insights

shaping the criminal justice system: the role of those supported by criminal justice services

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Key points

- There are examples of people currently or previously supported by criminal justice services being involved in shaping criminal justice by delivering programmes and services, providing peer to peer advice and support, engaging in consultative forums such as prison councils, running networks or organisations, and providing feedback through research and evaluation.

- Although there are a variety of mechanisms to involve those supported by criminal justice services, there is considerable scope for building on current initiatives.

- Current evidence suggests that involving those currently supported by criminal justice services can improve service delivery, increase the credibility and legitimacy of punishment amongst those being punished, and enhance service users' self-esteem and confidence.

- Further, there is some evidence to suggest that involving those supported by criminal justice services enhances compliance and reduces re-offending.

- Involving those supported by criminal justice services in shaping criminal justice means adopting a flexible and creative approach to practice that places the person, rather than programmes or processes, at the centre of the change process.

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Introduction

In Scotland, the development and delivery of personalised social work services has been part of a wider public service reform agenda, building on *Changing lives: report of the 21st century review of social work* (Scottish Executive, 2006). This agenda has focused on harnessing the strengths, predilections, networks and capacities of those supported by services, to inform the design and delivery of services. To date, the place of criminal justice in this reform agenda has received comparatively limited attention (Weaver, 2011).

This *Insight* focuses on the issue of involving those who have offended in shaping the criminal justice system, exploring the different models of involvement, the effectiveness of different approaches and the implications for Criminal Justice Social Work services.

Examples of user involvement in the criminal justice system

Limited evidence is available on the impact, outcomes or efficacy of approaches to involve those supported by criminal justice services (Clinks 2011; Morrison and colleagues 2006; Devilly and colleagues 2005), and the call for a systematic evaluation (e.g. comparing different models and considering which are more effective in which settings) is a dominant theme throughout the literature. What follows, therefore, are examples of involving those supported by criminal justice services, and where available, the evidence of their effectiveness or impact.

a) Involving ex-offenders and offenders in programme delivery

Projects that engage those who have offended in the design, commissioning and delivery of programmes remain relatively rare in the UK, particularly in community based criminal justice services (Devilly and colleagues 2005; Morrison and colleagues 2006). However, *Foundation 4 Life* (F4*L*) is an example of a London based programme, which engages reformed offenders and ex-gang leaders to deliver behaviour modification workshops and programmes to young people who are either offending, or at risk of offending. F4*L* runs a six week Guns, Gangs and Weapons programme, involving workshops, follow-up outreach and peer mentoring placement scheme. This initiative brings together prisoners on licence, reformed offenders, ex-gang leaders, victims and their families. It uses testimonies, group debates,

role play and coping strategies as methods of intervention. An evaluation of the workshops and programmes undertaken by F4L indicated that 90% of young people felt that the sessions had an impact on how they thought about the future and achieving their goals. On entry to the programme, nearly half of all participants said that they didn't care about the consequences of their offending; on exit, 20% said they would actively make a change; 30% had made a decision about their futures; and 26% were beginning to think about the consequences of their offending. Moreover, 91% of ex-offenders trained as facilitators had not re-offended and some had gone on to obtain employment in youth work.

b) Peer education, support and mentoring

The term 'peer education' includes peer training, facilitation, counselling, support or peer helping (Devilly and colleagues 2005). A Princes Trust survey (2008) established that 65% of young offenders under the age of 25 said that a mentor would help them stop offending; 71% indicated that they would like a mentor who was a former offender.

The National Offender Management Service in England and Wales (NOMS) is starting to use mentoring as a specific intervention alongside wider statutory services, including utilising the supports of ex-offenders as well as non-offenders (Ministry of Justice, 2011). In Wales, WAVES (Wales Alliance of Volunteers Engaging with Services) has evolved into a peer to peer mentoring and volunteering scheme, which is co-ordinated by ex-offenders, and been operational since 2009.

