

# The role of storylines in penal policy change

Harry Annison 

Southampton University, UK

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## Abstract

Bringing policy reform to fruition is an enterprise fraught with difficulty; penal policy is no different. This paper argues that the concept of ‘storylines’, developed within policy studies, is capable of generating valuable insights into the internal dynamics of penal policy change and particularly the ‘communicative miracle’ whereby policy participants sufficiently align to achieve reform. I utilize the part-privatization and part-marketization of probation services in England and Wales (‘Transforming Rehabilitation’) as a pertinent case study: a policy disaster foretold, but nonetheless inaugurated at breakneck speed. Drawing on interviews with policy makers, I demonstrate the means by which the ‘rehabilitation revolution’ storyline resolved (at least temporarily) the tensions and problems inherent in the reform project; without which it would have struggled to succeed. We see that storylines play at least three important roles for policy makers: they enable specific policies to ‘make sense’, to ‘fit’ in line with their pre-existing beliefs. They provide a sense of meaning, moral mission and self-legitimacy. And they deflect contestation. In closing, I consider the implications for scholars of penal policy change.

## Keywords

interpretive political analysis, neoliberalism, penal policy, policy studies, probation

## Introduction

This article has two central objectives: substantively, it represents an effort better to understand the internal policymaking dynamics that resulted in the

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### Corresponding author:

Harry Annison, Southampton Law School, Southampton University, Highfield, Southampton SO17 1BJ, UK.

Email: [H.Annison@soton.ac.uk](mailto:H.Annison@soton.ac.uk)

part-privatization and marketization of probation in England and Wales known as Transforming Rehabilitation; a policy disaster (Annison, 2019) with important implications for our understanding of the relationship between neoliberalism and penal policy (see for example Burke et al., 2019; Robinson et al., 2017). Theoretically, the article examines, and argues for, the interpretive policy studies notion of ‘storylines’ and its related conceptual apparatus as a valuable means by which to explain the *internal* dynamics of penal policymaking: the manner in which specific policy proposals are able to take hold, become compelling and (thereby) achieve dominance amongst policy makers.

I argue that the policy studies literature on the role of ‘storylines’, and in particular the work of Maarten Hajer (Hajer, 1997), holds value for scholars of penal policy and penal change. Building on existing insights on the internal dynamics of penal change, I identify a motivating *problematique*: that the successful bringing about of substantive (penal) policy change is a puzzle that requires explanation. I thus examine the internal role of storylines: their ability to act as a kind of ‘discursive cement’ (Hajer, 1997: 63) for ‘elite’ policy makers, enabling them both to act in common purpose and to negotiate their way through the muddle and disorder of politics.

Scholars have drawn on these methods to examine areas including environmental policy (Hajer, 1997), agency reform (Smullen, 2010), educational policy (Rickinson et al., 2019), organisational change (Gabriel, 2000) and the everyday life of government activity (Rhodes, 2011). But not, to date, penal policy.

This article has three component parts, which collectively elaborate this argument. First, I survey scholarly debates regarding the explanation of penal change. In order to focus the discussion, I concentrate in particular on debates regarding marketization and privatization in criminal justice: the rise of ‘neoliberalism’. We see that dominant approaches, including those operating within a political economy or social theory framework, have been subject to a range of perceptive criticisms regarding the need to examine more carefully the specific dynamics of particular localities and the relationship between structural factors and political agency therein.

Second, I set out the concept of the ‘storyline’ and its related conceptual apparatus. I locate it within the broader context of literature on the role of narratives for meaning-making. Specifically, I focus on the role of storylines in the *internal dynamics* of penal policy change. I argue that the storyline concept has an explanatory role, in that it is a causal element of substantive developments; and an explicatory role, in that it provides us with a means by which to deepen and nuance our understandings of a specific locality and the narratives in circulation in a particular era.

Third, I provide an account of a pertinent case study, the part-marketization and part-privatization of probation in England and Wales, known as ‘Transforming Rehabilitation’ (TR). It was a radical reform project requiring legislation and significant organizational change, driven through at breakneck speed. It required a range of key policy makers to be ‘on board’. It took place within a period of

coalition government which, at least in theory, made such dramatic reform programmes more difficult to achieve and requiring a greater degree of deliberation and consensus than is usually the case in the ‘elective dictatorship’ of England and Wales (Annison, 2018b). And it was a reform that was always fighting gravity: only five years later it has had to be entirely undone (Ministry of Justice, 2020). Thus, this development poses a political analysis question regarding how it came to be successfully delivered (on its own terms); and theoretically it provides a *prima facie* exemplary case study of the ongoing role that neoliberalism plays in penal change.

## Understanding penal policy change

This section surveys existing scholarship that interprets and explains penal change, in order to locate the present article. It gives priority to scholarship that has considered the relationship between neoliberalism and penal change, due to its relevance to the case study examined in this article and as a means to give focus to discussion of the wider array of approaches within the sociology of punishment field (Simon and Sparks, 2013).

Proponents of the ‘neoliberal penalty thesis’ (Lacey, 2013: 261) argue, in short, that in (some) nation states, there has been a decline of social democracy, a concomitant rise of neoliberalism and an associated intensification of the extent and severity of punishment. This historical account, and competing ways to understand and explain it, has become ‘one of the most influential ways in which scholars of punishment in society have tried to understand their field’ (Lacey, 2013: 267).

