



**CRIMINAL JUSTICE SOCIAL WORK
DEVELOPMENT CENTRE *for* SCOTLAND**

Towards Effective Practice

Number 1 - October 2001

The CJSW Development Centre for Scotland was set up in January 2001 as part of an investment programme by the Scottish Executive to assist in the development and implementation of evidence-based practice in Scotland. It is based at the University of Edinburgh and is run in partnership with the University of Stirling. The Development Centre's aim is to forge links between current research, knowledge and practice development in the fields of criminal and youth justice social work. We plan to produce a range of publications and to hold different types of events to promote collaboration in the field, to stimulate debate and to enhance the dissemination of research and practice experience.

A core strand of these efforts will be two series of papers: *Towards Effective Practice* which will provide comment on current and topical issues and challenges facing practice in Scotland; and *CJSW Briefings*, which will provide short, accessible reports on primary and secondary research, literature reviews and legal or policy developments. Our intention is that these papers will stimulate debate at both local and national levels, and encourage the development of a culture of continuing learning and innovation within the workforce. We plan to develop the series over time with members of the CJSW network with the expectations that practitioners, researchers and policy makers will collaborate with the CJSW Development Centre to produce commentaries based on their experience of developing effective practice.

This first edition provides an overview on a number of critical and challenging issues currently facing practitioners both in criminal justice and youth justice in Scotland, which will be developed in more detail in future publications.

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Introduction

Current government policy provides an opportunity for social work in both criminal and youth justice to re-establish its credentials in promoting the welfare of individuals and the community under section 12 of the Social Work (Scotland) Act 1968, through its contribution to reducing offending and improving community safety. Important developments are already in train. In relation to adult criminal justice social work services, local authorities are beginning to move into the new groupings originally proposed in *Community Sentencing: The Tough Option* (1997), and the effective practice agenda is being actively promoted through central initiatives such as *Getting Best Results* and the *Pathfinder Provider Initiative*. At the same time, on the youth justice front, *It's a Criminal Waste: Stop Youth Crime Now* (2000) promised an exciting and radical shake up of the much neglected area of youth justice provision, with the expectation of a better corporate approach to local co-ordination and planning by each authority.

In order for services to address the question of 'what works?' and reflect this in their day-to day practice, they will require access to sound critical knowledge and information about the impact of current policies and practice, an evidence-led approach to planning provision and an allied training strategy. These issues apply equally to criminal justice and youth justice services particularly the need for specialist training for practitioners and managers in criminology and in identifying 'what works?' The effective practice agenda provides a challenge to everyone to make provision and its outcomes more transparent and to establish the role of knowledge in the application of criminal and youth justice policies. The public have still to be convinced, despite the promising evidence, that community based disposals are an effective means of reducing re-offending at less cost than formal justice proceedings for young people or custodial sanctions for adults. The more transparent criminal justice practice becomes, the more likely that public perception and confidence in the system will improve. Some of the key questions that services need to address urgently include 'what is effective?', 'what approaches seem to work best?', 'how can we evaluate what we do?', 'how can we best (meaningfully) assess and manage risk?', and 'what can restorative justice approaches offer? The remainder of this paper offers some thoughts on these issues.

Effective Practice

Despite the dominant political view by the end of the 1970s that 'nothing works' in offender re-integration, practitioners in both criminal and youth justice in Scotland seemed to operate on the assumption that their efforts were worthwhile simply because it felt as if they were. Unlike now, the policy context at that time provided little requirement for serious efforts at exploring the effectiveness of practice or of making explicit the expected outcomes of intervention, particularly in relation to re-offending. The increasing emphasis placed on *Value for Money*, *Effectiveness* and *Best Value* by successive governments has 'encouraged' both the public and independent sector providers of criminal justice and youth justice services to focus far more clearly on the evidence of effectiveness in these services. Meta-analytic reviews do not suggest that there is any single, outstanding approach that is by itself guaranteed to work as a means of reducing re-offending. They have, however, helped recover confidence that there is promising evidence of social interventions which can have a direct and positive effect on people who offend and on their behaviour. For example, Lipsey's review (1992), based on 40,000 young offenders, found that 65% of interventions examined showed positive effects in reducing re-offending. The type of intervention was seen to be important, with cognitive-behavioural, skills-oriented approaches and, in particular, combinations of approaches (multi-modal) having the most positive impact. Some clear trends are emerging that should direct practice. When all types of programmes and outcomes were combined, re-offending averaged 9% to 12% lower than for control groups; for multi-modal, cognitive-behavioural and skill oriented approaches, the re-offending rate was on average 20% to 32% lower than for control groups. A more recent review on serious and violent offenders suggested that community-based programmes aimed at modifying behaviour and those providing training in interpersonal skills produced 40% reductions in re-offending (Lipsey & Wilson, 1998). On the other hand, deterrence and punitive approaches showed negative effects, whilst outward bound-type

challenge programmes produced only weak results. Furthermore, evidence suggests that poor programme delivery is associated with increased re-offending. It is difficult, but necessary, to promote the message that it may be better to do nothing than to run bad intervention programmes where staff are wedded to their own way of working despite the absence of supporting evidence for their preferred approach.

