Service User Involvement in Service Planning in the Criminal Justice System: Rhetoric or Reality?

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Summary: It is now widely accepted that involving service users in the management, design and delivery of services is essential, because it helps service providers to get things right, and enables service users to participate, take responsibility and have ownership of the services being provided.

Keywords: Probation, service users, relationships, consultation, engagement, participation, citizenship, desistance, social justice, inclusion, rehabilitation.

Introduction

Within criminal justice the relationship between service users and those delivering services can be complex, particularly when the relationship is 'involuntary'. However, 'effective user involvement and partnership working must be based on values such as respect, humanity, partnership, inclusion and a commitment to respecting the right to consultation and involvement' (Duffy, 2008: vii).

The desistance perspective highlights the need for staff working with offenders to have the relevant skills to build relationships, enhance positive strengths and encourage responsible citizenship. Therefore this paper explores the background to service user involvement in probation in the UK, and the current opportunities to increase service user involvement within the Probation Board for Northern Ireland.

The definition of 'service user' differs across a range of services but is often referred to as PPI (personal and public involvement). This is simply defined as 'involving those who use services, or care for those who use

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services, with those who plan and deliver services. This involvement can relate to individuals or part of a group (personal), or voluntary groups or the wider community (public)' (Duffy and McKeever, 2014).

Jo Phillips from Glasgow Homelessness Network (2004) states that the 'trouble' with service user involvement is that it is a remarkably simple concept, but its apparent simplicity is the key to its complexity. As the co-ordinator of Glasgow Homelessness Network with responsibility for promoting service user involvement, she says that the definition should encompass the full range of people's experiences – not just the things that workers or planners think are important – and operate at various levels of involvement. She states that giving people information is a start, but involvement can develop into service users planning work themselves or delivering services. For example, principles of service user involvement are absolutely applicable to operational tasks such as making and taking referrals, doing assessments and forming care plans – a 'person-centred approach'.

The benefits of service user involvement are well documented (Burns *et al.*, cited in Ramrayka, 2010) and include promoting social inclusion and ensuring that services better meet the needs of those who use them (Scottish Executive, 2006). However, while 'some areas of service user involvement appear to be relatively well advanced, other areas, such as in the field of criminal justice, are markedly underdeveloped' (Duffy, 2008: 12). As managers for the Probation Board for Northern Ireland (PBNI), we see the under-utilisation of the involvement of offenders as an opportunity for development.

Therefore this paper considers how service user involvement has developed in Great Britain, examples of what works in other probation organisations and the benefits of implementing service user involvement in probation. Finally it considers opportunities for development of service user engagement and involvement in PBNI.

The evolving legislative/political journey

Gallagher and Smith (2010: 4) suggest that 'service user engagement is not entirely user driven, but is also politically charged'. Etzioni and George (1999) propose that the underlying political ideology relating to service user engagement sits between neoliberalism (an approach to economics and social studies in which control of economic factors is shifted from the public to the private sector) and social democracy (a political

ideology that supports economic and social interventions to promote social justice, and a policy regime involving welfare state provisions, regulation of the economy in the general interest, and measures for income redistribution).

It can be suggested that the current emphasis on service user engagement owes much to the New Labour agenda of public sector reform and modernisation. The focus of the Thatcher government was 'consumerism' through the marketisation of public services, allowing service users the element of choice (Kessler and Bach, 2011). It was following Prime Minister John Major's term in office that the modernisation agenda came to the fore. Central to this was the concept of 'governance' which was argued to be concerned with 'efficient, accountable public services, partnership across and between different agencies and professionals, and between professionals and users of public services'.

The governance agenda brought a different emphasis to the social work relationship, placing increased importance on the views of users and carers in the delivery of services (Carey, 2009). This is reflected in the proliferation of legislative and policy developments within the UK since the 1990s in relation to user involvement: 'the drive towards increased user and carer involvement in both health and social services provision has become well embedded in legislation and policy both in Northern Ireland and the rest of the UK over the past 20 years' (Department of Health, 1997). Within Great Britain, the NHS and Community Care Act 1990 was the first piece of legislation that formally required local authorities to consult with users and carers in relation to service planning (Farrell, 2004). In Northern Ireland, the first key document was 'People First' published in 1991, which outlines that 'services should respond flexibly to the needs of individuals and the relatives and friends who care for them' (Department of Health and Social Security, 1991: 5). It would appear, however, that despite this plethora of legislation and policy documents involving service users, practical guidance has been slower to develop.