There has been considerable debate about the causal relationship between the political, social and cultural dynamics in play, and penal change in specific localities. Influential social theoretical accounts have included Wacquant’s argument that a powerful ruling class have sought to achieve neoliberal hegemony over recent decades, unleashing ‘a global firestorm in law and order’ (Wacquant, 2014, 2009), and Garland’s argument that the cultural and political shifts from the 1970s onwards led to a ‘culture of control’, involving the simultaneous promotion of a (neoliberal) criminology of the self and a (punitive) criminology of the other (Garland, 2001).

Political economy accounts have examined the relationship between factors including different forms of political structures, economic policies and electoral practices, and resulting levels of punishment (Cavadino and Dignan, 2006; Lacey, 2008). More recently this debate has been informed and enriched by consideration more centrally of the relationship between inequality, crime and punishment (Lacey et al., 2021).<sup>1</sup>

The neoliberal penalty thesis attracted significant criticism from its inception, with Tonry amongst others querying to what extent the kind of social theoretical and political economic approaches identified above were – and are – able to explain ‘why policies and practices change (or don’t) in particular places’ (Tonry, 2009: 378). Brown considered that terms such as neoliberalism tended to

be treated as ‘essentialized concepts, hollowed out of the very detail, character, dispute, idiosyncrasy, assumption and references that make (or made) them features of lived experience’ (Brown, 2005: 272).

A further important body of literature, given renewed impetus in part by the above concerns, examines the internal dynamics of penal change.<sup>2</sup> Such work has a longer history, a pertinent example being Paul Rock’s utilization of a symbolic interactionist approach to examine the development of victims policy in England and Wales (Rock, 1995, 2004). And indeed three decades ago Cohen wrote in *Visions of Social Control* of penal policy makers (‘people who produce this talk of change’) and their mounting of a ‘complex sociodrama for each other and their respective publics’ (Cohen, 1985: 158). More recent scholarship that focuses on what Tonry has termed ‘local explanations’ to penal policy trends<sup>3</sup> includes work examining the role of sub-national forces in penal decision making (for example comparative research on penal policy at state level in the USA: Barker, 2009); the efforts by criminal justice actors to shape the penal field (Page, 2011); the role of policy transfer in penal policy change (Jones and Newburn, 2007); and the nature and role of political culture and its relationship with penal change (Annison, 2015; Brangan, 2019).

Consistent themes in this literature include the recognition that there is no ‘single, unified, and actor-less state responsible for punishment’ (Rubin and Phelps, 2017: 422);<sup>4</sup> that policy change is informed and influenced by a range of actors operating within a number of different areas or ‘streams’ (Jones and Newburn, 2007); and that ‘a more thorough and illuminating understanding of penal politics is garnered when it is fully situated in its time and place, examining the ideological, political and cultural habitat in which policy develops.’ (Brangan, 2019: 795; see also Annison, 2015).

The approach set out, and utilised, in this article suggests one way of building upon these insights, by centring our focus on the internal dynamics of policy development at a micro level.<sup>5</sup> In particular, it treats *the successful bringing about of substantive (penal) policy change as a puzzle that requires explanation*. Politics is full of ‘muddle’ and ‘disorder’ (Newburn et al., 2018: 572). The ‘streams’ of policymaking tend to run at different speeds, and different rhythms (Jones and Newburn, 2007). Policy participants rely on different traditions, are motivated by different beliefs and (potentially) perceive themselves to face differing dilemmas (Annison, 2018 b). The bringing together, the alignment, of relevant policy participants (and their perceptions and goals), leading to substantive policy change can therefore – as we will see – be regarded as something of a ‘communicative miracle’ (Hajer, 1997: 45).

## **The role of storylines in penal policy change**

The terms ‘narratives’, ‘stories’ and ‘storylines’ have been developed and applied in a range of (complementary, but diverse) ways across policy studies (Miller, 2020).<sup>6</sup> At a broad level, the approach advocated for in this article is founded on the

insight that narratives manifest and inform both policy beliefs and political strategizing; in sum, the ‘lifeblood of politics’ (McBeth et al., 2007: 88). Here, I give primacy specifically to political scientist Maarten Hajer’s notion of ‘storylines’ (Hajer, 1997). Storylines are conceived by him as ‘a generative sort of narrative that allows actors to draw upon various discursive categories to give meaning to specific physical or social phenomena’ (Hajer, 1997: 56). Storylines play the essential role of suggesting – and if successful, providing – a coherent unity in the face of the ‘bewildering variety of separate discursive component parts’ that swirl around complex social problems (Hajer, 1997).

Allied to storylines is the related role of ‘emblematic issues’; problems that are cast as ‘*emblematic* for a bigger “problematique”’ (Hajer, 1997: 65). In the criminal justice field, one could look to particular child murders in the 1990s as playing such a role, both in England and Wales (Green, 2008) and the United States of America (Simon, 1998).

Storylines are generative in that they inform action, they undergird agency. And a crucial element of a successful storyline, that relates to this, is their ability to facilitate and underpin ‘discourse coalitions’ (Hajer, 1997). This refers to the ‘communicative miracle’ (Hajer, 1997: 45) whereby a shared (and sufficiently capacious) narrative enables a range of political actors, with their diverse perceptions and policy goals, to align and thereby for significant policy activity to flow from this.

