

THOUGHT PIECE

'Thought Pieces' are papers which draw on the author's personal knowledge and experience to offer stimulating and thought provoking ideas relevant to the aims of the Journal. The ideas are located in an academic, research, and/or practice context and all papers are peer reviewed. Responses to them should be submitted to the Journal in the normal way.

PRACTICE VALUES VERSUS CONTRACT VALUES: THE IMPORTANCE OF A CULTURE OF REFLECTIVE PRACTICE

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I joined the Probation Service relatively early in my career. I had worked as a researcher on a number of prison-based projects and then took up a temporary post as a Research Assistant in Greater Manchester Probation Area, joining a recently established research team. Twelve years later and I'm still here, just.

A culture of reflective practice

What I remember most about my early months in the service was the extent to which practice staff of all grades were engaging with research and evidence. This took me by surprise. There were all sorts of opportunities to be drawn into thoughtful debate about the work staff were doing, the 'position' of their clients in society, the local community context, and how they could examine the positive impact of their work. This could be in a formal meeting or in a staff room, or over coffee on a training day. I came to learn that this was a defining feature of the Probation Service – a commitment to reflective practice.

Some examples of the reflective practitioner are very visible, they are collective and marked by a process of piloting a new approach or intervention. Many of these have been documented in the research and evaluation undertaken within our organisation, or by academic institutions: for example, the development of a women's programme and wider network of women's centres, or an alternative to custody for young men (Clarke, 2004; Clarke *et al*, 2012). In many such examples, the innovation and reflective approach has been engendered in partnership with staff from other organisations and sectors. However, there is also 'one to one' practice - the day to day decision making about how to balance

the task of risk management with work to support 'rehabilitation' - decisions to enforce the order of the court with a desire to motivate and engage the individual. This practice is underpinned by a value base, one which is conducive to reflection upon how we should respond to particular groups or individuals on probation.

In reality, things have been continually changing over the last decade – the impact of 'new managerialism' on Probation and other public sector organisations has been well documented (Burke and Collett, 2010). The consequence has been that these qualities have not been valued as they once were. There are of course practitioners who continue to 'flex' their reflective muscles and drive pockets of innovation. However, on the whole staff of all grades have struggled to retain this characteristic to their work. Time previously spent engaging with evidence to inform their practice, or in collective efforts such as 'cross grade working groups', has in recent years been spent learning manuals and attending training on prescribed tools or processes (such as the Offender Assessment System or the National Offender Management Model). The existence of libraries and / or research teams within Probation Areas was another signifier of the commitment of the service to reflective practice. These have also all but disappeared in recent years.

Only very recently with the potential for increased professional judgement and an exploration of the potential format and content of 'activity requirements', has there been some attempt to return to a culture of reflective practice. Similarly, we have recently seen national policy and evidence follow that of local 'bottom up' approaches, picking up on the evidence from literature on desistance from crime (McNeill, 2006; McNeill and Weaver, 2012). Unfortunately, it may be too little too late.

Reflective practice in the context of Transforming Rehabilitation - rhetoric versus reality

Whilst the government's rhetoric would suggest that the Transforming Rehabilitation (TR) agenda will allow greater freedoms for staff to discover and 'do' 'what works', the reality is that the TR programme may catapult us back in the previous direction. In other words to the end of a spectrum that places the main emphasis on the process - the 'leanest' process delivered by the cheapest staff. I have read with interest a number of documents issued by MOJ and NOMs recently which reflect a series of disconnected messages regarding the practice culture of the future organisations.

NOMs as the commissioners in TR explicitly state in their '*Evidence and Segmentation*' document (recently published to influence the content of future bids and contracts), that interventions and offender management are more effective at reducing reoffending if attention is paid to the quality of delivery, indicating a recognition of the importance of properly trained and supported staff.

Although a focus on quality may make an intervention more expensive, paying attention to quality improves effectiveness and therefore, overall value for money' (NOMS, 2013b; p.13)

However, in its 'companion document' *NOMs Commissioning Intentions from 2014* there is clear recognition that the key driver of future service delivery will be achieving significant savings.

Unit costs across all sectors will be reduced by implementing the most efficient delivery models making effective use of the market and using 'payment by results'. (NOMS, 2013a; p.8)

Here in lies the first challenge for the rhetoric becoming reality. We know that the new providers will be supervising approximately 10% more individuals (on 12 month post release supervision), with an anticipated 30% cut in existing funding. This statement of intent is furthered in the '*Payment Mechanism Straw Man*' (MOJ, 2013) document through the contract principle of the 'learning curve discount', which will see the funding of the contracts reduce year on year due to anticipated efficiency savings.