For community-based supervision to play a central role in response to offenders, it must, ultimately, aim at reducing offending through, at the very least, the commission of fewer or less serious offences than could be expected from the person's previous history, attitudes and circumstances. However, no-one can be coerced to think deeply about their offending behaviour and its consequences for themselves and others, nor to undertake the difficult and time consuming work necessary for controlling and changing that behaviour. If intervention is to be meaningful, it must be understood by the offender, and the opportunities provided must be relevant to supporting a positive lifestyle, including educational and employment opportunities. The most successful approaches offer scope for the involvement of family members and significant others, including victims in the supervision process, but it is also important to recognise that people are uniquely individual and require responses which recognise this individuality. Thus, whilst integrity of the technical requirements of interventions is important, the way in which practitioners provide structured and well-focused interventions that match the personal characteristics and circumstances of offenders is equally important. The importance of social learning theory and of social interaction, where the emphasis is not simply on changing thinking but also on mobilising powerful influences and having positive expectations, is critical to the delivery of effective interventions with people who offend.

Successful outcomes are strongly influenced by effective workers who are warm, optimistic and enthusiastic, creative and imaginative, and who use their personal influence through the quality of interaction directly with offenders (Trotter 1999). Practitioners need to be able to recognise antisocial thinking and to be able to model and demonstrate real alternatives to this. They also need to be able to reinforce the positive when they see it occurring. Key practitioner skills include modelling, positive reinforcement and effective disapproval, providing structured learning to develop problem-solving skills, and providing opportunities for restoration and making amends as part of examining offending. The high level of knowledge and skill that is required to assist individuals in cognitive and behavioural change must be fostered by agencies. Employers must take their staff and staff training seriously, and must recognise the skills and characteristics workers bring to interventions, which reinforce and reward the pro-social and positive aspects in the person's life (Andrews et al, 2001). At the same time professionals need to recognise the contribution of volunteers and untrained people from communities in modelling behaviours and in helping people maintain change over time.

Effective Approaches

There is no single way of helping an individual offender change his or her behaviour and precise knowledge about which methods seem to work best with specific kinds of offences remains limited. Cognitive-behavioural and social learning methods are central to the 'what works?' debate, but many questions remain unanswered and many ideas are still to be tested through local innovation and programme development. Assembled into a coherent framework, cognitive-behavioural methods provide a powerful approach to understanding the complex dynamic relationships between thoughts, feelings and behaviour. Given the premise that most human behaviour is learned, it should be possible for individuals to learn, in step-by-step fashion, to replace negative behaviour with a different form of response. A moderate amount of research has been conducted showing such methods are useful for helping individuals who lack skills in problem awareness and recognition, in distinguishing facts from opinions, in generating alternative solutions, in means-end reasoning and consequential thinking. Key principles include the importance of attention to

- the idea of breaking complex behaviour into simple, more comprehensible units
- the possibility of behaviour change in gradual, clearly defined steps
- the role of the social and economic environment in change
- the universal importance of monitoring and evaluation from outset to the completion of the process, including follow up to examine the maintenance of change.

(McGuire, 2000)

Positive motivation and commitment to change are as important as the type of intervention and other technical requirements. The question of how to increase individual motivation to change is often one of the most difficult challenges facing practitioners. Individuals are not always ready, able or willing to alter, even when they recognise that this is desirable to them. One general strategic approach to the problem is through the interactional style of motivational interviewing. A number of other motivation enhancement methods which employ similar basic mechanisms to those involved in motivational interviewing include working toward self-generated goals, using provocative strategies, and, particularly for young people, using active methods such as role play and role reversal and other skill development approaches. Broadly speaking, most social skills training programmes for young people will contain a similar mixture of ingredients including modelling, role-play, coaching, instruction and feedback to help shape skilled behaviour.

