

Notes from plenary discussion Dec 09

Panel: Gwen Robinson, Sue Rex and Fergus McNeil

Formal and Substantive Compliance

The discussion started with a consideration of the idea of formal and substantive compliance which seminar participants had found helpful in their discussions and which it was acknowledged would be a useful area for further research.

The panel pointed out that helping offenders with formal compliance can also help them comply more substantively. Offenders say they value it when supervisors take into account difficulties they have in complying. There is some indication of that from the experience of intensive community service.

The discussion moved on to consider discretion which was felt to be of itself neither bad nor good it is about how it is perceived. Speed cameras for example have no discretion and can either be seen as a fair cop or a technological fix. The key complaint of those who are caught is that there is no opportunity to engage with the circumstances in which they were driving and respond to the uniqueness of those circumstances. The implication is that the management of a case should take into account actual circumstances but this can go too far.

Case managers should actively support compliance but this implies that some will get extra help and case managers have to be able to justify this in relation to the purposes of the order.

One strategy for supporting compliance could be the use of induction processes. However induction processes in practice are often more about meeting targets not aimed at being helpful to the process of change. Lengthy booklets for example are not helpful in a first interview it is important to have a lean strategy and for agencies to ask themselves whose fault is it if the offender is not compliant?

Fergus McNeill talked about his study into client ease of reading of induction information 20% could understand. He also cited Chris Trotter's work with involuntary clients which suggest the following are important

1. Clear the air
2. Identify the legitimate interests of offenders that are threatened by the order
3. Identify non negotiable
4. Identify negotiable
5. Action plan
6. Measures for achievement of action plan

We should frame compliance as a set of reciprocal obligations. Services should develop a set of mutual expectations and induction should be a negotiation not just serving an order, compliance should be a shared responsibility of officer and offender and the process of induction should not be a mechanistic event. There is a danger of 'things that have to be done' overwhelming the purpose.

What happens at the beginning of an order is important services should look at how orders start and how successful that is. Sue Rex quoted work in the east of England Stepping Stones to Success to put offender at the centre of planning an order.

- What do they want to achieve
- What steps do they want to take

In Norfolk interviews suggest that the approach is going down well and is not experienced as patronising

Sec 3 in National Standards is about what can the offender expect back, but it doesn't really tell you how to do that and how to communicate with the offender.

There are some tensions between targeting and helping to engage and support compliance. The former can be all about time and public confidence for example time scales to agree supervision plan. This could be seen as supporting an enforcement culture but in fairness how can you breach if you haven't explained what is expected? Another problem for compliance is the availability of programme starts which can lose offenders who start ready to engage. A rolling format can be useful so offenders don't miss the train but it doesn't resolve the issue of overstretched resources.

How widespread is the good lives model?

In Scotland the model is more at the level of influencing practice. Research funding in the UK has been principally in relation to sex offenders and the good lives model has been discussed at NOTA conference for example and it is evolving alongside RNR although there are some differences in underpinning theory. There is a developing literature and research body about the relevance of a good lives model to work with sex offenders but these needs to be extended to other offenders.

Sue Rex talked about the role of this model in NOMS in supporting offender engagement. Drawing out lessons from desistance is important but research into that is a long developmental piece of work. Tension between RNR and GLM needs more thought and her view was that we shouldn't just throw out RNR but develop the work thoughtfully.

Offender Management Model

Some issues were identified with the offender management model including:

- Deskillling of offender managers
- Needs to be good communication with all deliverers
- Does the offender need 1 central manager, or is lots of short term work OK?
- Fragmentation of intervention
- Emphasis on OM as commissioner of resources

There is a problem of tiering in relation to risk of harm. The assumption is that if you are low risk of harm you don't have complex needs and this may be driven by the fact that we can't afford to invest below PPO etc.

The ideal is a good relationship with an individual offender, multiple services are bound to be necessary and require more intensive and costly forms of management pulling the threads together. Case management is case work with more resources to tap into.

Would it be different if we put needs first rather than risk factors? Why is punishment the bedrock of everything? There are two kinds of rubric going on and conceptual confusion.

Integrated offender management is about meeting the needs of short term prisoners on release. There are tensions between Risk v prolific offending where do you prioritise. There needs to be a way of also tapping into community resources.

Offender managers who may not have sufficient skill or knowledge base are using structured materials in one to one sessions in rural areas and for women. There is a need to pay attention to one to one supervision overall, not just for rural areas and women.

OMM implementation one of the unknowns about its impact is how many relationships is optimal and is the offender manager the most important part of this or just an administrator? There are some particular issues about implementation a one to one version of IDAP for example raises questions about fairness and justice.

Conclusion

The plenary discussion ended because of lack of time not because of a lack of interest in continuing to debate these issues. Some of the themes will be pursued further at the next seminar on 25th June 2010