**Challenges and pitfalls for a small public sector professional union following restructuring and outsourcing: a gender perspective**

In May 2013, amid much consternation and criticism from criminal justice academics, union national officers/officials, and senior figures in some of the Probation Trusts, the then Justice Secretary, Chris Grayling, publicly unveiled *Transforming Rehabilitation* (TR) *–* a programme of restructuring and outsourcing, which would split the probation service that had been in existence for over 100 years, in two. One part remained in the public sector in a newly established National Probation Service (NPS) located within the Civil Service, and the other part was outsourced to private providers via 21 Community Rehabilitation Companies (CRCs). TRfollowed in the wake of a turbulent recent history in the probation service involving two major structural reforms that proved contentious and profoundly altered the working lives of probation practitioners (Gale, 2012; Mawby and Worrall, 2013). This research has investigated the effects of *Transforming Rehabilitation* on the operations/activities of the specialist union/professional association representing those practitioners (Napo), 70 per cent of whom are women.

The public sector has undergone so many trenchant reforms over a period spanning more than two decades that it is now more difficult than ever to talk about UK public sector employment relations as a system or model in itself. Since 1997, we have seen outsourcing of welfare state activities (e.g. in hospitals, schools, residential care), defence activities (e.g. barracks, transport), and criminal justice activities (e.g. in prisons, courts, police stations) (Whitfield 2002). Many of these outsourcing exercises have occurred in feminized work contexts, thereby disproportionately impacting upon women workers and feminized trade unions. It is quite clear that outsourcing is not abating and that it has in fact most likely entered a new phase in the UK, which is likely to affect more groups of highly skilled/professional (female) workers as well as continue to affect low skill (often feminized) jobs. The Conservative-Liberal Democrat coalition government (2010-2015) gained power in the wake of the global financial crisis with a manifesto commitment to a programme of public spending cuts and so-called austerity measures to reduce the deficit. The current Conservative government elected May 2015 appears to remain committed to both public sector reform in general, and austerity measures in particular (Bach, 2016).

Public sector unions have remained relatively resilient in a context of three decades of considerable upheaval, but the unions are undoubtedly vulnerable and they have arguably necessarily taken a defensive stance. Earlier studies of privatization and outsourcing in other industries/occupations have revealed the potential for negative impact on a union’s ability to represent members effectively, bargain on behalf of members, and recruit and retain members in the newly created multi-employer context. This article examines the challenges that TR poses to workplace unionism, by focusing on the role of local branch activists in Napo. Established in 1913, Napo is a small professional union (8000 members in 2015, approximately 70% women) that represents probation practitioners and a small number of administrative employees within the Probation Service. Local union branch officers in public sector workplaces are typically accustomed to recruiting and representing members in a single employer. Sustaining local representation and branch activism represents a huge challenge in a context of possible reduction in facility time, bigger risks of union victimization (Author B, 2015), increased workforce instability, segmented and dispersed constituencies (Cumbers et al., 2010). Besides, professional unions usually try to balance occupational and economic goals (Burchill, 1995). The whole process of restructuring and outsourcing creates higher demands and tensions across these various activities and questions the relations between members, workplace representatives and national officers/officials in the local union organization (Terry, 1996; Kessler and Heron, 2001).

First, this article offers original insights into members’ expectations towards their local representatives and their union in a feminized small public sector union by drawing upon survey and interview data. Second, it addresses the difficult balance professional unions have to find between their professional, educational and industrial relations activities in a context of restructuring, but also of generational change and strong feminization of both the profession and the union. Napo’s legitimacy has intrinsically been tied to being the “voice of probation”, but its capacity to attract and respond to the demands of a growing number of newly hired graduate female professionals with a different educational background and occupational identity (Mawby and Worrall, 2013) is critical. Finally, by reflecting on the profiles of Napo’s local activists and the union’s concerns about membership participation, the article addresses the more general issue of resilience of workplace unionism in a a feminized and highly qualified context.

**Restructuring, outsourcing and union organization**

In the 1990s and 2000s, the issue of union renewal has brought the academic debate back to the question of the state of workplace unionism[[1]](#endnote-1) in a context of intense restructuring/privatization, devolution and fragmentation of the public sector (Fairbrother, 2006). Many studies have argued that shop-steward organization has become profoundly disorientated by the imposition of outsourcing (Darlington, 1995). However, whereas civil servants’ unionism typically consisted of inactive membership led by national officials, emphasis on pragmatic accommodation to government and management policies and a preference for negotiation (Fisher, 2004), this new environment has forced unions to confront their organization and reorient away from centralized and hierarchical traditions towards member-led activism (Fairbrother, 2006; Cumbers et al. 2010). Looking into other areas of the public sector, some authors prefer to talk about the *resilience* of workplace unionism rather than its renewal and they show evidence of reengagement and closer relationships between unions reps and the membership that are encouraged by privatization (McBride, 2004; Darlington, 2009). If the reduction in the number of union representatives and the availability of time off (facility time) present a real challenge for unions especially for feminized ones (Author B, 2015), privatization can also create the conditions for a more responsive and accountable relationship between union representatives and their members (Darlington, 1993). Evidence suggests that this impetus for renewal seems stronger in unions with devolved forms of organization based on lay representation (Fairbrother, 1994) and in workplaces displaying a strong occupational community, key (left wing) stewards and a committed activist milieu (Darlington, 1997, 2009).

