

DIVERSITY AND PERFORMANCE CULTURE

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The following accounts represent different personal views of the implications of performance culture in professional settings. The first, offered by a probation professional concerned with the implications for practice, is broadly positive about performance targets as a way of measuring, and therefore improving, service provision of diverse clients. The second account draws on research experience with one group of clients to indicate a more negative view of targeting. Both authors agree, however, that targeting is with us, and both in different ways argue for qualitative rather than quantitative measures.

A PRACTITIONERS ACCOUNT - DIVERSITY AND PERFORMANCE IN PROBATION

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Abstract

This article represents a written version of one of two key note speeches delivered at the University of Bradford on June 6th 2008. The address, a personal view, was given in my capacity as Chief Probation Officer of the West Yorkshire Area of the National Probation Service. The focus of my paper was on the growth and implications of the performance culture on the work of the Probation Service.

Growth of a Culture of Performance Management and Targets

The concepts of ‘performance management’ and ‘targets’ have had a bad press with practitioners, carrying the unmistakable taint of political interference and control. Whilst it is undoubtedly true that the aims of the probation service included those relating to reducing offending and thus protecting the public, it is equally true that nostalgia for a ‘golden age’ before the introduction or imposition of centrally-determined targets can be strong, particularly amongst older or more seasoned probation staff. They recall the hey-days of “advise, assist and befriend” when the probation officer’s principal task was to work with individual offenders to support and guide them through the tricky waters of the criminal

justice system. In this, they were granted a good deal of individual autonomy and licence to work according to their own strengths and preferences.

There was a downside to this. The lack of accountability meant that poor practice could remain unaddressed. The type of work that probation officers did with their cases ('casework') tended to reflect individual or team preferences. For instance, if the probation officer was keen on group-work, the offender was placed in a group; if they favoured counselling, this was the approach adopted. There was little research to show whether or not these approaches were effective.

It is perhaps not difficult to appreciate how such an ad hoc and individualized approach to the work could lead to injustices in terms of diversity. The level of contact and the type of 'treatment' an offender received was often more dependent on the probation officer's assumptions and preferences than on the seriousness of the offence or on any evidence about what was more likely to have a positive impact. As an unintended consequence, awareness of difference and diversity could be simplistic and limited to the generally obvious differences of race and gender without a full appreciation of the implications of such differences or those that were not immediately apparent.

Level Playing Field

The first National Standards for the Supervision of Offenders in the Service were introduced in 1992 (Home Office, 1992) with the first set of key performance indicators following shortly afterwards in 1994. National Standards brought in a set of minimum requirements and were clear in laying down how quickly supervision would start, how often offenders would be seen and what the purpose and content of such contact was to be. They were designed to ensure greater consistency in how offenders were dealt with; they also served to make the hitherto individualized decisions of probation officers much more transparent and accountable.

National Standards were also the vehicle for 'toughening up' community sentences, as was apparent in the introduction to the 1995 updated set of standards: 'Ministers would like the revised national standards to redress the balance in presenting community sentences as punishment, place greater emphasis on the protection of the public, and provide a tougher response to failure to comply with an order' (Home Office 1995). In the years since their introduction, the range and scope of National Standards have increased to cover all offender management activity. The systems for monitoring their execution have also been extended through a framework of performance management – the Integrated Probation Performance Framework (IPPF).

This transformation in the mechanisms for holding probation to account means at a very basic level that case files no longer get lost at the back of a filing cabinet; that key

information about the work being undertaken no longer remains inside the head of the probation officer. There is much greater transparency and, indeed, more equality in the way offenders are managed than 20 years ago when the Standards were first implemented. By equality, I am referring to the way in which offenders are treated by the probation service in terms of the frequency of contact, the nature and style of the reports that are written about them, the focus of the work done with them and the expectations that probation officers have of them. All this has been made much clearer and more consistent than before the Standards were introduced.

National Standards do not operate in a vacuum. When the probation service came into being the mission was to 'advise, assist and befriend' people appearing before the court. The purpose was to support the offender. In this context it made sense for an individualised response. Now, however, the focus for probation has moved away from advising, assisting and befriending offenders to achieving an outcome for society – reducing reoffending and protecting the public from serious harm. These two priorities underpin how resources are allocated.

