

'Personalisation: is social innovation possible under Transforming Rehabilitation?'

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Abstract

When the Coalition government's 'rehabilitation revolution' was first articulated, innovation was an important theme, encompassing innovation by frontline staff, by organizations working within a mixed economy and even social entrepreneurs. Under 'Transforming Rehabilitation' innovation remained a stated aim of criminal justice reform, but the scope of innovation envisaged seemed to narrow. This paper describes the early stages of a socially innovative project to develop and implement a personalised approach to offender rehabilitation in the context of TR. It draws on the concept of 'desistance'. This in turn leads to consideration of community capacity building and market development that draws on experience from the social care sector. A number of early challenges and plans to overcome them are discussed. Challenges include the inherent uncertainty of the innovation process; the importance of collaborating with a wide range of stakeholders including service users and local community organisations; innovating during a period of organisational change and wider public sector cuts; and the public presentation of personalised working with offenders. Plans to address these challenges include moving gradually from small-scale proto-typing to larger pilots and close collaboration between service providers and evaluators.

Key words

Personalisation, desistance, offender management, social innovation, Transforming Rehabilitation,

Introduction: Transforming Rehabilitation and innovation

In this article we give an account of the early stages of a project to develop and

implement an innovative approach to offender rehabilitation in the context of TR. The authors are part of a team funded by Interserve PLC to develop and evaluate more personalised ways of working with offenders, promoting positive life choices, tackling root causes of lifestyle problems, and building personal capacity and resilience. This in turn necessitates greater emphasis on community capacity building and market development involving voluntary sector organisations.

The article starts by discussing the place innovation has had in recent criminal justice policy reforms before going on to examine the concept of 'social innovation' in more detail. It is argued that the current project with its focus on 'personalised' services for offenders is a form of social innovation. The remainder of the article then describes the early stage of the project including challenges and plans to overcome them.

Innovation in criminal justice policy reform

Under the UK Coalition Government (2010-2015) the government's preferred strategy for reducing re-offending while also reducing costs was a combination of market testing, commissioning strategies that focus on payment by results and a diversification of the supplier base (Bannister *et al.* 2016). The intention was to create a 'rehabilitation revolution' with payment by results a key driver of change (HM Government 2010).

Early ideas on reform of the probation service envisaged a number of probation innovation pilot projects subject to payment by results and devolution of the commissioning of community offender services to the 35 Probation Trusts. The aim was to encourage new market entrants from the voluntary, private and public sectors as well as joint ventures, social enterprises and Public Service Mutuals (Ministry of Justice 2012). Probation Trusts would continue to deliver services to high-risk offenders and could compete to run other services. This devolved strategy seemed consistent with the earlier Green Paper on criminal justice reform in which the Coalition Government set out an agenda designed to challenge a 'Whitehall

knows best' approach, which was viewed as having stifled innovation at national and local levels (Ministry of Justice 2010). The Green Paper made repeated references to innovation encompassing the opportunities that reform would provide for criminal justice "frontline professionals" to innovate in their work with offenders (Ministry of Justice 2010: 11) and also the opportunities for a wide range of organisations to innovate within a mixed economy. Innovation seemed to include contributions from social entrepreneurs in local communities:

"Rather than operating under close central control, we want to unlock the professionalism, innovation and passion of experts from all walks of life who want to make their streets safer and their towns and cities better places in which to live." (Ministry of Justice, 2010: 9)

However, a change of Secretary of State midway through the Coalition Government resulted in these approaches being discontinued (Bannister *et al.* 2016) as the more radical Transforming Rehabilitation (TR) strategy was advanced (Ministry of Justice, 2013a and b). The *Transforming Rehabilitation: A Strategy for Reform* (Ministry of Justice 2013b) reiterated the Ministry of Justice's intention to introduce a widespread programme of competition for probation services. The Probation Trusts would be abolished and the majority of community-based offender services (community sentences and licenses) would be subject to competition. In a reversal of the earlier emphasis, there would be a national competition for geographical 'bundles' of resettlement services in the form of Community Rehabilitation Companies (CRCs). Contracts for CRCs would include an element of payment by results. Existing probation services would be allowed to join the competition by setting up new independent entities (such as employee-led mutuals). Work with high-risk offenders, assessments and court reports would pass to a new National Probation Service. The split between the National Probation Service and CRCs took place in June 2014 and contracts were signed with the successful bidders in February 2015.

Under TR innovation remained a stated aim of criminal justice reform. There are nine references to ‘innovation’ or ‘innovating’ in the Strategy. But, compared to the 2010 Green Paper the scope of innovation seemed to have narrowed. There was one reference to giving “front-line professionals the flexibility and resources to innovate and do what works” (Ministry of Justice 2013b: 3) . There were five references to setting up the conditions to allow commissioned service providers to innovate. It is noticeable that these references all assume that innovation will come from commissioned service providers, not from the new National Probation Service. There are three references to innovation around payment mechanisms and financing. It was assumed that much innovation would come from the application of technology to improve business processes, and this coupled with a focus on achieving outcomes, would drive innovation and success. (Ministry of Justice 2014a). There were no references to innovation involving social entrepreneurs and local communities.

Social innovation as a driver of change in criminal justice policy and practice

Innovation can take many forms. The use of payment by results in TR is a form of financial innovation in the funding of public services with the potential to provide access to new capital and to incentivize providers to develop innovative solutions to intractable social problems (National Audit Office 2015, Fox and Albertson 2012). Technological innovation also plays a role in criminal justice reform. One example is the use of electronic monitoring and it has been argued (Nellis 2014) that the upgrade of electronic monitoring technology in England and Wales is part of the same neo-liberal trend that is driving TR. However, many of the potentially ‘game changing’ reforms in criminal justice have been, in one way or another ‘social innovations’. One example, widely cited in the social innovation literature is Restorative Justice. Another example is Justice Reinvestment in the US, an approach that was piloted in a more limited way in London and Greater Manchester in 2011 (Ministry of Justice 2013c)

That societies are innovative is not a novel idea what is more recent is the attempt to instrumentalise social relationships to formulate and implement strategies that tackle societal problems or as Franz *et al.* (2012) put it, it is the intention to use social practices which distinguishes social innovation from mere social change.