Because privatization challenges traditional union jurisdiction, creates new types of representation gap and obliges unions to deal with a proliferation of employers, some studies anticipate limited prospects for rank-and-file renewal alone and stress the importance of centrally directed resources to foster membership (Bach and Givan, 2008). This wide debate between those who advocate for national-led campaigns and those who stress the centrality of grassroots activities in the success of organizing strategies usually results in an analysis of the tensions/articulations between national and local levels (Dundon, 1997; Voss, Sherman, 2000; Kessler, Heron, 2001) and of hybrid approaches (Bach and Givan, 2008). In a study of British Rail privatization (Cumbers and al. 2010), research demonstrates an impetus to find new ways of connecting the grassroots with the national leadership because of the need to organize effectively at lower geographical scales within individual enterprises. It also insists on the discursive resource that consists of local reps’ embedded knowledge and experience of rail work to promote an alternative agenda. Likewise, Colling’s (1993) research about the union effects of Compulsory Competitive Tendering (CCT) in local authorities in the 1980s and early 1990s shows that activists and paid officials faced big increases in the demands made of them. Increased branch activity is deemed necessary to tackle the decentralized context, but with co-ordination and servicing from national level. Even strong branches become reliant on advice and input from national paid officials in the complex and uncertain environment. One significant problem Colling (ibid) identifies is that distribution of paid official services risks becoming driven by demand rather than by need, such that strong branches get stronger and weak ones weaker.

Cunningham and James’ (2010) study of outsourcing of social care work (also a feminized context) reveals how Unison in particular among public service unions, has had to accommodate and adapt to the realities and challenges of outsourcing. Challenges have included how to structure branches to include members located in a variety of geographically dispersed workplaces where it can be difficult to create self-sustaining groups of activists. In addition, how to deal with union-hostile employers, a situation that public sector unions are historically unaccustomed to. Linked to this, unions often face for the first time a situation where private employers refuse to negotiate with lay officers who are not their employees. For some union branches, this might mean recruiting new workplace reps and branch officers from within the outsourced areas of the service; this in turn can be challenging because staff can be more reluctant to get involved with their union when faced with hostile or at least uncooperative employers (Whitfield 2002). The shortage of experienced activists due to retirement or voluntary redundancies, combined with the difficulties of recruiting new reps (Carter and Poynter, 1999), can create huge challenges for small trade unions in particular. The Unison experience also highlights the importance of facilities agreements that give access to new starters at induction events; mobilizing member perceptions of the union contribution to resolving common concerns such as changes to terms and conditions, and sustaining a pool of branch activists ready and able to service individual members at the workplace (Cunningham and James, 2010). In the more pressurized context, this can be difficult and members are often reluctant to take on, or they may even want to give up, a union role because of an intensified workload combined with family responsibilities. There is abundant evidence that this especially affects women activists (Author B, XXXX; Munro 2001; Colgan and Ledwith 2000).

Finally, this issue of resilience or renewal of workplace unionism opens up new questions in the context of professional unions (Burchill, 1995) that have to combine industrial, professional and educational goals (Kessler and Heron, 2001). Besides having to rethink their relationships between local and national levels and with the membership, professional unions need to re-balance their occupational focus and economic concerns in the context of more segmented and dispersed constituencies and difficult relationships with management. While these issues have been discussed in the literature (cited above), there is rarely an explicit gender dimension even where predominantly female workforces and union memberships constitute the case context (e.g. Kessler and Heron’s study on nurses/the RCN).

**Research methods**

The primary research was undertaken early on after implementation of TR, between January and July 2015. Access was via the union Napo, which mirroring the gender composition of probation, had a 70% female membership. Multiple methods were used, including quantitative (a Napo membership survey), and qualitative (i.e. Napo officer/official interviews, member focus groups, observation of union events). The survey findings allow us to include the experiences and views of a larger population of probation workers beyond those most active in the union and to give a strong sense of the magnitude of particular problems and challenges. The qualitative methods give us a chance to delve deeper into significant issues and therefore the analytical emphasis is on the qualitative interviews with Napo officials/officers. We believe the multiple methods provide a comprehensive understanding of the current state of workplace unionism in probation within the context of Napo member experiences of TR and privatization.

In order to get a picture of national union activity, we carried out interviews with four national officers (lay elected) and four national officials (paid appointed). The main aim though was to hear from Napo branches about their experiences and those of the members they represent. We conducted 29 branch officer interviews across 17 branches. This sample gave us a cross section including female and male Napo branch officers (63/37% split), CRC and NPS (52/48% split) workers, and different grades of probation practitioner represented by Napo. We assured all research participants of anonymity and therefore we do not name individuals or their branches. Combined, the different branches provided geographical spread across the country and different CRC owners. In three cases, we attended branch meetings (where we had the chance to listen to members articulate their concerns about the post-TR environment) and in one, we held two roundtable discussions that specifically addressed the current challenges and concerns post-TR. Through this method, we were also able to observe directly how union officers were responding to member concerns at branch level.