Effective Practice

The current focus on reducing reoffending has been very influenced by the 'What Works' agenda developed in the early 1990s promulgated through key books such as *What Works: Reducing Reoffending* (McGuire 1995). Statistical techniques brought together the results of a large number of studies (meta-analysis) shedding light on the types of intervention which had better than average 'treatment effects' (Merrington and Stanley 2007). This work and studies such as *Underdown* (1998) were the starting point for the implementation of a range of research based 'accredited programmes'. The establishment of a National Probation Service in 2001 provided the context in which this work could be implemented across England and Wales. We now have a position where a standard suite of accredited programmes is available both for offenders in the community with targets in the IPPF 2008/9 and for the number of offenders appropriately referred to and completing such programmes. Strict criteria for the execution of the programmes are reinforced through 'treatment management' and inspection. Research has shown that accredited cognitive behavioural programmes targeted at the right offenders and delivered well, can make a difference (2008 West Yorkshire Probation Research Briefing).

Evidence-led practice has continued to develop through increasing knowledge of the impact of social exclusion and the factors which increase the likelihood of reoffending, referred to as criminogenic needs (e.g. unemployment, substance misuse). This has underpinned the development of the assessment tool used throughout the National Offender Management Service – OASys (Offender Assessment System). And the evidence has been positive. There is no doubt that standards in practice have risen. Further, there is greater equality in service delivery and in access to that service. So what is the problem – why are the doubts and questions still around?

Performance Management

One of the downsides of performance management and target-setting is that priorities can get skewed, with a focus on what can be measured rather than what should be measured. League tables and performance bonuses can promote a culture of short term compliance and short-cuts, as opposed to supporting higher quality, long-term interaction. This has been recognised in the development of the Integrated Probation Performance Framework referred to earlier, where the national aspiration is to focus on outcomes – for instance, the reduction of offending, the effective protection of the public, the effective delivery of interventions and organizational capability. However, outcomes are notoriously difficult to measure, which means that the current IPPF concentrates principally on process. This involves quantifying the time it takes to complete risk management plans on high risk offenders or to initiate enforcement or following breach proceedings through the courts. It also involves counting the numbers of successful completions of accredited programmes.

Targets and Diversity

Imperfect as current targets are, they are telling in highlighting potential areas of discrimination and disproportionality. Segmenting results according to categories or ‘strands’ of diversity (e.g. ethnicity, gender, (dis)ability as well as age and criminal history), allows us to begin to explore the potential differential impact of our services and the way we deliver them, which represent critical considerations in completing meaningful equality impact assessments.

In my Area, West Yorkshire, the figures show that young white men are least likely to comply with their orders; in terms of drug rehabilitation requirements, BME offenders, young people and women are least likely to engage with or successfully complete their drug rehabilitation requirements and women and black offenders appear to be less likely to start and successfully complete an accredited programme. Whilst these figures have to be treated with caution because of small numbers in relation to some orders, they are an important starting point for which prompts us to ask further questions - what are the reasons for the disproportionality? How can it be addressed?

One of the perennial difficulties with this approach is that high level performance monitoring categorizes individual offenders according to a particular ‘diversity strand’ and cannot take account of individual differences and unique characteristics or circumstances. Diversity, if it is to be a meaningful concept, must enable us to incorporate such differences into our thinking and approach. Nationally there have been a number of developments, all of which have involved setting targets and which have given impetus to a renewed focus on the offender as an individual.

Reducing Reoffending

The Comprehensive Spending Review 2007-10 introduced a number of Public Service Agreements (PSAs) which embody Government's priorities which run across the whole public sector. They are cascaded down to local authority areas where partners are required to agree Local Area Agreements which include key performance indicators. PSA 23 'Make Communities Safer' has within it the cross-government priority to 'reduce reoffending through the improved management of offenders' and includes two key National Indicators:

NI 18 Adult re-offending rates for those under probation supervision

NI 30 Re-offending rate of prolific and priority offenders

For the first time the success of the Probation Service in effectively reducing reoffending is not just a criminal justice concern, but the concern of all local partners who are required to contribute. Local Area Agreements across England and Wales have led to innovative multi-agency approaches to addressing the issues presented by offenders in communities. This has required increased awareness of individual risk factors and of how to recognise them amongst the groups and individuals with whom the various agencies worked.