There is no acknowledgement, let alone detail, from NOMs or the MOJ regarding how these competing intentions will be achieved. How will the new providers achieve more for less, AND deliver quality services? Is there some magic solution that the Probation Service, and for that matter other public sector organisations, have failed to discover? In order to drive the ongoing savings, will the providers (like the Probation Service of recent years) have to rely on the same old 'new managerialist' top down efficiency led approaches in order to ensure quick financial gains, whilst managing the risks of the occurrence of high profile failures. As we have seen in the last decade of the Probation service, if this is the case then it will further undermine any ability for staff to use professional judgement, creativity and innovation.

To what extent will new providers engage staff, listen to them and create the space to implement their ideas? Bearing in mind that the new Community Rehabilitation Companies (CRCs) will be working under continually reducing budgets, how will they establish a culture where creative thinking and reflective practice can inform delivering a service that better understands the individual and supports their efforts to rebuild their life post prison?

I fear that a focus on efficiency and ultimately more robust processes will lead to a furthering of defensive practice, defined by an increase in swift enforcement for those 'too difficult' to work with and the consequences of this – greater use of prison, and increased reoffending. In order for practitioners to be reflective they need increased time, in some cases reduced caseloads, and good support, which similarly may mean lower manager to staff ratios. So while NOMs acknowledge that a focus on quality and responsivity has been demonstrated to be 'cost effective' in broader terms – whether that be preventing further crimes, preventing use of prison and the damage it wreaks on individuals, families and communities, preventing the demands on other local services - these savings become devoid of any relevance in a structure where 'fee for service' and narrow Payment by Results mechanisms are the contract drivers.

Ironically, it is likely that a Payment by Results mechanism, delivered in the way currently being proposed in the *Payment Mechanism Straw Man* document, will lead to new

providers being risk averse, thus reducing the opportunity for staff to be innovative. If profit making companies are going to invest beyond the specifics of the contract they will want to be confident about the return on their investment. Will they ride the rollercoaster of attempting to identify the ever illusive 'what works?', with its inevitable loops of 'failure', inherent in the process of learning through innovation (Berman & Fox, 2012). Even the MOJ's most recent review of evidence - *Transforming Rehabilitation: a summary of evidence on reducing reoffending* (MOJ, 2013), a process which scoured the international sources for the holy grail of 'gold standard' evidence, concludes that many approaches don't have the 'robust' evidence required to draw conclusive results about impacts upon reoffending outcomes. The latter currently viewed as the only outcome that 'counts' in terms of the contract incentivisation.

In this context even the 'ethical' CRCs, such as the strong staff Mutuals under development, will struggle against the pressure to 'cherry pick'. Targeting their resources on those service users where they can be more confident to achieve the measured outcome. A commercial and market approach will inevitably incentivise this perverse behaviour, as has been demonstrated through the Work Programme. The consequences will be the parking of those individuals with the highest 'criminogenic needs', the most marginalised. In the Payment by Results context they will receive the most basic service, and when they do not engage will spiral in the system, becoming further criminalised, and marginalised from family and from housing or employment opportunities.

An alternative future of imagination, integration and reflective practice

The best results come when we are challenged to use our imagination – consider what can be achieved when we understand the individual's behaviour and their position in the context of place, time and social structures. This is where the reflective practitioner comes alive. Delivering the order of the court is of course critical, yet the reflective practitioner is able to do this whilst recognising that they – as representatives of the justice system - are part of the structure that is critical to the position of the individual. Hence effective approaches generally mean working in partnership beyond the confines of the criminal justice system, supporting the individual to move away from the CJS agencies, into a secure home, employment, and supportive relationships. Again, NOMs as the commissioners in TR, acknowledge the value of 'integration of service delivery' (NOMS, 2013a; p.10). However, weaving this often local agenda into national contracts is proving problematic and no detail has been reflected regarding *how* this will be achieved.

A common finding from the many criminal justice evaluations I have been involved in (often difficult to articulate in a context where we are searching for the 'what') was the significance of the 'who'. A 'good' programme can go 'bad' in the wrong hands, and similarly a blunt intervention can fly if the practitioner can use their skill to wield it in a responsive manner. I wonder for example if this is the current appeal of mentoring, and particularly peer mentoring. No doubt the ability to perceive the experiences and position of the service user are critical to the success of any practitioner, be it a peer mentor or CJ practitioner.

Yet however we 'badge' those staff tasked with supporting desistance from crime, the TR programme doesn't hold much promise for a culture where staff are appreciated for their values and given the tools, space and support to be reflective practitioners. In a world where policy flies in the face of evidence, and the only hope for innovation in service delivery is a narrow Payment by Results mechanism, any suggestion that 'reflective practice' can be retained post Transforming Rehabilitation is at best pretence, at worst a dangerous illusion.

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