Survey questions were designed according to issues identified once the research got underway, specifically in the interviews and roundtable discussions. The survey enabled us to collect a larger pool of experiences of TR and workplace unionism in the wake of it. The survey attracted 992 responses, representing a 17.5% response rate of those eligible to take part. Respondents were distributed across the 21 Napo branches. Their characteristics are quite typical of the probation workforce and of NAPO’s membership with an over-representation of women (68% of the respondents) and employees aged over 45 years old (63%), with few dependent children (85% have less than one child under 16 years old), mostly working full-time (80%). Probation officers and probation managers are also over-represented in the survey and comprise 74% of the respondents.

**The context of change**

The new structure for probation services is complex and surely constitutes an example of what has been termed ‘privatization by stealth’ in so far as ultimate ownership and decision-making responsibility remains in the public sector, while a significant component of provision has been relocated to providers outside of the public sector (Burgess and MacDonald 1999: 38). TR saw probation services split between two separate structures. In June 2014, 21 Community Rehabilitation Companies (CRCs), originally owned by the Ministry of Justice, were created to handle low to medium risk offenders in the community. The CRCs were sold to companies/organizations in the private – mainly big multinationals - and third sectors as of 1st February 2015. The CRC ownership contracts are for seven years, renewable. Probation practitioners located in CRCs are employed by the CRC rather than by the share owner, but the share owner manages the employment relationship. The National Probation Service (NPS) reporting to the National Offender Management Service (NOMS), an executive agency of the Ministry of Justice, was created to supervise high risk offenders. Probation practitioners located in the NPS are civil servants.

Before the split of probation services, the workforce was around 16,000 (full-time equivalent) with approximately 10,000 probation practitioners (in the main roles represented by Napo). Employees were allocated either to the NPS or to their local CRC by 1st June 2014 before the sale of CRC contracts such that they were in place when the new owners took over on 1st February 2015. Probation staff were overwhelmingly opposed to TR: they especially disliked privatization/outsourcing, but they did not want to be civil servants either. The survey shows that 23% of the respondents allocated to CRCs appealed against their allocation (and only 10% for NPS). The majority of fully qualified practitioners (Probation Officers (POs)) were allocated to the NPS and 38% of those allocated to CRCs appealed against this decision. The majority of partially qualified (Probation Service Officers (PSOs)) were allocated to the CRCs. In response to TR, Napo restructured its branches to mirror the CRCs’ geographical structure: 21 branches were formed from the previous 35 (which had mirrored the 35 probation trusts in existence prior to TR). This new branch structure aimed to meet the challenge of delivering effective bargaining and representation on behalf of members in the new multi-employer context.

**The challenge of maintaining local representation**

Contrary to bigger unions, Napo has very few national paid officials and relies on an active network of local activists involved in the daily representation of members. The decentralized structure of probation and the possibility for local interpretation in the implementation of national agreements have contributed to giving power to local branches. Only two of them, with more than 750 members, had full-time chairs (working for Napo on facility time). Most branch officers had less than 50% facility time. They were well aware of everyday working realities and were able to keep a close connection with members. The union saw this “repping” competence as a major strength:

What the lawyers said to us in TR for the judicial review[[2]](#endnote-2), they said we need examples of what’s going wrong on the ground, if we’re going to run a health and safety based legal challenge we need to speak to the people who have been put at risk. We can’t speak to the person who knows somebody who knows somebody that it happened to. They actually said the problem is we don’t think most unions would be able to do this because your branch rep will be on facility time and they won’t have worked with these people on a day-to-day basis …. What we got was them having more examples than they could cope with because we were able to go straight to the frontline and at our AGM these were the people who do the job. Even our reps only ever work 50% [for Napo] if that; most of them are on a bit of facility time here and there. So we had that connection and that makes a big, big difference. (National official)

Even though Napo had secured a national agreement for the transfer of employees, many professionals expressed anxiety about the future of their working conditions and their job security, especially in the CRCs. Local representation was more than ever expected from Napo reps. Table 2 shows survey statements related to reasons for staying in Napo post-TR. Among the possible reasons, advice and support (75%) and legal representation (71%) are well ahead of other motives for both men and women, and especially members in the 18-35 age group (80% of them expected support in case of difficulties at work). As can be seen, the descriptive statistics also indicate some gender differences (highlighted in bold) suggesting a stronger activist orientation among men (see Table 2).