Outcome Evaluation

Despite the growing body of promising evidence about what is effective, it has to be stressed that precise knowledge about which methods seem to work best with specific kinds of offences remains limited. Ongoing analysis of research findings as they emerge from different countries is needed to understand better the impact of the social context: in particular the differences between community-based and institution-based approaches, and between different community settings. Measurement of re-referral, re-offending or re-convictions rates should not be the 'be all and end all' of outcome measures, but to fail to measure these is to fail both the person who offends and the community at large. Both the Scottish Children's Reporters Administration (SCRA) and Scottish Criminal Records Office (SCRO) data need to be routinely available to authorities so that some official measures can be established at the end of a period of supervision and followed up, ideally at 12 and 24 month intervals. The *Integration of Scottish Criminal Justice Information Systems (ISCJIS)* programme including SCRA's *Referral Administration Database (RAD)* pilot will, in time, allow authorities to gather official information routinely. In the meantime it is important to establish re-offending rates at reviews or at the end of orders, either by self report or by other means and to include some qualitative follow up mechanism as part of maintenance work. Only by generating reconviction data as a matter of standard practice will agencies be able to close the gap between the average and the best of practice.

The average outcomes for probation intervention, at present, may well yield little better results than average outcomes for custodial alternatives, although it is unlikely to be worse. Recent Scottish data suggest that those discharged from a custodial sentence (67 per cent) or given probation (63 per cent) were on average more likely to be re-convicted within two years than those given community service (50 per cent) (Scottish Executive 2001: Table 5). While these figures show some advantage to community disposals, the differences, particularly between probation and custody, are not striking. No equivalent re-offending or re-referral data is yet available for supervision requirements from the Children's Hearings. None of these data, of course, take into account the nature and type of provision available to the offenders, nor the offender's experience of the intervention. In practice, the majority of reconviction data covers the two years from an offender starting a community disposal, which means that the success of a community disposal is being judged before it has had a chance to have an impact. By contrast, the success of a prison sentence is generally judged from the point of release. Consequently average reconviction statistics often show limited advantage to community supervision. Two small studies based on re-convictions from the completion of the community disposal and from custody release both found an advantage of over 20% for community disposals during the follow up period (Cleveland Probation Service 1995; Kent Probation Service 1996).

However, there continue to be disputes even about the terminology of monitoring and evaluation. Generally, monitoring tends to be seen as comprising routine arrangements for maintaining up-to-date information on a policy, practice or programme, and comparison of these data with some explicit and agreed plan or projection of what is desirable. The data are used to keep track on what is happening, checking for compliance with service standards, the nature of service delivery, and client details etc. Evaluation, on the other hand, in the context of effective intervention can be defined as finding out whether a programme is achieving its objectives as defined (Merrington & Hine 2001). It is worth emphasising that evaluations do not need to be on a large scale: individual social workers evaluating their own work can generate credible evidence that highlights important issues with implications far wider than their own practice. There are

useful parallels between case management and outcome evaluation. Case management stresses assessment, planning, intervention and re-assessment; outcome evaluation requires the setting of aims and objectives, selection of intervention measures, followed by measurement and analysis. Routine data gathering should allow for the possibility of drawing together the following threads for an overall evaluation of the case

- compliance (attendance and completion)
- overall assessment of needs and risk, and changes in these since the start of supervision
- specific interventions and evidence of change related to them
- feedback on the experience and impact of supervision
- information on any further offending and positive prospects for the future.

Risk assessment and information management

Risks cannot be easily or precisely predicted nor can they be fully eliminated. Nonetheless, assessment and the management of risks posed by offenders is at the heart of good social work practice aimed at reducing offending and enhancing community re-integration. Assessment is a continuous, dynamic process which involves gathering and analysing information to establish the level and type of risk posed by an individual, and to establish crime-related or crime-sustaining (criminogenic), and other needs. The assessment process and the preparation of an action plan is also the beginning of the process of engaging with the person in changing attitudes and behaviour.

The use of structured or standardised assessment tools, such as Dunscore, Level of Service Inventory (LSI-r), Assessment, Case Management and Evaluation (ACE), Asset and Youth Level of Service (YLS) are now in use in Scotland. These tools can assist improve consistency in the assessment of offence-related needs, provide positive confirmation that needs targeted by interventions are present and promote clearer eligibility criteria for entry to specific programmes. Tools which measure dynamic or changing factors can also provide direction for the level of intervention and resource allocation required and a baseline for measuring change over time. They are not without their limitations, however, and need to be supplemented by other forms of assessment before they can provide a reliable guide to the likelihood of serious re-offending (Raynor et al, 2000). Despite their limitations, such tools also provide the opportunity for improving management information, for example by giving a detailed database of offending populations which can assist resource planning and targeting both locally and nationally. Information on provision needs to be shared with key stakeholders if cultural/ideological barriers are to be tackled and to support a better 'joined up' use of resources between health, local authorities, the independent sector and the police. Is enough being done to advise sentencers, victims or the community of what is working locally and based on transparent evidence rather than a 'trust us - it does work' approach?