An emergent discourse coalition, a particular framing of issues and responses, ‘stabilises a political space by means of a dominant narrative’ (Gottweis, 2002: 446–447). This matters, and has substantive effects on the nature, pace and likely success of policy change, because ‘policymaking is a fundamentally unstable and conflict-ridden operation’ (Gottweis, 2002: 447). Storylines, in sum, provide a simplified and *compelling* path for actors through the messy thickets of complexity, delay, diverse views and political contestation.

My central claim here is that, in the context of the internal dynamics of penal policy making, storylines play at least three important roles for policy participants (for relevant politicians and civil servants, most centrally).<sup>7</sup> First, they enable policy developments to ‘make sense’ (Weick, 1995). A successful storyline connects specific policy proposals with broader narratives circulating at the time. It serves, when successful, to operate as an ‘essential discursive cement’ (Hajer, 1997: 63). Ethnographic study of the everyday work of political actors has made clear the extent to which storytelling – and the need to ‘tell a consistent story’ – is central to policy makers’ activity (Rhodes, 2011).

Second, storylines provide meaning. They make proposed developments ‘sound right’ (Hajer, 1997: 63). Finding the appropriate storyline ‘becomes an important form of agency’ (Hajer, 1997: 56). Moreso, for policy makers themselves they can provide a sense of moral mission: ‘stories work with people, for people and always stories work *on* people, affecting what people are able to see as real, as possible, and as worth doing or best avoided’ (Frank, 2010: 3). Importantly for policy making and the range of actors required to play their part, an effective storyline

allows an individual to illustrate where their particular work, their specific task, 'fits into the jigsaw' (Hajer, 1997: 63).

Third, storylines can serve to deflect contestation. This can operate in two forms: they can support what Callon and Latour call 'black boxing', placing contestable issues or assumptions into a discursive container whose contents need no longer be critically examined (Callon and Latour, 1981: 284); facilitating a certain 'thoughtlessness' (Bauman, 1989). Storylines can also overcome challenges not so much by way of direct refutation (although that may also occur), but by enabling the maintenance of a sufficient level of narrative coherence for its proponents (for example members of parliament needed to vote for requisite legislative provisions). Storylines play a role in helping policy makers to maintain their own sense of legitimacy in their policy positions and related activity (Barker, 2001); this in turn bolsters them in having efforts at policy change achieve formal approval, safe passage through legislative stages, or pass other waypoints that enable the changes to become (for some time, at least) irreversible.

Where successful, storylines are turned into (and support) organizational structures and agreed policies. This serves to make states of affairs appear to be 'fixed, natural or essential' (Hajer, 1997: 272), a highly effective means of 'steering away latently opposing forces' (Hajer, 1997: 272). Through this iterative process, the conceptual frames can become further entrenched over time. Thus, it becomes more likely (but not inevitable) that certain issues are made visible (and on particular conceptual terms), while others are obscured from view.

Political scientists and policy studies scholars have utilised a range of methodological approaches (including ethnography, document analysis, research interviews) in order to identify and interrogate the policy 'talk' in a given area (Gabriel, 2004; Rhodes, 2018). By these means, one can develop iteratively a robust understanding of the relevant conceptual elements: including the nature of the storyline(s) and its key components; relevant 'emblematic issues' in play; and the broader contextual narratives in circulation.

The substantive findings presented here draw on 26 in-depth semi-structured interviews with senior policy makers, conducted between March 2014 and August 2016. Respondents comprised: eight civil servants with primary responsibility for policy development (termed policy officials, PO); four Conservative political actors (Con); five Liberal Democrat political actors (LD); seven charities, campaigners, and other policy participants (PP); and three other parliamentarians involved in criminal justice policy (Pa).<sup>8</sup> These 'elite interviews' were complemented by analysis of relevant policy papers, reports, Hansard debates and speeches.

### **Case study: the 'rehabilitation revolution' storyline**

I now move to examine a pertinent case study: the part-marketization and part-privatization of probation in England and Wales, known as 'Transforming Rehabilitation' (TR). We need to disaggregate two elements: the substantive

reforms ('TR') and the narrative framing, the storyline, that underpinned the discourse coalition necessary for it to be brought to fruition.

From the start of the 2010–15 UK government,<sup>9</sup> the incoming Conservative-Liberal Democrat coalition set out an intended future scenario (Hajer, 1997: 261), which I describe here as the rehabilitation revolution storyline:

We will introduce a “rehabilitation revolution” that will pay independent providers to reduce reoffending, paid for by the savings this new approach will generate within the criminal justice system (Cameron and Clegg, 2010: 23).

Its emblematic issue was the persistently high reoffending rates of those serving prison sentences of less than one year (Annison et al., 2014). This captured (for proponents) the failings of the existing probation system: its waste, its passivity and its sloth; and the need for radical reform. For political campaigners, it captured the effects on probation of the pathologies of the preceding Labour government, being ‘Big Government, high spending, statist, authoritarian, and managerialist’ (Downes and Morgan, 2012: 188):

Despite increases in spending under the previous Government, reoffending rates have barely changed. This can't go on. (Ministry of Justice, 2013: 3)

Look at reoffending rates before TR and tell me that that was a success. (LD)

It was argued to be ‘about reinvigorating, bringing in new ideas, accelerating change’ in probation services (Chris Grayling, Justice Committee, 2013: 8). The reforms would ‘bring in the under-12 month group’ – placing people sentenced to prison for between one day and one year under probation supervision, upon release, for the first time (Chris Grayling, Justice Committee, 2013: 22). It was (for its proponents) dynamic, radical. It was about localism and markets; improving rehabilitation outcomes and saving money. It was ideological (ie aligned with liberal thinking, or Conservative thinking) but also pragmatic and evidence-based.