Launched in 1991 in HMP Swansea, the Listeners scheme is an example that is now widespread throughout the prison estate. Listeners are prisoners trained and supported by Samaritans to offer a confidential listening service to fellow prisoners. In a similar vein, the St Giles Trust's Peer Advice Project trains serving prisoners to NVQ level 3 in Advice, Information and Guidance and these prisoners provide an advice service to other prisoners. From April 2008 to March 2009, 145 prisoners across 18 prisons obtained their NVQ (Boyce and colleagues 2009). After obtaining their NVQs, peer advisors were deployed in a range of voluntary positions within prison and the community, including the Citizens' Advice Bureau, Job Centre Plus, and the Toe by Toe literacy project, run by the Shannon Trust. Positions included prisons race relations advisors and providers of information and assistance to new prisoners. Peer advisors were very positive about their participation. They felt that the work they were engaged in was more meaningful and purposive than the normal occupations available in prison; that they obtained a useful qualification, skills and increased their employability and work ethic; that they experienced increased self-confidence not least in coming to see themselves as good role models for other prisoners; and an increased sense of control over their life. Helping others was construed as both a motivation for, and advantage of, participation in the scheme (Boyce and colleagues 2009). Evaluating the outcomes of the St Giles Peer Advice Project, Boyce and colleagues (2009: ix) observed that the advisees were positive about the support they received, and 'especially appreciative of receiving help from someone who has walked in their shoes'.

In Scotland, the Routes Out of Prison (RooP) project employs Life Coaches to support short-term prisoners before and after release from prison. 70% of the Life Coaches are ex-offenders or have experienced problematic substance use. Life Coaches provide emotional and practical peer support, for instance, linking clients to other services and offering advocacy support for issues such as housing, debt, benefits, health and addiction, training, education and work. Between January 2009 and December 2010, RooP signed up 3612 prisoners and 1557 (43%) continued engagement on release. The most common support needs identified by RooP clients relate to addictions, homelessness and unemployment. Between August 2010 and January 2011, 81 homeless people were supported to obtain accommodation; 88 people were supported to access health or addiction services; and 123 people were supported to access financial benefits. The evaluation of the RooP project found that peer support was highlighted as a key strength by all key stakeholders, including prisoners who indicated that they considered RooP to be credible, encouraging their engagement with services and motivating them to make positive changes to their lives (Wise Group, 2011).

The St Giles Trust runs a similar programme in England called, Through the Gates. This project employs advisors who provide intensive resettlement support for those recently released from prison, helping with practical issues such as financial, housing and employment matters. Nearly a third of the St Giles staff had previously offended. This intensive programme of support was estimated to have reduced re-offending by 40%, saving the taxpayer in the region of £10m (ProBono Economics 2010).

c) Councils and forums

Prisons have been using some form of consultative user group for a number of years, although the extent of participation and involvement varies widely (Clinks 2011; Edgar and colleagues 2011). Clinks (2011) found there were few consultative service user groups within community based services, but individual offender engagement, peer mentoring and peer support groups were more common in community based services compared to prison.

The most recent work on prison councils has emerged from the ex-offender-led organisation, User Voice (2010) (see below), which has developed a model for prison councils around some of the principles and methods used for other democratic forums. This model focuses not just on outcomes, but processes of engagement and their impact on those engaged. This prison council model has been piloted in three Isle of Wight prisons and early indications are particularly positive regarding prisoner participation in the process. An average of 54% of prisoners across the three prisons participated in the prison councils (58% in Albany, 52% in Camp Hill, 51% in Parkhurst). User Voice (2010) reports that during the pilot period there was a 37% reduction in complaints from prisoners at the Albany site, and that the number of segregation days reduced from 160 to 47 days at Parkhurst, which they suggest may be indicative of a reduction in conflict and prisoner dissatisfaction. Prisoners across the three prisons identified that the councils were the mechanism for their voices to be heard, and as a way of gaining access to staff and management structures, exchange information and improve both communication and transparency in decision-making. The benefits identified by staff included the reduction of

conflict and tensions and thus improvements in the management, engagement and education of prisoners and the redistribution of resources. User Voice (2010) identified a number of small changes resulting from the prison councils, including changes to family visiting arrangements, shifts in prisoners' earnings, food choices and other domiciliary issues.

Despite the support of governors and senior officers, the pilot evaluation suggests that there was considerable scepticism in the early stages about the use of councils, particularly among prison officers. Prison officers were concerned that prison councils might imply that staff were being 'managed' by prisoners, and that prisoners would have greater access to senior staff than they did or that prison councils were a senior management imposition. This highlights the importance of User Voice to engage effectively with prison officers about the potential benefits of the council. User Voice (2010) also found that their model requires some adaptation to reflect the challenges presented by prisons populated by short sentence prisoners. For example, at Camp Hill, the high turnover of prisoners meant that continuity and discussion were constrained.