## TABLE 2

## Other expectations of Napo revolved around improving terms and conditions and giving voice to members. Women and young women in particular expressed less faith in Napo’s ability to defend efficiently members’ interests in general. Only 32% of the 18-35 age group believed that Napo would be able to negotiate favourably with employers and 33% thought that Napo would give voice to staff. More importantly, only 13% of young members thought that Napo could fight against redundancies. This scepticism did not prevent members in general, including younger ones, expecting Napo national to stand up more to the employers. 65% of the survey respondents – 63% of women and 67% of men, ranked this statement first, way before information on professional issues (39%). Occupational matters were obviously seen as less of a priority for Napo, which is interesting given that it is a professional union. The question for Napo seemed to be how to act as a union, as opposed to or in addition, to being a professional association. This debate is not new, but the balance between the two parts seemed to have changed over the years, as one national officer argued:

## Some of the challenges that we’re facing is because at some stage in the past and I think I can say it was probably about fifteen, twenty years ago, Napo decided to get more involved in the TUC, feeling the need to champion probation more. Probably in the run-up to the end of Thatcher or the end of the Major government and that they decided when they wanted to become more of a political force, they decided to be a union. So until then my impression is Napo was kind of a champion of probation, a professional body that did some union stuff. And then it decided to be a union that did some professional championing.

## I: And why is that?

I think it was probably because to do the championing of probation you needed to be involved in the political work … And I think it was a trend, I think around that time it would definitely have been a trend. There was some of the other craft unions were doing it as well… there was a whole range of small unions joining, getting involved in the TUC. It’s interesting, it was also around that time that some of the bigger unions were merging. (National officer)

Members seemed to differentiate quite clearly what they expected from the national and the local union levels. Branch officers gave accounts of their representation work. The state of uncertainty about working and employment conditions was so high following TR that branch officers and convenors had to work overtime to advise members and reassure them. With the decrease in facility time, some branch officers found it very hard to address all their members’ demands.

The instructions now from the MoJ are that one individual union rep [in NPS], whatever their role, can claim up to 50% but no more than 50% or as a branch you cannot claim more than 50% of a full-time role. So that is straining us and that is limiting us incredibly. Where we had a whole role to play with, we’ve now got half a role. And it’s just, it’s not possible. With the amount of stress that’s going on and consequences of stress and staffing capability, disciplinary, you know we need a lot of time for the reps to help those members. (Branch officer)

Further, the foreseeable future diversification of the membership’s terms and conditions, depending on the different employers’ policies, was set to make union representation work more complex for existing well-trained branch officers, but even more so for new reps. One of the main issues facing Napo was that it largely relied on a small pool of older, more senior activists who disproportionately took on the representation role. The survey showed that only 15% of responding members declared holding a Napo branch or national position. If the level of union density was quite high and used to be very stable, typical Napo activists were more likely to be middle aged, experienced probation officers. 16% of men and 14% of the 46-55 age group and 15% of the 56-65+ age group reported having held a branch role compared with 10% of women and 8% of the 18-35 age group (a group that is 80% feminized). However, these survey results overlook the fact that some Napo branches are exclusively led by women.

Following TR, the concentration of Napo activists within NPS – either because they were initially sifted to NPS or because they managed to transfer post TR – created concerns in terms of branch organization. With few exceptions where branches were historically led by PSOs (now mostly sifted to CRCs), some branches were struggling to identify CRC activists. This lack of CRC reps revealed the implicit predominance of fully qualified grades among Napo branch officers (with a few exceptions) and is quite concerning for the future of Napo since CRC owners did not accept cross-representation anymore. In most branches, Napo officers located in NPS were prevented by now from representing their CRC colleagues.

In terms of local structure, it’s a mess at the moment because we are being told that NPS staff cannot represent members of the CRC and yet our branch *has* unsurprisingly and this is something I was quite interested in looking at when I get a chance; the branch executive predominantly is NPS. And I think the history of that is interesting in that regard because it was a part union and part professional association. It always had a problem with the predominance of qualified grades being you know members of the union and not enough of the other people. So what we have in [our region] is a branch that is very experienced, very strong, quite active and quite resolute, but dominated by people from the NPS. And officially we are now being told that you can no longer represent CRC members, we don’t have enough personnel to do the representation if that’s the case. (Branch officer)

This new rule was seen as beneficial to the employers, as very junior union activists had been obliged to fill some branch positions with very little experience. Consequently, these branch organization issues put a lot of stress on national officers and officials who tried to overcome branch deficiencies by representing individual members on top of their other union roles.

I: And are you seeing differences in those regions, in their ability to cope with what they’re facing right now?

## Yeah, inevitably a lot of it actually depends on where the activists fell when they were assigned back in June. So we are in certain areas of the country, we are struggling to have reps either on the CRC side or the NPS side because all the activists went that way or the other. And there’s no consistency in where people went. So yeah, we’re literally at the point where officials are coming under pressure to start representing individual members which I don’t mind doing. (National official)

**Recruitment and participation issues**

This situation emphasized the urgency for Napo not only to recruit members, but also to train new activists. All branches seemed well aware of the importance of recruiting members. Most of them had completed membership mapping requested by national Napo, even if it was a “painful exercise”.