Reoffending statistics are now produced to help monitor the progress of Local Area Agreements in reducing reoffending under National Indicator 18 within the National Indicator Set at both Probation Area level and Local Authority level. The most recent Local Adult Reoffending statistics (Ministry of Justice 2009) show that within my Area, West Yorkshire, Bradford and Calderdale had had the most impact in reducing reoffending in relation to offenders on probation caseloads.

Nationally, data in relation to offenders sentenced or released from custody in 2006 (Ministry of Justice, 2008) shows that overall 36.1% of offenders on a community order re-offend within a 12-month period, compared to 46.5% of those sentenced to custody. Of those in custody 58.8% of those serving sentences of less than 12 months reoffended within one year of release – the worst outcomes of any group. This group is more likely to have similar characteristics to those sentenced to a Community Order. The National Audit Office also concluded that 'community sentences can reduce reconvictions proportionately more than a custodial sentence' (NAO, 2007). There is no doubt that the multi-agency focus on reducing reoffending and the level of data being produced strengthens the focus on the making a difference with each individual offender.

Increasing Confidence in Community Sentences

By early 2008 the prison population had climbed over 83,000 and there was a looming crisis. There was a growing awareness that a significant proportion of offenders serving prison sentences of 12 months or less were there because of breach of their community orders, or because they had been recalled for failing to comply with their licence supervision on

release from custody. This, coupled with evidence that offenders serving short prison sentences were more likely to re-offend on release than if they had served community orders, meant that it made sense to focus:

- (i) on reducing the level of breaches and recalls by increasing offenders' compliance and
- (ii) on working to increase sentencers' confidence in community sentences as appropriate for offenders on the cusp of custody.

This is being supported and encouraged by central government where there is increased recognition of the need to strengthen the 'frontline' probation officer's scope and ability to work with offenders to reduce their risk of re-offending and breach. To this end, an additional £40 million have been given to the Probation Service for 2008/9:

An important objective in the (National) Plan is to support more professionalism in the operation of National Standards. A review of National Standards is being undertaken to drive local flexibility, reduce bureaucracy, and strengthen the management of community sentences in order to build sentencer confidence... it is my intention that revised National Standards will support the exercise of professional judgement by frontline staff (Roger Hill, May 2008).

The results have been impressive. The under-12 month prison population has been reduced by approximately 1000 (May 2009)¹ over a 12 month period at a time when other parts of the prison population have continued to grow. Much of this is due to the impact of the ICCS (Increasing Confidence in Community Sentences) initiative.

The aim to 'build sentencer confidence' reflects the growing awareness that many of those who ended up in custody as a result of breach or recall did so because of a technicality rather than because they represented a risk to the public. The process of raising the awareness of sentencers necessarily entails a more nuanced approach to dealing with offenders, one that takes fuller account of the differences between them. There is recognition that whilst it is important that offender management is properly undertaken, and that the right interventions are properly sequenced, it is also critical that this is not approached in a mechanistic way. It is the offender managers who 'go the extra mile', who take full account of the individual they are dealing with, who are the most effective. Responsivity (a good 'what works' term) is critical – and it brings us back to diversity.

The performance culture is not going to go away. There has to be accountability and transparency in the way that public money is spent. The National Standards can assist us to do that and targets can help us identify where best to allocate resources and where the efforts

of our 'frontline' officers should be placed. The issue is whether we can devise targets and standards that are meaningful and effective in what we are trying to achieve – reducing offending. We have not got this right yet – there are still too many process driven targets which have led to an overly bureaucratic and regulated approach. Targets are useful; they are a way of demonstrating accountability. However, they can drive behaviour rather than guide it and, in doing so, can be rendered disproportionate and meaningless. Nationally there is a clear recognition that we need to 'loosen the strings' and to focus more attention on offender engagement – to motivating and listening to offenders and responding to their specific needs.