Before I build on this initial summary, I will provide an overview of the substantive reforms that it facilitated: the part-privatization and marketization of probation services in England and Wales, known as ‘Transforming Rehabilitation’ (TR). The Transforming Rehabilitation reform programme saw the existing structures surrounding the public sector provision of probation services broken up and restructured in order to enable the establishment of private sector operators at its heart. The existing system of 35 English and Welsh public sector Probation Trusts was replaced by a network of public and private organizations. Demarcation lines were based ‘horizontally’ on geography and ‘vertically’ on risk. The 21 new Community Rehabilitation Companies (CRCs) together covered England and Wales and were to be responsible only for the supervision of medium- and low-risk offenders. A newly-constructed National Probation Service (NPS) had seven geographical divisions and was to be responsible for the

supervision of high-risk offenders. The CRC contracts were awarded to eight new providers, seven of which were private sector companies or partnerships led by private sector interests.

The reforms extended supervision, as an imperative, to all individuals who had served at least one day in prison; previously probation supervision was not possible for those who had served under a year in prison.<sup>10</sup> Payment by results, the expectation that providers would be paid not (simply) for the services provided but at least in part for the results achieved, was a 'cornerstone' of the reforms;<sup>11</sup> argued to create an incentive for providers to 'focus relentlessly on driving down reoffending' (Ministry of Justice, 2013: 14). There were a number of subsidiary elements of TR (as we might refer to them), for example the promotion of a mentoring scheme for prisoners and development of a 'through the gate' support service.

Additional support for people on probation was generally welcomed as an overall objective by many practitioners and academic commentators. But critics equally made clear that *this could all, potentially, be achieved within the existing public sector system*. And, while imperfect, the existing system was performing well, receiving a range of awards and seeing English probation experts being invited to share 'best practice' across Europe (Annison et al., 2014).

While they emerged in embryonic form at the beginning of the 2010 government, the TR reforms were slow to develop; they were then driven through at breakneck speed in the latter two and a half years of the parliament. Contracts were signed in 2014 with successful CRC bidders and ownership transferred in February 2015. The re-organization of probation along market lines, and with it for many informed critics the destruction of decades of institutional memory and commitment (Burke and Collett, 2014; Vanstone and Priestly, 2016), was achieved – just – before the 2015 UK General Election. Punitive 'break clauses' were included in the legislation, in an effort to prevent a potential successor Labour government from reversing the reforms.

At the time, a range of problems were identified, widely recognised, and vociferously raised. The reforms carried substantial risks for the criminal justice voluntary sector (Harper, 2013; Marples, 2013); the intention to pursue a payment by results model was untested (Hedderman, 2013); the splitting of offender management in the manner envisaged posed substantial challenges for efficient collaboration, offender supervision and public protection (Burke and Collett, 2014; Fitzgibbon, 2013).

The new geographical divisions made multi-agency collaboration unnecessarily difficult. Training requirements were dramatically reduced, with no national framework of professional qualifications. There was little clarity on how a workable payment by results mechanism would be achieved. There were significant risks that TR would see a thinning and widening of the custodial net, with 'an unacceptable number of individuals returned to prison for what are sometimes minor infringements of their licence conditions rather than the commission of a new offence' (Annison et al., 2014: 10–11). A leaked internal Ministry of Justice risk assessment predicted that the reform proposals would lead to a 'reduction [in]



performance’, an increase in the potential for service delivery failure, offenders to pose a ‘higher risk to the public’ and ‘poorer outcomes’ for victims and communities (Doward, 2013).

Once implemented, concerns about the fundamental flaws in the TR reforms were borne out by events. The National Audit Office concluded that TR had achieved poor value for money, with ‘little evidence of hoped-for innovation’ (National Audit Office, 2019: 11). The Public Accounts Committee found that ‘probation services have been left in a worse position than they were in before the Ministry embarked on its reforms’ (Public Accounts Committee, 2019: 3). Third sector groups found their ongoing financial stability, and ability to offer high quality services, had been severely undermined (Corcoran et al., 2019). Damage to morale, and resultant probation staff departures, risked ‘a significant loss of irreplaceable human capital’ (Robinson et al., 2016: 176). The Chief Inspector of Probation, drawing on years of detailed analysis, summarised the TR model as having been shown to be ‘irredeemably flawed’ (HM Chief Inspector of Probation, 2019: 3).

By July 2018, the fundamental problems with the reforms had become impossible for government to ignore. In total, over £500 million in additional funding was provided to CRCs in order to prevent their collapse. In June 2019, the Ministry of Justice announced that existing contracts for the Community Rehabilitation Companies would be ended early (in 2020) and by June 2020 it was decided that both offender management and the vast majority of probation work would return to the public sector (Ministry of Justice, 2020). It was ‘a landmark case of government recognising that outsourcing hasn’t worked’ (Sasse, 2019); a full-scale dismantling of the TR reforms introduced only five years prior.

### *The nature and role of the rehabilitation revolution storyline*

You should never lose . . . your narrative. What’s the argument for the policy changes you’re making? How can you persuade people you’re doing the right thing? (PO)

By utilizing a series of thematic couplings, I will highlight the tensions at the heart of this reform project and, crucially, the way in which the ‘rehabilitation revolution’ storyline weaved together these strands in a manner that, for a sufficient period of time, established a robust ‘discourse coalition’. The thematic couplings are privatization and localism; punishment and rehabilitation; liberalism and neo-liberalism; austerity and delivery.