It was difficult, but we sat down together in the beginning to do the percentages on calculators and things like that. But it was difficult this time, most difficult ever because in the past you had NPS and CRC in front of you so we had all the information, but this time because of the split a lot of information we want to do with NPS we’ve got, but with CRC we haven’t. So it was completely different, because before all the information was there, and we could just go on the system, type in names, track them, where they were, look up offices. We had a book that had all the offices in there and where people were and we could obviously look at the mapping and see, look at it that way, the probation directory, but that’s useless now because everything has changed. So it’s been a nightmare task, a task that I must admit that we kind of think we can’t do that right now, we’re really busy. (Branch officer)

Branches were used to recruiting probation trainees during their induction programme, but this practice was disrupted by the restructuring of the HR function in NPS, and by lack of union access to induction events in some CRCs. Previously, branch officers could easily liaise with local HR officers with whom they had good relationships and organize Napo input to induction programmes, whereas they were now confronted with remote HR shared services (and the possible shortage of new cohorts of trainees) in NPS and fragmented HR services in the CRCs.

The chair has been pushing and pushing with HR for them to let us know if new staff are there and invite us to meet them, haven’t been inviting us but we’ve been assured that’s going to happen now.

I : Is that on the CRC side?

Both.

I : So even HR on the NPS side hasn’t been that helpful in that direction?

No. Worse so I think because it’s, they’re shared services and they’re all based in Wales and our HR is in Nottinghamshire so it’s easier for us to liaise with them (Branch secretary)

All the same, the prospect of check-off[[3]](#endnote-3) ending in NPS and possibly in major CRCs is particularly alarming in a context where the higher instability of the workforce, especially amongst young employees, would require constant recruiting efforts. The other big issue for branches was to encourage new Napo members to participate. In most branches, union positions were not all filled (or were filled by the same people having multiple roles) and branch officers were struggling to organize branch meetings. The level of members’ participation seemed quite low, especially for the 18-35 age group. Table 1 also suggests that very few members stayed in Napo because they wanted to take part in the union (only 22% of the survey respondents chose this statement), and particularly not younger women (16% of 18-35 age group). Even branches described as very active had difficulties organising quorate branch meetings.

Very active branch in terms of the exec, the exec is very active, very proactive and we used to have quorate branch meetings, but we haven’t had quorate branch meetings now in quite some time … And so the way it’s gone locally I think reflects massively how it’s gone nationally to try and get people to meetings. Initially it was said to us, it was pressure of work, because bear in mind we negotiated that people could have that time off, it could be in work time, and then we were told it was pressure of work. Then we were told … a number of different reasons. But my view that the amount of work that people were expected to do, it was disproportionally high in relation to the hours that they got to do the work in, so they were always putting the Napo meetings to one side which is a shame but it is a fact. (Branch officer)

Explanations for this low level of participation can be found in work time pressures and the increase of workload, but also in location and time issues, which are particularly apposite constraints for women (Author B, XXXX; Munro 2001). Many branches had merged – and some of them had merged before – and were now covering large regions. As found in many other studies (e.g. Colgan and Ledwith 2000; Author B, XXXX), most branch meetings still happened after work and sometimes in remote locations, especially in rural areas and these issues presented obvious gendered constraints:

Well, the region just in terms of geography … goes from South Cheshire, so touching like Stoke, Staffordshire, so just North of Birmingham across to the Scotch Borders on that kind of Western side. That’s the size of the NPS region. So it’s, you know, it’s massive and obviously when you get up to Cumbria Kendall, Workington, Carlisle that’s almost a different country as opposed to Manchester-Liverpool being 30 miles away from each other, Preston another 30 miles so in the North and then probably 100 miles up to Carlisle. Maybe 70, 70/80 miles up to Carlisle. So it’s a very, very big area. If you’ve just got to do one grievance, from here to Carlisle, that’s a day out. (Branch officer)

As shown in Table 2, when asked what the branch could do better, issues about organising meetings at the workplace level and in accessible places were frequently cited, especially by women and younger women who were most likely combining work and family (58% of 18-35 age group were in favour of workplace meetings). Many branches tried to address these issues by organising the branch differently. Most of them chose to elect two Vice-Chairs, one for NPS and the other for the CRC. However, the reorganization of branches revealed the fact “*that the thin layer of activists has gone down to a very thin layer of people that are in the right place*”, as one national officer put it. Many branches were trying to alternate venues for branch meetings within the region and just a few organized workplace meetings. Video conferences and e-mails were used when possible, but despite these efforts meetings remained poorly attended. Branches’ existence still depended on a very small pool of activists and the survival of the smallest ones would be at risk in cases where current branch officers retired or left probation:

It actually damaged the branch meetings because wherever you have them people would complain, so we do, we have done workplace meetings. We never actually got massive turnout for our branch meetings. That was never our expectation. But we have an active email system… And our last team meeting was very well attended, our branch meeting very well attended. See for us we had about eight or nine people at branch meetings (branch officer)

TABLE 2

Overall, branch expectations seemed to revolve around organizational issues to improve relations with members more than support demands, which confirmed that Napo reps were quite legitimate and efficient in their union role but also that members’ participation, especially women’s, was constrained by time and location issues (see also Colgan and Ledwith 2000; Author B, XXXX). This analysis somehow nuances and genders some interviewees’ perspectives on members’ apathy and lack of commitment. A drift towards depoliticization was sometimes cited by male and some older female officers to explain the lack of young (female) employees’ participation.