Service user involvement within Probation

One of the difficulties often mooted about service user involvement within criminal justice is that there are tensions and contradictions inherent in working with involuntary service users (Smith *et al*., 2012). 'Such clients,

if consulted about their views, might well express the wish that social workers simply leave them alone' (Gallagher and Smith, 2010; 8). Involuntary clients do not freely enter into the working relationship and many are mandated by law to do so. Beresford (2005) coins the term 'service refusers' and this applies to many clients in the criminal justice system. McLaughlin (2009: 1109) identifies the central issue: 'there is a point where the social worker is expected to act on their own professional assessment of the situation, informed by agency policy, legal mandates and research, irrespective of what the service users' choices or views are'.

Another issue, of course, is the public perception of enabling offenders and those within criminal justice to be involved in service delivery. While some may argue that empowering offenders could be regarded as 'morally questionable and politically dangerous', it is believed that when given the chance to speak, the user of the criminal justice system can add insight, value and answers to the current problems and failings (Aldridge Foundation and Johnson, 2008).

In recent years there have been a number of developments in user involvement in Great Britain. Clinks is an organisation operational in England and Wales that works with groups within the voluntary and community sector working with offenders. Its aim is to ensure that the sector is informed and engaged in order to transform the lives of offenders and their communities. Clinks carried out a review of service user involvement in prison and probation in England and Wales in 2011, and found that in recent years there had been efforts in the criminal justice system to promote and develop the involvement of offenders in the services with which they engage: 'Desistance theory supports the view that playing an active role in one's community and taking on a measure of responsibility can assist in the offender's journey away from crime' (Clinks, 2011). The report found that service user involvement was generally more developed in the prisons than in the Probation trusts, and that the challenges to effective service user involvement include staff apprehension, the prevailing culture of criminal justice agencies, knowledge and understanding of the service users, reluctance of offenders to be involved, and decreasing resources. It also found that there is very little research on the outcomes of service user involvement in prisons and probation.

There are a number of practical ways in which service users have become involved in probation in Great Britain, and we will consider these now.

User-led organisations

Founded in 2009, User Voice is led by ex-offenders. It works with people 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.

UNLOCK 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. Founded in 1999, it is a campaigning group concerned with changing systems, practices and processes that inhibit people from making positive contributions and that marginalise the voices of those who are, or were, involved in the system.

Councils and forums

A number of Probation Trusts in England have formed Service User Councils, with a user involvement organisation, Users Voice, to facilitate. The purpose is to provide a structure for staff to meet with service users in order to gain a better understanding of their experiences, with the ultimate aim of reducing reoffending

An example of existing community-based councils is in West Yorkshire Probation Service. It has three separate groups helping to achieve effective offender involvement in its service development, including a Service User Representative Forum, where offenders are voted as representatives to meet with Probation staff and treatment agencies. They are represented at a joint commissioning level and can help to influence real changes in offender treatment programmes.

Christopher Stacey, Head of Projects and Services for Unlock, examined a number of service user initiatives; his most interesting findings include the fact that, since the Users Voice Council was set up at HMP Isle of Wight, there has been a 37% reduction in the number of complaints within the estate and the average time prisoners spend in segregation units has declined from 160 to 47 days. This is ascribed to a reduction in conflict and increased prisoner satisfaction (Stacey, 2012).

Mentoring and peer support

A Prince's Trust survey (2008) established that 65% of 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.

A number of mentoring schemes within England and Wales have proved successful. For example, the Listeners scheme launched in 1991 in HMP Swansea is now widespread throughout the prison estate and is available in the Northern Ireland Prison Service (NIPS). 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 runs a programme in England called Through the Gates. This project employs advisers 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 reoffending by 40%, saving the taxpayer in the region of £10m.

Developments within PBNI

There are very few statutory requirements in place to ensure input from offenders to the services delivered by Probation. However, Section 75 of the Northern Ireland Act requires public bodies such as PBNI to consult with people who are directly affected by their policies and by any change to service delivery.

In the Strategy for Social Work in Northern Ireland (Improving and Safeguarding Social Wellbeing Social Work Strategy 2012–2020), service user engagement is one of the key principles and the recently published Social Work Research and Continuous Improvement Strategy (2015–2020) includes specific reference to service user engagement. Social work as a profession 'promotes social change, problem solving in human relationships and the empowerment and liberation of people to enhance well-being. Utilising theories of human behaviour and social systems, social work intervenes at the points where people interact with their environments. Principles of human rights and social justice are fundamental to social work' (NISCC, 2003: 12).