I show that TR was able, simultaneously, to be presented by policy makers (to themselves, as much as to others) as a story of centralized outsourcing, of ‘bringing in the commercial market’ (PP). But equally it was about localism, about building on the ‘best from the voluntary sector’ (Clegg, 2013) and prising it from the grip of an over-bearing state. It was an innovative (and hence risky) project, but resource-neutral and responsible. It was tough, ensuring that ‘those who break the law

are...punished' (Ministry of Justice, 2013). But also about implementing a compassionate 'rehabilitation revolution' (Clegg, 2013).<sup>12</sup>

And all of this in a political context in which there was a higher level of internal pressure 'to persuade people' (PO), given the unusual – coalition – nature of the government (Annison, 2018b). The storyline, and concomitant political activity, afforded the reforms an unstoppable momentum: 'it reminded of when the Iraq war was bubbling up in 2002 and I saw [an army general I knew] and...he said, "it's not a question of if, it's a question of when"' (Pa).

### *Privatization and localism*

The long term policy direction for English probation had been set towards marketization from the 1990s, and was given added propulsion by the Labour government from 2003 onwards (Burke and Collett, 2015: chapter 3). The new government in 2010 did not see dramatic change; rather, the direction of travel continued to be towards increasing marketization (Deering and Feilzer, 2019).

The initial proposals by the 2010 government regarding changes in probation service provision up to 2012 were relatively cautious and followed a localism strategy, expanding the commissioning of services (rather than direct provision), but devolving this responsibility to local Probation Trusts (Ministry of Justice, 2012). At the same time, there were hopes among some that the Transforming Rehabilitation reforms would tie in with developments in another strand of the emerging localism agenda. Police and Crime Commissioners (PCCs), a controversial innovation to seek to insert greater local democracy into English policing (Downes and Morgan, 2012), were initially envisaged 'to be the ones to take on devolved probation' (PP).

At the same time, efforts to embed privatization more deeply into prisons struggled to make headway (Garside and Ford, 2015: 18). These efforts were mostly abandoned in 2012, and instead 'the eye of Sauron' (PP) moved to probation: 'Downing Street...were pushing it, the Probation Service were next' (PP). A ministerial reshuffle in 2012, coupled with the difficulties with prison privatization, saw Conservative politicians 'latch on' to Transforming Rehabilitation as an alternative vehicle for injecting further privatization into criminal justice: 'If it's not going to be prisons let's do probation' (PP). And a Parliamentarian recalled that when Prime Minister Cameron 'was asked about [the new Justice Secretary Chris Grayling's] Transforming Rehabilitation plans he said, "Well, it's going to be quicker than Ken Clarke's [approach]!"' (Pa) The mooted involvement of PCCs was abandoned. A localised approach oriented around Probation Trusts was out; centralised commissioning was to be the alternative.

From one perspective, 2012 (the halfway point of the 2010–15 government) was therefore an important moment of change. In some regards, it was (Annison, 2018b: 1071). But in terms of the narratives in play, this perception is misplaced. Rather, what is striking is the *continuity* of the rehabilitation revolution storyline throughout the 2010–15 government. The central tenets (with their

inherent tensions) remained: it could encompass both the tentative, gradual and localist approach favoured initially by some key policy participants, and the increasingly dominant centralized marketization and the ‘creative destruction... re-set the system’ (PO) approach that went with it, favoured by others.

This capaciousness is captured in the minority governing party’s stated goal for Transforming Rehabilitation:

We want to see ... something that takes and builds on the best from the public sector, the best from the private sector and the best from the voluntary sector to break the cycle of crime for good. That is why we are reorganising the Probation Service, so that the public, voluntary and private sectors can work more flexibly and effectively side by side. (Clegg, 2013)

The Justice Secretary could, further, draw on the storyline to assert that the centralized commissioning model in fact *enabled* localism:

The end product is a local contract in a local part of the country, with the ability to individualise and localise the nature of support, and with little central interference in what that model looks like, but I do not believe that it would be realistic to contract what I am trying to achieve in a fragmented way around the country. (Chris Grayling, evidence to Justice Committee, 2013: 12)

The involvement of the private sector was ‘quite a sensitive area in relation to negotiations ongoing within government’ (PO). And indeed at times, the storyline – and optimistic assertions about the consonance between centralised privatization and localism – became stretched thin, and resulted in specific action to shore up the reform project. For example, when it became clear that it was implausible for any groups other than multi-national corporations to put in place the capital required to underpin a successful bid to operate one of the CRCs, an agreement was thrashed out to put some mitigating measures in place:

A package of tailored support to help fledgling mutuals and smaller rehabilitation organisations bid for contracts. This includes access to around £7 million worth of funds to help these groups bid and support their work in communities. This is addition to the £10 million mutuals support programme, which is open to probation staff. We are also making available to these groups valuable financial tools, legal advice, coaching and training and a network of peers and expert contacts to help take them through the bidding process. (Clegg, 2013)<sup>13</sup>

Some policy makers interviewed reflected on the way in which this rhetoric enabled a touch of ‘naivety’ by policy participants to creep in, redolent of the notion of ‘black boxing’ discussed above: a relaxed approach to the private sector, amongst some policy makers who (some thought) should have known better. A sense that, ‘Does it matter who’s doing the providing as long as we’re holding them to liberal

standards of promoting rehabilitation?' (PP). For others, this melded with an impatience for change and improved outcomes:

Fundamentally the historic way in which probation has worked in this country has had some incredibly positive effects; however, we were not seeing any increasing marginal gains in that world. (LD)

### *Punishment and rehabilitation*

English Conservatism has long featured two dominant strands, in tension with one another. On one hand, a desire for 'tough' criminal justice policy that embraces the inherently emotive nature of 'law and order'; on the other hand a desire for a more enlightened approach, sceptical of government over-reach and preferring 'penal prudence' (Loader, 2020). The rehabilitation revolution storyline enabled Conservative advocates of the Transforming Rehabilitation reform project to bridge these positions by casting it as a reform that was at once 'tough but compassionate' (Grayling, 2014). It was both a means of providing appropriate care and support to those caught up in the criminal justice system, *and* a means of overseeing and, if necessary, punishing those who had caused harm to society and could not be trusted to 'go straight' of their own accord.

[TR will] ensure that all those who break the law are not only punished, but also receive mentoring and rehabilitation support to get their lives back on track so they do not commit crime again. (Ministry of Justice, 2013: 3).

Scholars including Burke and Collett (2015: chapter 3) have argued that this is a consistent thread that runs through the various English governments' approaches to crime from the mid-1990s, and there are certainly echoes here of the Labour government's (1997–2010) (in)famous 'tough on crime, tough on the causes of crime' mantra (Downes and Morgan, 2007). That government's framing of its approach to crime was similarly cast as embodying both a genuine commitment to rehabilitation but with a serious (and seriously punitive) approach to punishment (Burke and Collett, 2015: 39).

Illuminating these dynamics further is the issue of short prison sentences and magistrates sentencing powers. In the early period of the 2010–15 government, the minority Liberal Democrat party had blocked Conservative efforts to expand magistrates' sentencing powers – a proposal that would have seen a potentially dramatic increase in the number of prisoners serving short sentences (Hughes, 2014). This avoidance of an unnecessary increase in the number of short prison sentences was regarded by many as an important liberal success (Hughes, 2014), given that their view tended towards 'you should abolish short sentences, not create more of them' (PO).

On its face, expanding probation supervision to anyone serving even a day in prison (as TR did) and potentially therefore driving a surge in short sentences, would always be a source of liberal unease. However, the over-arching rehabilitation revolution storyline (an ongoing social construct being nurtured by political actors) was able to resolve these difficulties. Rather than being conceptualised as an undesirable and ineffective means of causing more harm than good, even very short prison sentences became a means by which a sentence could initiate a series of positive rehabilitation interventions; a prompt for ‘innovative public service delivery’ (Clegg, 2013), ‘making a difference on the ground’ (Ministry of Justice, 2013: 9). One official recalled that:

Once you were into the Offender Rehabilitation Act and the Transforming Rehabilitation agenda this very clearly changed the position on short sentences because short sentences had a completely different meaning in 2015 compared to what they had in 2010. (PO)

### *Liberalism and neo-liberalism*

For its critics, Transforming Rehabilitation was a reckless and ill-informed set of reforms driven by an obsession with neoliberal dogma. It was un-evidenced, regressive, and was always likely to seriously harm the third sector and wider ‘Big Society’ elements that it purportedly sought to draw upon (Burke and Collett, 2015). It ‘was not evidence-based... pushed ahead prior to pilots... it wasn’t trialled’ (PP).

However, the reforms within their supporting narrative framework were cast by liberal members of the government – who, at first glance, would be expected to be among parliamentarians raising exactly the concerns listed above – as, in fact, representing an evidence-based post-ideological effort to ‘get smarter’ (Campbell, 2007):

For me, criminal justice policy should not be ideological, but pragmatic. It should have a relentless focus on what works (Clegg, 2013).

Allied to that form of (self-professed) liberal approach to penal policy making was a second interpretation. This was a ‘progressive’ view that cast the reforms as a ‘transformational’ (Liberal Democrat minister, quoted in Institute for Government, 2015a) opportunity ‘to try and jam shut that revolving [prison] door’ (Clegg, 2015), to help people who struggle to desist from crime:

A radical, but practical approach that has the potential – in my view – to leave a bigger, more lasting imprint on British society than almost anything else that the coalition government might achieve. (Clegg, 2013)

One Liberal Democrat policy maker recalled thinking ‘... why not look at how you can revolutionise the way in which the system operates?’ (LD)

This is not to argue that the reforms *were* progressive in terms of rehabilitation outcomes, nor that they were evidence-based. Rather, they could plausibly be cast in such terms to non-expert audiences, *including parliamentarians in the governing parties* (who would be required to vote for the required legislation, to support the reforms in public, and so on: (Crewe, 2015).<sup>14</sup> Illustrating this point, an experienced policy participant recalled attending a talk by the Justice Secretary on the Transforming Rehabilitation reforms. He found himself with the opportunity to speak with him afterwards:

I told him that his talk was excellent. He was very eloquent and persuasive. I told him that *had I not known as much about criminal justice as I did, I would have believed every word he said.* (PP, emphasis added)

Indeed, evidence was gathered and a summary published (Ministry of Justice Analytical Services, 2013). While this provided some evidence to support some elements of the reforms, it was by no means a compelling case for the reforms as a whole.