As a result of its success in HMP Isle of Wight, the User Voice council model has been extended to HMP Maidstone, HMPs Rye Hill and Wolds. It is currently piloting the model in four London boroughs of the London Probation Trust, namely Greenwich, Haringey, Kingston and Richmond, and Tower Hamlets.

d) User-led organisations

Founded in 2009, User Voice www.uservoice.org.uk is led by ex-offenders. In addition to the democratic council model outlined above, it works with clients to design projects aimed at accessing, hearing and acting upon the insights of prisoners, ex-offenders and those at risk of crime. It also undertakes advocacy work aimed at engaging the media, the public, practitioners and policy-makers.

Founded in 1999, UNLOCK www.unlock.org.uk is the National Association of Ex-Offenders, led by ex-offenders. Its objective is equality of opportunities, rights and responsibilities for reformed offenders by challenging the discrimination they face. UNLOCK uses its collective experience and expertise to influence political debate, policy reform and public understanding. UNLOCK focuses on the legal and structural barriers to reintegration of those who have offended. In particular they focus on the barriers to participation to employment posed by current law and policy.

UNLOCK is a campaigning group whereas User Voice is more concerned with changing systems, practices and processes that inhibit people making positive contributions and which marginalise the voices of those who are, or were involved in, the system. Both organisations seek to increase opportunities and remove barriers to participation for people who have offended, and to support them to make positive contributions.

e) Feedback and evaluation research

There are numerous instances of engaging those supported by criminal justice services in research and evaluation activities. However, these efforts tend to be focused on obtaining feedback on service provision rather than seeking input and insight into service development or the process of desistance from offending (Nellis 2002; Nash 1996; Sheldon 1994). Despite this, recent desistance research, much of which has been informed by listening to, and learning directly from, offenders' and ex-offenders' experiences, is perhaps starting to address this imbalance.

In England and Wales, the National Offender Management Service (NOMs) has recently issued a mandatory, annual Offender Management Feedback Questionnaire (OMFQ). The questionnaire was developed to provide information about offenders' experiences of offender management, and the extent to which they were engaged in the process. It is designed to elicit whether offenders experience their sentence as an integrated whole, whether they are actively engaged in the sentence planning process and whether their relationships with probation staff are experienced as professional and supportive of rehabilitation and resettlement. There is no mandatory requirement in Scotland to elicit service user feedback in this way.

This form of user involvement in criminal justice services is more common than the others identified in this *Insight*, but tends to be more constrained and passive, often focusing on the issues that agencies consider relevant. The extent to which research and evaluation feedback influence services, and the mechanisms for feeding this back to participants is widely variable. More infrequent is the involvement of service users in co-evaluating and collating the feedback about criminal justice services.

The benefits of involving those who have offended

The effectiveness of specific approaches to involvement was discussed above, but there are three key benefits that have been identified about involving those who are, or have been, supported by criminal justice services.

1. Supports desistance from offending

Clinks (2011) recently surveyed the perceptions and experiences of staff in NOMS in relation to service user involvement, to elicit their views on the perceived benefits and challenges of using different methods and models of service user involvement in England and Wales. Staff identified that there were outcomes in improved self-esteem, self-respect and confidence. As a consequence, staff identified that some forms of user involvement made a contribution to reducing re-offending.

Desistance requires a shift in identity, whereby someone stops seeing themselves as an offender and comes to internalise a more constructive identity or role, such as an ex-offender, a parent, or an employee. Evidence suggests involvement in activities which contribute to the well-being of others (e.g. mentoring, peer support and volunteering initiatives) can help develop such an alternative identity and support the desistance process (Maruna 2001; McNeill and Maruna 2007). Desistance also requires opportunities for people to exercise their new-found identity (Barry, 2010). This depends on being able to access opportunities, for example, to volunteer or work. Providing opportunities for people who have offended to shape change can be an important component in supporting their ability to change and give up crime (see: http://www.iriss.org.uk/resources/supporting-desistance).