PBNI has retained the requirement for its front-line staff to be qualified social workers who have the knowledge and skills, values and ethics to manage risk, promote desistance from crime and effectively engage with their service users to inform practice initiatives. Therefore, despite the lack of statutory guidance, PBNI is clear that every offender is also a citizen, and promoting responsible citizenship through involvement in developing and being responsible for local services is a key element of our work.

PBNI carried out service user surveys in 1996, 2005 and 2009 to gather feedback in relation to service provision to inform policy and improve practice (Doran *et al.*, 2010; Rooke, 2005). A further service user survey was undertaken in 2015 and the results will be published in 2016. PBNI's commitment to service user engagement is reflected by the 2015/2016 Business Plan objective 'to develop and implement a strategic approach to service user engagement that better informs Probation practice'. Carr (2004) suggests a distinction between 'consumerist' and 'democratic' approaches to service user involvement. 'Democratic initiatives involve service users influencing and making decisions, while consumerist approaches focus more narrowly on consulting people about the services they receive' (Carr, 2004: 5). PBNI has historically taken a 'consumerist' approach to service user participation, which is arguably understandable given that it is a court-mandated service with certain expectations to fulfil. A 'consumerist' approach reflects the power imbalance that exists with an involuntary service user, as this approach does not promote user-led change.

'For too long social workers and probation officers have been compelled to support a narrow form of rehabilitation' (McNeill *et al.*, 2012: 10). Maruna *et al.* (2012) suggest that the top-down processes of evidence-based practice inspire neither practitioners nor service users, as this knowledge is imposed on them from research findings they barely understand. There has been some criticism of established cognitive behavioural programmes, born from the 'What Works' agenda, in that they do not reflect individual motivations and service user circumstances (Hughes, 2012). While Doran *et al.* (2010) found that 97% of offenders were aware of the requirements of their orders, the study did not look specifically at offenders' understanding of the work they were required to undertake or why. Overall the reported findings suggest that the questions asked in the study were largely prescriptive and dominated by themes of offender assessment, risk management and approved intervention programmes (Hughes, 2012).

The implementation of the Criminal Justice Northern Ireland Order 2008 resulted in changes to PBNI's responsibilities with the introduction of a new risk-based sentencing approach. This legislation has also impacted on the service users subject to the new sentencing framework, who no longer have to provide informed consent to engage in a programme of work deemed appropriate to manage their risk in the community. Therefore balancing legislative and organisational responsibilities with offender engagement becomes more difficult.

Desistance theory moves away from the 'What Works' approach, stemming from the meta-analytical studies from the 1980s and 1990s, and focuses on 'how' the processes work and 'why' in terms of understanding the dynamics of what helps individuals stop offending (Maruna *et al.*, 2012). Doran *et al.* (2010) found that 88% of participants strongly agreed/agreed that their Probation Officer will help them sort their problems out, which is positive. The desistance paradigm highlights the importance of constructive engagement between offenders and their Probation Officer (McNeill, 2009) and sentence planning for those subject to supervision has been seen as significant in terms of engaging and building relationships with offenders. However, as Hughes (2012) argues, sentence planning practice has never been subject to rigorous evaluation and therefore its impact on engagement, compliance and reoffending remains unclear. Offenders' motivation and their response to services remains a key component in rehabilitative success. However, reducing resources in an organisation that has standardised approaches to assessment, planning and targeting may inhibit dynamic practice, which will impact on offender engagement. Farmer *et al.* (2015) propose that desisting from crime requires changes in offenders' personal circumstances as well as their thought processes, suggesting that the principles underpinning desistance coexist with cognitive behavioural approaches advocated by the What Works literature.

There are a number of areas where service users are beginning to engage more effectively with Probation. The Reset programme, a mentoring and intensive rehabilitation scheme, was launched in PBNI in 2015. At present the mentors are from the voluntary and community sector. Offenders who were part of the project were asked in November 2015 to record a video diary of the impact Reset had on the early days following release from prison. The videos show the positive impact that mentoring has had as they readjust to life in the community. A number of those interviewed have expressed a desire to become mentors themselves, and this is an area that should be explored by PBNI.

A number of service users have told the stories of how their lives have changed to a range of stakeholders and the media. The feedback has been overwhelmingly positive and inspiring, and it is clear that service users have an important role in explaining to both the public and stakeholders the impact Probation can have in changing lives. It is clear that service users who tell their stories are deeply impactful. PBNI's Communications Strategy for 2016–2019 contains an objective to develop a narrative around this success.