The stated goals of the 2010–15 government did not require the rupturing of established structures, practices and cultures in English probation (Annison et al., 2014). However, the rehabilitation revolution storyline cast the intended improved rehabilitative outcomes as being *inherently reliant on marketization*, with the radical disruption of the status quo a positive element of this:

It is clear that in order to invest in extending and enhancing rehabilitation, we need to free up funding through increased efficiency and new ways of working. (Ministry of Justice, 2013: 3).

Storylines enable advocates to ‘position other actors in a specific way’ (Hajer, 1997: 53). Here, political opponents who were reluctant, or directly critical, of the Transforming Rehabilitation reforms could be cast as being aligned with the previous authoritarian Labour government, that was said by the (self-avowedly liberal) Liberal Democrat minority governing party to have produced ‘a relentless conveyer belt of new criminal justice legislation’ (Hughes, 2014), which had a record ‘of abysmal failure’ (Campbell, 2007). For the Liberal Democrats, critics of TR failed to recognise that, ‘As a society, I believe, we’re more progressive and we’re more liberal’, the ‘best conditions’ in which to reduce crime but in a suitably non-authoritarian manner (Clegg, 2013).

Equally, policy participants who were concerned about the reforms could be cast as examples of an antiquated, anti-progress tendency that must be defeated:

Fundamentally, there’s a better way of managing it than the system had at the moment. And you can’t change that through the civil service because, as I was

saying about [the National Offender Management Service] at the start, it's so opposed to any change whatsoever and there are vested interests that protect themselves in there and protect in the same way that, quite frankly, you see replicated in a whole host of different departments. (LD)

There are lots of people sitting over at the Cabinet Office and elsewhere who thought this was ridiculous, couldn't possibly be done in the time frame, and we shouldn't have even tried, but we went for it and we did it . . . Nobody in this room should ever feel scared to be bold in trying to tackle a problem (Chris Grayling, speech to Ministry of Justice staff: On Probation Blog, 2015)

### *Austerity and delivery*

Since the creation of a Ministry of Justice for England and Wales in 2007, there had been significant concerns about the ability of the Ministry of Justice successfully to implement reform programmes, especially those involving contract management (Annison, 2018a). From 2010 a number of pilot projects of initiatives such as 'payment by results' had been underway; progress was relatively slow. The pressures of austerity weighed heavy, with the department, and government as a whole, in 'uncharted territory', required to make 'massive savings' (Annison, 2018b: 1076–1078). The department was 'overwhelmed by the complexity of the task' (Garside and Ford, 2015: 19).

But the rehabilitation revolution narrative held centrally within it the notion that it would be resource-neutral, 'paid for by the savings this new approach will generate within the criminal justice system' (Cameron and Clegg, 2010: 23) even while dramatically expanding the numbers of people subject to supervision. It would lead not only to no deterioration in services, but indeed would prompt improved services.

[We] can use innovative new payment mechanisms to incentivise a focus on reducing reoffending, and can achieve efficiency savings to allow us to extend rehabilitation support to more offenders (Ministry of Justice, 2013: 25).

The Justice Secretary floated the possibility of a 40% reduction in costs for comparative outcomes (Justice Committee, 2013: 7, 22). Particular elements of the storyline, drawn upon and repeatedly re-asserted by its proponents, thus underpinned an implausible but rhetorically appealing argument that Transforming Rehabilitation – an inherently costly and disruptive change programme – was *in fact a demonstration of responsible austerity politics*.<sup>15</sup>

We must also recognise another facet of the 'delivery' element of the thematic coupling of this sub-section: the instrumental and innate incentives driving (many) policy makers. Put simply, and for differing reasons, political actors and civil servants (and indeed other policy participants) are instrumentally compelled to achieve

‘delivery’ of policy in the form of achieving successful passage of relevant legislation, signing relevant contracts, or other (high profile) actions that make a particular reform (near-) impossible to unwind (King and Crewe, 2013). Delivery does not (usually) mean the long-term implementation, revision and stabilisation of a particular reform and this is reflected in both formal and informal incentive structures.

Many policy makers during the 2010–15 government found that in criminal justice, achieving ‘any reform was like pulling teeth’ (Con). Therefore for many political actors, the Transforming Rehabilitation reforms provided an opportunity to make some visible, high-profile progress on penal policy:

You could pick a fight all day long about [trying to reduce] prison numbers, but . . . if we’re not going to deliver anything at the end of it, what’s the point? What are we actually in government for? It’s to deliver policy. (LD)

The capaciousness of the rehabilitation revolution storyline, the value of a successful storyline’s ‘plasticity’ (Gabriel, 2015: 215) for policy makers, is illustrated by this Conservative policy maker’s reflection on the course of events:

I think there was enough in [Transforming Rehabilitation] for everybody to feel they were getting something out of it. So, we’ve brought in the voluntary sector, third sector organisations, charities, brought them into the space. It was focused on rehabilitation. So, good kind of liberal principles. But it also had quite a large private sector involvement. It could [also] be seen as being quite tough. The introduction of supervision for those under 12 months was a big thing . . . for the Conservative right. (Con)

In this political context, Ministry of Justice civil servants found themselves ‘working day and night’ to bring the reforms to fruition, ‘to make it as good as possible’ (PO). A departmental minister spoke of being ‘amazed’ at the number of civil servants who told him it was ‘the most worthwhile bit of work they had ever done in their professional life’ (Institute for Government, 2015b: 9). The Transforming Rehabilitation civil service team were awarded the Civil Service Awards 2015 prize for Project and Programme Management. Several of the relevant senior civil servants subsequently achieved significant promotions.<sup>16</sup>

## Concluding discussion

I have provided here an interpretation of the ‘rehabilitation revolution’ storyline and its role in the successful resolution – on its own terms – of the Transforming Rehabilitation reform project, which led to the part-privatization and radical restructuring of probation services in England and Wales. The strength of the rehabilitation revolution storyline was its capacity – as with any compelling storyline – to be both *reflective* and *prospective*. It drew upon, it reflected elements of, extant dominant narratives, while also conditioning and driving developments in this



specific policy domain. This storyline was not the sole causal element.<sup>17</sup> But it played a crucial role, by constituting, and facilitating, a discourse coalition: the gathering together of a diverse group of policy makers around a compelling storyline.

