a 'return to an integrated public service as of old may not be possible, but one where the public and private sectors work together may well be feasible' (p. 143).

Philip Bean's book is a welcome overview of what has clearly been a difficult and challenging period in the history and development of the Probation Service in England and Wales. In my view, the book provides a helpful, informative history of Probation in England and Wales and how privatisation has been a shadow over its development. It also offers constructive ideas as to how the future may look with an effective and safe private and public partnership in offender management.

As a footnote to this review, on 16 May 2019 the government announced that the supervision of all offenders in England and Wales from 2021 would be undertaken by the National Probation Service (NPS), which would be responsible for the supervision and management of 250,000 offenders in the community, in effect renationalising Probation work. The private sector will however still play a part through the provision of unpaid work and delivery of accredited programmes.

Is this a return to the former status quo? How ironic!

Reimagining Restorative Justice: Agency and Accountability in the Criminal Process³

David O'Mahony and Jonathan Doak

Oxford: Hart Publishing, 2017

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Restorative justice has increasingly become an area of interest to criminal justice policy-makers and practitioners. This awareness of restorative justice's potential contribution has led to increased efforts to integrate the practice into various stages of the criminal justice system in numerous countries. This integration has, in turn, led to a wide array of practices under the restorative justice umbrella.

A recognition of the nature of this expansion, and the reality that the 'underlying theory of restorative justice has not kept pace', is the key message that underpins the overall content of this book. The first two chapters set out the range of restorative justice interventions and theories currently being used within, and influencing practices across, a number of

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diverse criminal justice systems. These chapters provide a good overview of the current thinking and practice in restorative justice. They further serve to demonstrate the contested and, perhaps, at times contradictory nature of restorative justice theory and practice. Chapter 2 highlights the widely shared view among restorative justice theorists that the current criminal justice system is poorly equipped to provide restoration, representing almost entirely the public element of criminal harm. The argument follows that this focus on the public element cannot provide a space where personal and private harms can be addressed, necessitating the addition of a different modality, i.e. restorative justice. The chapter goes on to stress the real challenges of mapping restorative justice onto the current structures and practices of criminal justice systems.

In Chapter 3, the authors introduce the core of their argument, centred around the notion of empowerment and more specifically the concept of empowerment theory. The authors juxtapose the idea of being empowered with the lived reality, which is that many victims (and offenders) experience criminal justice as a disempowering process. Here, the authors trace the experience of double disempowerment that victims can experience: firstly, through being harmed by the criminal act and secondly, the harm experienced within the criminal justice system.

The authors contend that both the process and the outcomes of being involved in restorative justice should be empowering for parties involved. They explain that this should be done by placing the idea of agency at the heart of restorative justice processes and that outcomes should be underscored by the *accountability* produced. It is thought-provoking here that the authors recognise that accountability is something that is valued within current criminal justice practice. The difference, they argue, is that accountability within restorative justice is demonstrated by wrongdoers holding themselves to account for the harm caused rather than being held accountable by an external force. They articulate that agency is present when the parties involved have the capacity and space to have their voices heard and make choices about what happens for themselves.

Chapter 4 engages with two of the recurring issues that abound in restorative justice – victim participation and rights of the offender – through the agency–accountability framework. Connecting these strands, the authors stress the applicability of their framework in addressing power imbalances that exist between victims, offenders and the experts. They contend that it does so by recognising these imbalances, addressing them, crafting the

process and being attentive to outcomes. Here they draw on the value of empowerment theory to identify how individuals have been disadvantaged and how this assists in developing responses that address people's needs.

More specifically relating to the offender's position in a restorative intervention, this chapter illuminates what the offender can bring to the process. They stress that the offender's role needs to go beyond simple communication to a more nuanced dialogue that provides an avenue to take on accountability for the harm caused. The authors argue that the agency–accountability framework offers a clear justification for increasing offenders' sense of ownership within the process to enhance the quality of participation.

Having explored the evolution of restorative justice theory and a number of prominent themes in the field, the authors utilise the next three chapters to consider how agency and accountability occur in practice. This is a very ambitious undertaking, sweeping across an array of practice models and taking in how restorative justice is realised in a number of countries. The approach moves the reader from the periphery to the commonly used penal mediation in Europe through to 'mainstreamed' restorative justice. They begin this journey by examining practices they view as on the periphery that are 'partially restorative', i.e. those where a victim is not present. While not in any way condemning these practices, they adopt a cautious tone against the trend of using restorative justice with less serious offences. They also alert us to the potential for net widening when restorative justice is undertaken with persons at the edges of the criminal justice system.

The discussion of mediation in Europe raises the interesting point that conferencing has remained rather underdeveloped and remains on the outer reaches of criminal justice systems. This is important for the authors, who believe that a conferencing model is more able to deliver the core values of agency and accountability. In considering the conferencing model from the experiences of New Zealand and Northern Ireland, the authors draw on empirical evidence as to why a small percentage of conference participants felt unhappy at its conclusion. There was some correlation across studies between the unhappiness of victims and offenders in that they respectively felt little confidence in what had been agreed. They felt that the necessary supports had not been put in place to bring the agreed actions to fruition and closure. The authors stress the use of the agency–accountability framework as a mechanism not only to ensure that all parties have an investment in the process but also to identify the required actions.

This book's key strength is the depth and breadth of the overview it provides of restorative justice interventions alongside the challenges and debates that have emerged. In doing this, the authors' initial argument that the underlying theory of restorative justice has not kept pace with practice is well supported. Their response to this deficit is the agency-accountability framework underpinned by empowerment theory.

I think the book would have benefited from a deeper engagement with the concept of empowerment. A broader interrogation of this concept – in keeping with the thorough style displayed elsewhere in the text – might have strengthened the arguments as to its benefits in restorative justice. Further, I was left with some questions about the notion of empowerment and how far it can be integrated across a number of domains of people's lives – victims and offenders included. It would have been interesting to learn what empowerment theory tells us about the various forms of social, political and economic disempowerment experienced and how these are to be addressed, especially when they are compounded by victimisation through crime. The topic of community reintegration is also considered: what precisely is meant by this term, and ultimately how are communities to be empowered to support wrongdoers' re-entry?

I think this book will be beneficial to those engaged in the wider criminological discussion on restorative justice and to experienced practitioners as they engage at an opportune time with the challenging task of further embedding restorative justice within criminal justice systems.