PBNI provides volunteering opportunities for members of the public, including those who have offended. The role of volunteers is to complement the role of the Probation Officer by supporting offenders to work towards specific and agreed personal goals. Volunteers are expected to promote responsible citizenship, encourage and enable service users to take responsibility for their actions, and work with them to find solutions and encourage and motivate service users in their personal development. A number of former offenders are currently working in a volunteering capacity.

Opportunities for development within PBNI

As previously mentioned, in 2015–2016, under the strategic theme of developing Probation practice, PBNI plans to develop and implement a strategic approach to service user engagement that better informs Probation practice (PBNI Business Plan, 2015–2016). To this end PBNI undertook a further service user survey in 2015, based on the Offender Management Feedback Questionnaire (OMFQ) issued by the National Offender Management Service (NOMS) for Probation Trusts in England and Wales. The OMFQ was produced as a result of research, development and testing, and has been found to be an effective tool for measuring offenders' engagement, to ascertain whether they are actively engaged in the sentence planning process and whether their relationships with Probation staff are supportive of rehabilitation and resettlement (Ministry of Justice, 2010).

Themes from desistance theory are evident throughout the questionnaire, which is aligned with the Department of Justice's (DoJ) vision of embedding desistance principles in policy and practice to reduce reoffending and create safer communities (DoJ, 2011). One of the key objectives for supporting change using a desistance approach is to 'collate information and evidence to reform and refine service delivery and deliver an evidenced based approach to desistance' (DoJ, 2011: 45). Therefore the starting point for PBNI is to seek service user feedback and utilise this information to develop the capability and capacity of staff to support rehabilitation and reduce the risk of reoffending.

However, in today's climate of financial austerity, implementing a desistance agenda requires investment in staff relationships, supporting families and individualising approaches (Annison and Moffatt, 2014). Public protection remains central to criminal justice policy, which may

come into conflict with the principles of desistance, and where staff are responsible for those deemed to present the highest risk, adopting a strengths-based approach to their management may create anxiety in services driven by bureaucracy (Annison and Moffatt, 2014).

The growing criticism of the idea of 'risk' and the 'target-driven' nature of criminal justice has resulted in a (re-)emergence of a more holistic assessment of the individual and a strong belief in the therapeutic relationship between offender and practitioner (Walker, 2012). The knowledge, skills and values gained through social work training are entirely congruent and compatible with PBNI's risk management role. Assessing complex situations and people holistically is key to under-standing presenting risks. 'Since the process of giving up crime is different for each person, criminal justice responses need to be properly individualised. One-size-fits-all approaches run the risk of fitting no-one' (McNeill and Weaver, 2010: 6). It is vital therefore that PBNI use the findings from the survey in a way that engages service users in planning for service delivery.

Recommendations

We believe that PBNI should consider the following recommendations in order to enable greater service user involvement within the organisation.

1. PBNI should establish a project group to scope out opportunities for greater service user involvement in the organisation.

2. PBNI should ask service users how they would like to be involved and what shape that involvement would take.

3. PBNI would benefit from examining the Probation Trusts in England that have already embarked on the formation of service user forums. Adopting such a model could provide a more 'democratic' approach to service user involvement in order to help PBNI shape policy and practice for the betterment of service provision.

4. PBNI should consider developing the current mentoring that takes place through the Reset programme to include mentoring by former offenders. PBNI should develop its volunteering opportunities to ensure that ex-offenders are encouraged to participate.

Conclusion

Desistance research suggests that the quality of the professional and personal relationships is pivotal in helping offenders desist from crime (McNeill, 2009; McNeill and Weaver, 2010; Maruna *et al*., 2012). However, little is known about the complexities of those interactions between the Probation Officer and the offender and how these can influence desistance from offending. Service user forums can facilitate an exploration of these relationships to ultimately inform practice changes that will increase the likelihood of an offender's desistance from crime. PBNI's service user survey and the outcomes therein could be the beginning of an agency response to meeting the objectives outlined in the 'supporting change' desistance agenda for reducing offending and securing safer communities.

There are opportunities to enhance service user engagement within PBNI. We authors believe that as social workers within criminal justice, Probation is in a good position to support service user involvement and collaborate with others to find opportunities to further develop this area of practice. 'Service user participation exercises can be an opportunity for often excluded and disenfranchised people to have a say in matters of direct concern to their lives' (Carr, 2004: 8).

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