Peck has spoken of neoliberalism ‘variously failing and flailing forward’ (Peck, 2010: 7). And indeed what has been set out here is not a passive process but rather actors iteratively (re-)stating a storyline, in order to navigate their way through the policy making process and political contestation therein (Bevir and Rhodes, 2010). As government actors sought further to justify the underlying policy, to establish further details, to resist challenges, and so on, the storyline increasingly achieved ‘discursive domination’ (Hajer, 1997: 61). This deflected challenge, negatively framing critics and enabling policy makers to convince themselves ‘of the rightness of their position’ and their own role in bringing about reform (Barker, 2001: 50).

We can note, further, that the dismantling more recently of the Transforming Rehabilitation reforms were accompanied by their own narratives. In part, ministers justified the re-nationalisation of probation as a pragmatic response to the unprecedented pressures wrought by COVID-19 (Ministry of Justice, 2020). Further, the changes were framed firmly within a renewed emphasis on probation as a public protection agency, a narrative that has considerable cultural force (Nash, 2000).

As regards the TR reforms 2010–15, while there were a range of criticisms and counter-efforts at the time, they failed to ‘break through’: successfully to contest the dominant narrative and to halt its momentum. The important constituency was parliamentarians who were to vote on the relevant legislation, and (perhaps) civil servants required to develop the reforms.<sup>18</sup> Pragmatically, splits between possible partners (‘the unions treated the voluntary sector as the enemy’: PP) and differing views on strategy, hindered these counter-efforts; at the same time TR’s political proponents actively sought to overcome potential and actual resistance: ‘lots of agreed planning of... the strategy of how we dealt with the unions, [and the] strategy of exactly how it would be implemented and when’ (Liberal Democrat minister, quoted in Institute for Government, 2015b).

More fundamentally, critics needed both a compelling counter-narrative (and ideally a linked scandal as a ‘way in’) that would actually alter the views of relevant policy participants. This case study is, seen in this light, the latest example of the political buffeting experienced by a probation service that has persistently struggled to have a coherent story to tell about itself; struggling to set out ‘a compelling narrative or set of narratives’ (McNeill, 2018: 78; see also Robinson, 2008).

I have argued here for the value of storylines and their related conceptual apparatus in the analysis and explanation of penal policy change. They provide a means by which to develop plausible scholarly accounts of the ‘contingent processes of reasoning’ relating to a particular historical era or case study therein (Bevir and Blakely, 2016: 35). This flows with and contributes to ongoing debates on the analysis of penal change (see for example Goodman et al., 2017; Lacey et al., 2020; Simon and Sparks, 2013) and in particular investigations of the internal dynamics of penal policy change (Annison, 2015; Brangan, 2019; Jones and Newburn, 2007; Rubin and Phelps, 2017).

Advocates of penal reform have increasingly argued for the role that narratives may be able to play in achieving progressive penal change (see for example O'Neil et al., 2016). Stories are often examined for their role in acts of resistance, of protest (Frank, 2010; Polletta, 2006). This reminds us that the analysis of storylines provides not only theoretical insights, a methodological stance by which one can examine a nation state's (or local government's, or organisation's) conception of and approach to 'the criminal question' in its various forms (Melossi et al., 2011). It can also assist us in sustained thinking about what extant narrative resources could be drawn upon, not least those which may persuade policy makers, in order to weave a more compelling progressive storyline to underpin arguments for penal change.

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### Notes

1. At the same time, some critics have begun to suggest that 'neoliberalism' as a label may be becoming less accurate as a term that appropriately captures the political economic dynamics of, for example, the United States of America (Xenakis and Cheliotis, 2019).
2. For a more detailed discussion of approaches to politics and penal change, see Annison (2018c).
3. Tonry speaks of the 'natural history of modern explanations of penal policy trends': beginning with a focus on the local, then a search for overriding theories, then to the identification of predictive and protective factors, and back to local explanations (Tonry, 2009: 377).
4. Rather, Rubin and Phelps point to the 'diverse array of actors from bureaucratic leaders down to the front-line staff implementing policy, each with their own (shifting) penal preferences and concerns (Rubin and Phelps, 2017: 434).
5. It is, we could say, an approach that is more 'zoomed in' than for example that of Barker (2009); and more focused on the within-government dynamics than, for example, the valuable work of Page on the influence of campaigning groups; in his case, the powerful California Correctional Peace Officers Association (Page, 2011).
6. It has also emerged, as 'Narrative Criminology', as a discrete field that has examined for example how stories animate offending, shape public sentiment on crime, and inform victims' experiences (Fleetwood et al., 2019). Works in this field have not to date examined the internal dynamics of policymaking.



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**Harry Annison** is associate professor of Criminal Law and Criminology at Southampton Law School, University of Southampton.