Specifically engaging offenders, ex-offenders and prisoners as volunteers has been linked with supporting their civic reintegration (Uggen and colleagues, 2004) and has been positively associated with desistance because it focuses on making a difference to others, promotes social responsibility, and through social recognition, acknowledges citizenship and contributes to a sense of social inclusion and community (Burnett and Maruna 2006; Drakeford and Gregory 2010; Edgar and colleagues 2011). Evidence also suggests that being involved in activities which involve giving something back can assist with the development of new social networks and the development of more caring and other-centred attitudes (Maruna 2001). Uggen and Janikula (1999) have also identified a link between those who volunteer and the likelihood of being arrested.

2. Promotes social justice

Duff (2001) argues that the justification for punishment is that the state represents community values and that the person being punished has both offended and is a member of the community they have offended against. As members of the community, Duff argues, that those who have offended must not be excluded from the rights and benefits of citizenship. The importance of citizenship, therefore, could imply the need to ensure there are opportunities for those who have offended to achieve 'active citizenship' (Edgar and colleagues 2011). These wider issues around promoting social justice are consistent with social work values, which include protecting the rights and promoting the interests of those supported by services; treating each as an individual and respecting and advocating for their views and wishes; valuing diversity and maintaining individuals' dignity; and promoting equal opportunities for participation and challenging oppression and discrimination.

3. Increases effectiveness, compliance, credibility and legitimacy

Evidence suggests that utilising the experience and expertise of those who have offended to inform the development of criminal justice interventions can enhance the credibility, meaning or legitimacy of those interventions (Clinks 2011; Morrison and colleagues 2006; Rex, 1999). If services are co-designed or produced by those who are, or have been, supported by these services, they may well be more likely to be fit for purpose and thus effective (McNeill and Weaver 2010; Weaver 2011).

In England and Wales, the survey of criminal justice staff reported that user involvement improved the way services were designed and delivered (Clinks, 2011). Those who have offended can provide particularly useful and relevant insights into the challenges and issues faced by those currently supported by criminal justice services, thus improving the effectiveness of services (Boyce and colleagues 2009). Additionally, those who have offended can act as credible role-models for people currently supported by criminal justice services (Princes Trust 2008), thus improving the credibility of the wider criminal justice services and system. This is particularly important because evidence tells us that efforts to support

change rely on significant engagement from those who have offended with the purposes of supervision (Robinson and McNeill 2008). In addition, compliance with support is associated with the positive benefits of supervision, such as the prospect of receiving meaningful and relevant help with their difficulties, as opposed to any threat around non-compliance (Ugwudike, 2010).

Implications for criminal justice social work practice

Despite the wealth of examples illustrating different models and methods of involving service users or of service-user-led initiatives, service users and offenders are a significantly under-used resource in criminal justice services, particularly in community based projects. This is not to marginalise or devalue the important contributions that professionals can offer to the process of change; what is suggested here is that involving former and current service users in co-producing, co-designing, co-developing, co-implementing and co-evaluating a desistance-supportive intervention process may be a complimentary adjunct to extant service provision (Devilly 2005; Weaver 2011).

Implications for criminal justice social work service managers and practitioners include:

- being more respectful of the offender's active role in and ownership of the change process

- being helpful in tackling practical problems that are not only perceived by the supervising officer as problematic, but the offender too (McNeill and Weaver, 2010; Weaver and Armstrong, 2011)

- adopting a flexible and creative approach to practice that places the offender and not processes and programmes at the centre of change. This may take the form of peer support processes and discussion based on the AA model, or engaging former service users and ex-offenders to share their experiences with people trying to change

- working in partnership with third sector agencies to create and access opportunities for service users to become involved in peer education/support initiatives as in the Routes Out of Prison Life Coach and other mentoring schemes

- asking service users if and how they might like to be more involved; what shape that would take; what it might mean to them; how services could better support their engagement, relate to them and take cognisance of the issues that matter to them and how best these can be taken forward together. This might mean developing a democratic user-led group or council (as User Voice propose) with meaningful engagement processes and accountability structures between service users, representatives and management structures

- piloting different strategies with different user groups in different areas in order to analyse their differential impacts on outcomes

Critically, supporting user involvement requires commitment and leadership – a collaborative and inclusive approach to the evaluation, development and refinement of user involvement strategies.

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