DIVERSITY AND PERFORMANCE – A RESEARCH VIEW

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Abstract

This article represents written extracts from the second keynote speech given at the 'Diversity in a Performance Culture Conference' at the University of Bradford on June 6th 2008. The address, a personal view, was given in my capacity as Professor of Social Work at Bradford University. The focus of my talk was on the growth and implications of the performance culture identified within my personal experience and research, which, broadly speaking focused on social work. However, the points I make could equally be applied to the probation service and other agencies with responsibility for providing services across the public sector .

'Diversity' has become a concept that has acquired almost hallowed status in the language and discourse of social care generally and social work in particular. But what does it actually mean? Are those of us who use it regularly, those of us who practise according to its precepts, and those of us who write and proclaim upon it fully aware of its meaning and its implications? Like many similar concepts – empowerment for example – diversity is now so universally embraced that it is relatively rare for it to be questioned, defined or interpreted afresh. Language is a powerful tool; it can open up and at the same time close down discussion about specific words and their use. Understanding is taken for granted, and somehow we are all meant to know what we are all talking about. I think this is what has happened to the concept of 'diversity'.

Social work - in common with other public sector agencies – has specific policies and value statements that assert its recognition of and respect for diversity. For instance, enter any prison in the country and you will see a laminated declaration of adherence to principles of anti-discrimination and equal rights regardless of race, colour, religion, creed etc. Yet step

into a busy magistrates' court and take a look at who is arrested and processed through the criminal justice system and who ends up in the prison system; you might be led to question the equality of treatment and rights meted out to certain sections of our society. How is respect for diversity understood in the criminal justice system if this is happening?

If we are truly to understand the concept and its implications for practice, whether we are prison officers, police officers, probation officers or social workers, we must stop to think about what might be referred to as "the differences that make a difference". For 'diversity' to mean anything, it must take account of those distinctions – social, physical, conceptual or situational – that have a bearing upon how we are perceived and dealt with in the world. Some differences – for instance, hair colour, height (within 'normal limits'), or musical taste – are not particularly significant in these terms; others such as class, poverty/wealth, (dis)ability, ethnic or racial background can be highly significant and can lead to critical differences in the ways in which people are treated. It is incumbent upon us to recognise this and to reflect carefully on the impact of such differential treatment – and then to work to reduce or eliminate the damage caused to those in poverty, from the lower socio-economic classes, from particular ethnic backgrounds. These are the differences that make a difference.

The Performance Culture

It is important to bear in mind that the performance culture is not specific to any one agency or sector; nor is it a new phenomenon. Its most recent manifestation can perhaps be traced to the 1980s/90s and to the strength of successive Conservative governments' political dominance and adherence to the principles of the market and competition. Ideas derived from the world of business extended beyond business confines and came to enter public sector discourses so that, early on, managers and practitioners in public services were introduced to concepts such as 'cost effectiveness', 'efficiency', 'value for money' and the like. In addition, agencies such as social services, education, health and the probation service were required to demonstrate and account for what they did in a way that politicians, policy makers and tax payers could understand and judge. Effectiveness was to be assessed by results which required evidence, usually measurable and clearly definable. League tables were introduced and, professional outcries notwithstanding, came to be one of the dominant arbiters of effectiveness and performance applied to schools, universities, hospitals and other public sector institutions. In another development, professionals in the public sector such as the police, teachers and some government departments were introduced to performance-related pay where individual performance was to be measured against a pre-determined set of criteria.

In higher education, universities have not escaped the 'target and performance culture' as they have become caught up in the general headlong rush for league table recognition. In-keeping with other elements of the educational sector, universities are largely governed by considerations of student numbers – recruitment, retention and, their concomitant, student satisfaction surveys.

In social work, standardized procedures with regard to assessment, time-scales for undertaking and completing assessments, frequency of contact and systems for recording that contact, processes by which cases were reviewed, monitored, recorded and evaluated, were introduced in successive pieces of legislation and policy directives. All of these 'innovations' aimed to render the social worker 'fully accountable' but often served to stymie responsiveness, creativity and, ultimately, effectiveness as social workers struggled with increasing amounts of paperwork and complex procedural formulae.