I mean, you know, I don’t know what it’s like but I know it’s different in different areas but I find myself having been an activist for, whatever twenty years, that kind of the commitment of individuals to the union, to the idea of the union is waning all the time. And like I say it’s to do with ownership and people have mortgages to pay and I think well, we always had mortgages to pay, why is it different now. But there seems to be a lot less commitment to trade unionism now than I’ve seen. Like young people don’t care. It’s almost like they’ve never known anyone who suffered, you know, in the world that existed before the NHS and welfare and all that kind of thing. And they’re too far removed from it. It’s almost like they need to suffer again before they realise that … (Branch officer)

The only indicator of political values/views suggested by the survey is the statement “I believe in trade unions” in Table 1 that ranked 3 among the reasons for staying in Napo (66%). The survey results clearly indicate an association with gender (62% of women and 74% of men expressed that opinion) and age group. However, interestingly, the gender difference was not so stark when it came to wanting to take part in the union (21% of women and 26% of men) (see Waddington and Whitston 1997 for similar findings).The main age variation occurred after 46 years old when the overall percentage of those stating belief in trade unions rose from 56% to 70%. However, for younger generations, this motive for staying in Napo remained quite significant.

**Discussion and conclusion**

This article contributes to the workplace unionism resilience/renewal debate by offering data from a small feminized and professional union that articulates branch officers’ views and members’ expectations during a period of turbulence. Converging with previous studies, it provides evidence for even more accountable and responsive relationships between local reps and their members, following restructuring (McBride, 2010; Darlington, 1995, 1997, 2009). However, it also anticipates major difficulties for Napo’s organization and efficiency in the near future, casting doubt on renewal prospects.

This article identifies different subjective and objective factors that contribute to the resilience of workplace unionism within Napo. First, conditions for union collectivism stem from a strong occupational identity built on the unique employee relations nature of the penal environment “where staff are dealing with those members of society who have rejected the values of that society” (Black, 1995) and the sharing of a strong professional and public sector ethos (Mawby and Worrall, 2013; Author B, XXXX). It was difficult in this study to pinpoint how the feminized context intersected with this specific occupational environment at a moment in time when probation practitioners, whether female or male, were experiencing an assault on their occupational identity. However, previous research in this environment has argued that there is a gendered moral component underpinning the strength of commitment to the work (Author B, XXXX) and this seemed to endure in the post-TR environment. Second, the resilience of Napo needs to be set in the context of the legacy of large and confident branches that are typical of an articulate and educated membership (Terry, 1996; Carter and Poynter, 1999) which puts great emphasis on occupational, educational and industrial matters. Again, we also underline the feminized membership context and the importance of all three of these areas to women professionals (Author B, XXXX).Third, it is also necessary to take account of the democratic and lay control tradition that characterizes Napo. Previous research on women and unions has shown how gender democracy is enhanced via opportunities for women to participate in multiple union structures and forums (Healy and Kirton 2000). Napo’s historic and contemporary record on women’s representation in decision-making structures compares very well with other small and large unions (Author B, XXXX). Fourth, the process of restructuring itself and the few resources held by the national paid officials to deal with the new CRC owners contributed to putting a strong emphasis on branch officers who have to cope with the prospects of new HR policies and future redundancies. Members’ expectations clearly indicated the need for even more efficient levels of local representation and support in a context of high turbulence that will more specifically affect young (female) professionals both in terms of employment conditions and career prospects. Previous research would suggest that having women well represented among officers and officials will help Napo to cope with this challenge (Colgan and Ledwith 2000; Author B, XXXX).

However, some limitations can be predicted for the permanence of effective workplace unionism in probation. So far, a small number of branch officers were key to the resilience of local representation. These activists were handling their union duties in a more demanding context and were managing to retain and recruit members. They had proved Napo’s usefulness to members who displayed strong instrumental and individual expectations towards their union (support, advice, legal help). The younger members felt less inclined to stay unionized for political reasons only and membership attrition put in doubt Napo’s ability to achieve the gains through collective bargaining that younger members sought. The less importance given by young members to the professional (and educational) role of Napo also brings in new questions for the union’s legitimacy and purpose. Further, this effectiveness of branch organization is likely to be affected by difficulties adapting to a more segmented and dispersed constituency resulting from TR and by the foreseeable shortage of experienced activists due to their retirement or voluntary redundancy. The low level of young members’ participation, partly due to well-identified barriers for women’s engagement in union activities (Author B, XXXX), and the prospects of membership loss following the end of check-off, cast doubt on the potential for member-led renewal for Napo. However, contrary to bigger unions that have opted for a hybrid renewal strategy (Bach and Givan, 2008), Napo is also lacking resources and organizational culture to opt for an official-led approach. Napo’s ability to maintain workplace unionism is likely to be disparate depending on the size and traditions of the different regions, with some already less active branches becoming completely quiet and/or representing only NPS members to whom branches typically have straightforward access.