Restorative Justice

Interest in the concept of restorative justice is growing amongst agencies involved in criminal justice and, in particular, youth justice. Restorative measures seek to balance the concerns of the victim and the community with the need to assist and reintegrate the offender within the community, and are given effect through diverse practices, including conferencing, sentencing circles, and victimoffender mediation schemes.

These practices focus on repairing the harm caused by crime, by holding moderated meetings of crime victims, offenders, and others affected by crime. Renewed political emphasis on restorative justice presents a significant challenge in Scotland. Anything that unites the political right and the left in North America, Australia and New Zealand must be viewed with some caution. Nonetheless the challenge, both within criminal and youth justice, is to find imaginative, positive and creative ways of restoring both the person who offends and victim where this is possible. For young people, there should be no contradiction between a young person's best interests and recognising the harm caused to others. Indeed positive opportunities to make good can uplift and replace any sense of shame that may exist. As a form of early intervention and diversion, exploration of restorative conferences and family group conferencing could provide a more immediate and speedy mechanism for mobilising the positive influences in the offender's family and social

network to help and support them, whilst at the same time giving recognition to the harm done to victims or communities.

Although research into restorative measures suggests that satisfaction levels of participants are high, outcome results from restorative practices, particularly with young non-violent offenders, are still modest (Sherman et al, 2000). On their own these methods are unlikely to help turn around the life of a young person with multiple difficulties and much has still to be learned about how and when best to use them. Nonetheless, there is enough positive evidence to suggest that restorative approaches can provide an important component at all stages of the criminal and youth justice systems. In recent years community service (CS), for example, seems to have become detached from the continuum of community disposals and has not been developed within the kind of theoretical framework restorative justice provides, as if somehow it is not aimed at positive personal change and positive learning. Yet CS contains many restorative components, with its capacity to build in direct or indirect contact with beneficiaries, opportunities for positive skills enhancement, reparative emphasis, and opportunities to model team work and personal discipline returning some power to the offender to make good for their actions. It is unlikely to be a coincidence that average re-conviction outcomes in Scotland are generally better for CS than for other community disposals. The skills and experience in CS, which have been gained over many years, could be made more readily available to young people as part of diversion and at the interface with the hearing system, where there is a strong emphasis on personal development, personal control and on employability skills.

Restorative approaches have the flexibility to be used by police at cautioning or warning stages, or to assist fiscals when considering diversion, and by reporters and Children's Hearings when considering the need for compulsory measures. More specialist uses are being explored in cases of serious violence and murder as a means of aiding closure for victims' families. Although restorative approaches are unlikely to supplant traditional sanctions, particularly in more serious cases, they offer an exciting addition to the range of measures available to service providers as they seek to reduce the harm done by offending.

Conclusion

For many years, social work services in relation to adult criminal justice and youth justice struggled to maintain credibility and confidence in the face of various strongly-articulated, but essentially negative, views, such as 'nothing works', 'prison works', and 'community disposals are a soft option'. The emerging evidence about effectiveness in community interventions, and the growing interest in restorative justice, together present new opportunities for services to develop and deliver alternative and innovative approaches to crime reduction and to the well-being (or welfare) of individuals and communities. As this paper has tried to show, the effectiveness agenda is strongly-based on key principles underpinning social work interventions, for example, the possibility of change, the importance of the social and economic environment in change, and on core skills, such as the capacity to engage with individuals and to motivate them. The challenge for service providers is to retain these cores skills and principles, whilst adopting a more rigorously critical approach to the nature of the services they deliver, in order to provide the effective services which politicians, the public and the service users expect. These themes will be explored further in subsequent papers.

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About CJSW

The CJSW Development Centre for Scotland is based within the Department of Social Work in the University of Edinburgh and is run in partnership with the University of Stirling. It is located in the Adam Ferguson Building until January 2002, thereafter in 31 Buccleuch Place. It is open from 9am-5pm Monday to Friday for anyone wishing to make enquiries either by phone (0131 651 1464) or in person.

The CJSW Development Centre aims to provide

- a resource room with borrowing facilities and internet access
- a bibliographic service, research and information data bases
- a data base of expertise in Scotland
- links with other resources or networks in the UK and beyond
- regular briefing papers and publications
- support for 'champion' groups to assist agencies meet future accreditation requirements
- an annual colloquium and two national seminars per year
- advice and consultancy

Find out more at <http://www.cjsw.ac.uk>

The Centre intends to establish an effective network for information exchange, dialogue and dissemination of good practice in Scotland. The feasibility of a 'virtual centre' is being explored to link practitioners and managers throughout Scotland and beyond. In the meantime information is available on the website.

Contact CJSW

We want to hear from you! Tell us what you think of the briefing paper and the website and what you want from the Centre. If you would like to write a briefing paper or to share ideas about practice, let us know. You can contact us at cjsw@ed.ac.uk

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