There are, of course, a number of positive aspects to all this; first is the opening up to scrutiny of what had hitherto been rather closed systems, making decisions and actions taken on behalf of the wider public (especially in the case of social work) transparent and subject to question. Such procedures and requirements can serve to give a clearer indication of what can be expected from the service, and a more accessible way of challenging when things don't fulfil those expectations.

On the other hand, of course, there are the drawbacks which those labouring to fulfil the demands of the culture are all too aware of – the endless pursuit of 'paper', the over-emphasis on proving effectiveness at the expense of that very effectiveness, in short, a distortion of practice and of the very ethos underpinning the work. This 'distortion' can be illustrated perhaps by reference to a relatively recent piece of research, Lessons from a recent piece of research (Featherstone, B. and White, S. (2006) in Ashley, C. et al *Fathers Matter*, London: FRG)

Research into the experiences and 'treatment' of fathers who are dealing with the break up of their families has shown how unjust and discriminatory social services are perceived to be by fathers. They experience social workers as blinkered and deaf to alternative points of view – alternative, that is, to the wishes, stories and beliefs of their ex partners. They perceive that the state is inevitably and ineluctably on women's side to the extent that they feel they have no rights and no voice – at least not one that will be listened to and heard.

'They go by the book' and 'they do not listen to our point of view' were frequent responses to questions about fathers' encounters with professionals; unfortunately, for the men, the 'book' is not usually opened for them. Hence, from the point of view of many of the fathers we researched, the services they are offered are inconsistent and unpredictable; goal posts appear to move and what is clear one day becomes obscure and impenetrable the next. At the same time, social workers and other professionals they encounter in the course of their journey through the system seem to start from the position that the best place for children is with the mother and it is up to the father to argue against that position rather than being offered an equal hearing where the outcome is not judged in advance.

In the conclusion to our account of this research, we noted:

Professionals need to be able to engage with fathers' versions of events in an open and exploratory way, i.e. to adopt a position of 'respectful uncertainty' and 'not knowing'

avoiding premature foreclosure and precipitous categorisations, as well as acknowledging the complex discursive terrain in which contemporary fatherhood is situated. Developing such a model of education is a key task to emerge from this research .

This position seems to stand in direct opposition to the standardised procedures and measurable outcomes demanded by a performance culture.

How can we Make a Difference to People's Lives?

Notwithstanding the difficulties and protests that often accompany discussions within public sector professions about the performance culture and all its ramifications for practice, we have to accept that such criteria and procedures are with us and so have to be worked with rather than balked against. So the question is: how can we do this and maintain our belief in and approach to working with those who are disadvantaged, different and decidedly in need of help?

The first principle we should hold on to is adherence to what might be called 'the 5 Rs' – Rights, Recognition, Redistribution, Respect and Reliability. These precepts incorporate social work principles and values, and can be drawn upon to guide our contacts with service users. Rights are perhaps self-evident in that all citizens, regardless of race, colour, creed, ability, gender, class, sexual orientation are entitled to the same basic human and social rights. Social workers have a duty to foster and uphold those rights. But it is more than that; they also have a duty to recognise where those rights are or are in danger of being infringed, ignored, abused or openly trampled on – and to take steps to redistribute resources to avert the danger or redress the damage. This redistribution might involve 'simply' directing attention to the unfairness or the inequality, or it might involve decisions to concentrate resources in those areas where rights are being denied or abused. To do this is to demonstrate respect for difference; to translate that respect into something meaningful is to be consistent and reliable in one's adherence to the principle of equality and fairness.

Universities that offer social work training must engage with issues of diversity and difference throughout the teaching; rather than being an adjunct to the rest of social work training, these issues must run as a continuous thread or theme which informs the teaching and therefore the students' experience and learning of what social work is. In our view, social work is fundamentally concerned with the issue of diversity and in seeking to embrace and promote diversity whilst ensuring that it is never used as an excuse for unequal or unfavourable treatment. It is a moot point whether the emergence of the performance culture in recent years has contributed to or hindered that endeavour, but it is our view that social workers – and society generally – cannot afford for it to be the latter.

End Note

1. During the week commencing 15 May 2009 there were 7635 prisoners serving sentences of under 12 months, a reduction of 1071 (12.3%) from the same time in the previous year

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