The case of Napo clearly indicates that the issue of workplace unionism resilience in the public sector needs to be carefully appraised over a long period of time post restructuring cognisant of sociological changes affecting the professional community. For a small union like Napo, the effects of restructuring/outsourcing can be so devastating in terms of resources and membership that even a strong workplace unionism tradition can be diluted by the new employers’ employment relations strategies. Of course, the possibility of absorption by a large union looms for a small union facing these challenges. Besides, this collective and member-led union culture is linked to the main characteristics of the professional community. If some assume that left wing politicization is usually correlated with a certain type of union practices, we can also accept that certain professional values and ethos also translate into specific union practices. In the case of Napo, the existing activists mostly came from the same generation of probation officers who shared a social worker occupational identity that also reflected in their perspectives on Napo’s purpose and ways of functioning (Author B, XXXX). If TR represents a major challenge for the survival of Napo, the restructuring (and further feminization) of the profession also brings new questions for Napo, both in terms of democratic practices, articulation of occupational and industrial matters and unions priorities.

**References**

Author B (XXXX)

Bach, S. (2016). “Deprivileging the public sector workforce: Austerity, fragmentation and service withdrawal in Britain”. *The Economic and Labour Relations Review,* 27 (1): 11-28.

Bach,S. and Givan, R. (2008). “Public Service Modernization and Trade Unions”. *Public Administration,* 86(2): 523-539.

Black, J. (1995). « Industrial Relations in the UK prison service ». *Employee Relations*, 17(2): 64-88.

Burchill, F. (1995). “Professional unions in the National Health Service: issues and membership trends”. Review of Employment Topics, 3: 13-43.

Burgess, J. and Macdonald, D. (1999). “Outsourcing, employment and industrial relations in the public sector”. *The Economic and Labour Relations Review,* 10(1): 36-55.

Carter, B., 2004. “State restructuring and union renewal: the case of the National Union of Teachers”. *Work, employment and society,* 18 (1): 137-156.

Carter, B. and Poynter, G. (1999). “Unions in a changing climate: MSF and Unison experiences in the new public sector”. *Industrial Relations Journal*, 30(5): 499-513.

Colgan, F. and S. Ledwith (2000), ‘Diversity, Identities and Strategies of Women Trade Union Activists’, *Gender, Work and Organization*,**7**(4): 242–257.

Colling, T. (1993). “Contracting Public Services: the Management of Compulsory Competitive Tendering In Two County Councils”, *Human Resource Management Journal,* 3 (4): 1-15.

Cumbers, A., MacKinnon, D. and Shaw, J. (2010). “Labour, organisational rescaling and the politics of production: union renewal in the privatised rail industry”. *Work, employment and society,* 24(1): 217-144.

Cunningham, I. and James, P. (2010). “Strategies for Union Renewal in the Context of Public Sector Outsourcing”. *Economic and Industrial Democracy,* 31(1): 34-61.

Darlington, R., 1993. “The challenge to Workplace Unionism in the Royal Mail”, *Employee Relations*, 15(5): 3-25.

Darlington, R., 1995. “Restructuring and Workplace Unionism at Manchester Airport”. *British Journal of Industrial Relations*, 33(1): 93-115.

Darlington, R., 1997. “Workplace union resilience in the Merseyside Fire Brigade”, Industrial Relations Journal, 29(1): 58-73

Darlington, R., 2009. “Leadership and Union Militancy: The Case of the RMT”. Capital and Class, 33 (3): 3-32.

Darlington, R., (2010). “The state of workplace union rep’s organization in Britain today”, *Capital and Class*, 34(1): 126-135.

Dundon, T., (1997). “Post-privatised shop steward organisation and union renewal at Girobank”. *Industrial Relations Journal*, 29(2): 126-136.

Fairbrother, P. (2006). “The Emergence of the “De-Centred” British State”, in P. Fairbrother and A. Rainnie (eds) *Globalisation, State and Capital*, pp.53-71. London: Routledge.

Fairbrother, P. (1994). “Privatisation and local trade unionism”, *Work, Employment and Society,* 8(3): 339-356.

Fisher, M. (2004). “The crisis of civil service trade unionism: a case study of call centre development in a civil service agency”. *Work, employment and society,* 18(1): 157-177.

Gale, J. (2012). “Government reforms, performance management and the labour process: the case of officers in the UK probation service”. *Work, employment and society,* 26(5): 822-838.

Kessler, I. and Heron P. (2001). “Steward organisation in a Professional Union: The case of the Royal College of Nursing”. *British Journal of Industrial Relations,* 39(3): 367-391.

Mawby, R. and Worrall, A. (2013). *Doing probation Work. Identity in a criminal justice occupation*. Routledge, New York.

McBride, J. (2004). “Resilience or renewal? The persistence of shop steward organisation in the TMCI”. *Capital and Class,* 82: 115-142.

Munro A (2001) A feminist trade union agenda? The continued significance of class, gender and race. *Gender, Work and Organization* 8(4): 454–471.

Terry, M. (1996). “Negotiating the Government of Unison: Union Democracy in Theory and Practice”. *British Journal of Industrial Relations*, 34(1): 87-110.

Voss, Kim and Sherman, Rachel (2000). "Breaking the Iron Law of Oligarchy: Tactical Innovation and the Revitalization of the American Labor Movement." *American Journal of Sociology.* 106(2).

Waddington, J. and C. Whitston (1997), ‘Why Do People Join Trade Unions in a Period of Membership Decline?, *British Journal of Industrial Relations*, **35**, 4, 515–546.

Whitfield, D. (2002). “Impact of privatisation and commercialisation on municipal services in the UK”. *Transfer: European Review of Labour and Research,* 8: 234-251.

1. Workplace unionism can refer to different kinds of union representatives including shop stewards, departmental reps, convenors, branch secretaries and health and safety rep (Darlington, 2010). [↑](#endnote-ref-1)
2. In October 2014, Napo launched a judicial review (legal challenge) of the government’s decision to outsource probation services. In December 2014, Napo withdrew the application after the Justice Secretary gave a series of undertakings to the court around public safety issues. [↑](#endnote-ref-2)
3. Under the ‘check-off’ process – many public sector workers who are union members have their subscriptions taken directly from their salary, administered by their employer. In August 2015, the government announced its intention to end check-off across all public sector organizations.

   **Table 1: Reasons to stay in Napo**

   |  |  |  |  |  |  |  |  |  |
   | --- | --- | --- | --- | --- | --- | --- | --- | --- |
   |  | **Female**  **N/%** | **Male**  **N/%** | **Total** | **18-35** | **36-45** | **46-55** | **56-65+** | **Total** |
   | To provide advice and to support me in case I have a problem at work | 482  68  75 | 228  32  75 | 710  100  **75** | 118  17  **80** | 137  20  74 | 294  42  76 | 148  21  73 | 700  99  **75** |
   | To provide legal representation in case I have a problem at work | 449  67  70 | 222  33  **73** | 671  100  **71** | 107  16  73 | 123  19  66 | 286  43  **74** | 138  21  68 | 658  99  **70** |
   | I believe in trade unions | 400  64  62 | 225  36  **74** | 625  100  **66** | 82  13  **56** | 105  17  56 | 273  45  **70** | 147  24  **73** | 612  99  **66** |
   | I believe Napo negotiations with the employers improve my terms and conditions | 259  65  41 | 141  35  **46** | 400  100  42 | 48  12  **32** | 79  20  42 | 165  42  42 | 96  25  **48** | 391  99  42 |
   | I believe Napo gives staff a voice in probation | 245  64  38 | 436  36  **45** | 381  100  40 | 48  13  33 | 62  17  33 | 174  47  **45** | 84  23  42 | 371  100 |
   | Napo provides me with important information about professional issues | 223  70  35 | 97  30  32 | 320  100  34 | 44  14  30 | 62  20  33 | 141  45  36 | 67  21  33 | 315  100  34 |
   | I want to take part in the union | 132  62  21 | 80  38  **26** | 212  100  22 | 23  11  **16** | 47  23  25 | 86  42  22 | 49  24  24 | 205  100  22 |
   | I believe Napo can fight against redundancies | 122  64  19 | 68  36  22 | 190  100  20 | 19  10  **13** | 28  15  15 | 84  46  22 | 49  27  24 | 182  96  20 |
   | Total | 640  68  100 | 303  62  100 | 944  100  100 | 147  16  100 | 186  20  100 | 389  42  100 | 202  22  100 | 930  100  100 |

   **Table 2: Member expectations of Napo branches**

   |  |  |  |  |  |  |  |  |  |
   | --- | --- | --- | --- | --- | --- | --- | --- | --- |
   |  | **Female**  **N/%** | **Male**  **N/%** | **Total** | **18-35**  **N/%** | **36-45**  **N/%** | **46-55**  **N/%** | **55-65 +**  **N/%** | **Total**  **N/%** |
   | Hold more workplace meetings. | 278  71  **51** | 115  30  44 | 394  100  49 | 71  18  **58** | 81  21  49 | 155  40  47 | 80  21  48 | 390  99  **49** |
   | Hold meetings in more accessible places | 198  75  **36** | 67  25  26 | 265  100  33 | 39  15  **32** | 60  23  **37** | 104  40  32 | 54  21  32 | 260  99  33 |
   | Stand up more to the employers | 160  61  29 | 101  39  **39** | 261  100  32 | 37  14  30 | 48  18  29 | 112  43  34 | 59  23  **35** | 260  98  33 |
   | Consult more with members about local union priorities | 154  67  28 | 77  33  29 | 231  100  29 | 37  16  **30** | 42  19  26 | 97  43  **29** | 46  20  **27** | 225  99  28 |
   | Provide more support/help to individual members | 123  68  23 | 59  32  23 | 182  100  23 | 32  18  **26** | 31  18  19 | 75  43  23 | 32  18  19 | 173  98  22 |
   | Hold meetings at more convenient times | 126  75  **23** | 43  25  16 | 169  100  21 | 25  15  20 | 39  23  24 | 70  41  21 | 34  20  20 | 170  99  21 |
   | Total | 543  68  100 | 262  32  100 | 805  100  100 | 123  16  100 | 164  21  100 | 333  42  100 | 168  21  100 | 788  100  100 |

   [↑](#endnote-ref-3)