Social innovation is social impact driven. It has been described as ‘the generation and implementation of new ideas about how people should organise interpersonal activities or social interactions to meet one or more common goals’ (Mumford, 2002). Defined in this way, social innovation implies new sets of social relations to deliver products and services. These may include new partnerships across sectors (Kania and Kramer 2011), flattening of hierarchies, co-production and personalisation (Leadbeater 2004).

Social innovation may also refer to new products and services that address social needs: ‘new ideas that work in meeting social goals’ (Young Foundation, 2007). Mulgan (2006) defines social innovation as ‘innovative activities and services that are motivated by the goal of meeting a social need’. Murray *et. al.* (2010) suggests that social innovations are those ‘innovations that are social in both their means and their ends’. Phills *et al* (2008) conceptualise social innovation in similar terms as ‘a novel solution to a social problem that is more effective, efficient, sustainable or just than existing solutions and for which the value created accrues primarily to society as a whole rather than private individuals’ (see also Franz *et al.* 2012).

As Fox and Grimm (2014) note, at first glance the criminal justice system might not seem a promising sector for social innovation. The requirements of justice evoke concepts such as certainty, control, consistency and adherence to well-defined processes, not ideas that are necessarily compatible with innovation. Some of the agencies in the criminal justice system such as the judiciary with their concern for precedent and the police with their ‘command and control’, hierarchical structure might not be ones that readily spring to mind when we think of social innovation. Nevertheless there is a rich tradition of social innovation in the criminal justice system that embodies many key dimensions of ‘social’ innovations. When significant cases of the power of social innovation from across the social policy spectrum are

identified an example that is frequently cited is the Restorative Justice movement (for example Mulgan et al., 2007). Circles of Support, Community Justice and Justice Reinvestment (particularly in its early forms as advocated by Tucker and Cadora 2003) might all be characterised as forms of social innovation.

On the face of it, TR does not seem particularly conducive to social innovation. Key to social innovation are new processes that make use of social relations, implying that the natural location for the social innovation is 'the local', but TR saw the abolition of 35 Probation Trusts and the centralised commissioning of 21 CRCs by the Ministry of Justice/National Offender Management Service. Bowen and Donoghue (2013) argued that while local and community justice can enable an innovative and responsive local justice framework within which criminal justice practitioners regain discretion and are able to design more balanced, creative, and potentially more effective solutions, the marketization trend in TR was unlikely to be conducive to local and community justice. Also central to social innovation is the utilisation of non-financial, social resources to achieve important social goals, but TR involved a payment by results model that has generally favoured large, private sector organisations able to make the long-term financial commitments required. Only one CRC is led by a consortium in which the main contractor or 'prime' is a not-for-profit organisation. Social innovations often emerge bottom-up from front-line service delivery staff, service users or communities (Murray et al. 2010). Yet employee-led mutuals or staff Community Interest Companies were part of only 7 out of 21 winning bids to run CRCs.

Other elements of TR seem more promising for creating an environment conducive to social innovation. As part of its strategy to enable payment by results commissioning in the probation sector, the Coalition Government (Ministry of Justice, 2011) revised the national probation standards, significantly relaxing central government direction. Later, Section 15 of the Offender Rehabilitation Act 2014 introduced the Rehabilitation Activity Requirement (RAR) for Community Orders and Suspended Sentence Orders. While the court decides on the length of the

RAR and the number of days (intensity), the CRC determines the most appropriate interventions to deliver, providing more flexibility for CRCs to innovate. When the preferred bidders for CRCs were announced in 2014 the Ministry of Justice emphasised that 20 of the 21 CRCs would be run by partnerships that involved charities and other not-for-profit organisations and that around 75 percent of the 300 subcontractors named in successful bids were voluntary sector or mutual organisations (Ministry of Justice 2014b).

Introducing a model of personalisation within a Community Rehabilitation Company

The authors are working with Interserve/Purple Futures to develop and then evaluate a model of personalised offender rehabilitation. Personalisation in the UK health and social care sector is regularly cited as a 'classic' example of social innovation in the social innovation literature (Mulgan et al. 2007) and this project presents an opportunity to test whether TR can support social innovation. The project we discuss here is of two to three years duration. We are currently at an early stage in the project and so the remainder of this article concentrates on the challenges we envisage and our early thinking on how to overcome them.

Systematic Reviews show that rehabilitative programmes for offenders based on psychological and behavioural techniques reduce reoffending (Lipsey and Cullen 2007). Based on this knowledge the criminal justice system in England and Wales has been redesigned over recent years so programmes follow the Risk, Need and Responsivity (RNR) principles (National Offender Management Service 2010, Andrews and Bonta 2006). Ward and Maruna (2007) argue that the RNR model is associated with a rather restricted and passive view of human nature and that motivating offenders to change by concentrating on eliminating or modifying their various dynamic risk factors is extremely difficult. The increasing 'standardisation' of rehabilitation seems to contradict research and theory that suggests a more personalised approach to working with offenders is required. Of particular

importance is the emerging literature on desistance (Maruna 2001, Ward and Maruna 2007, McNeill and Weaver 2010). 'Desistance' is an increasingly influential concept within criminal justice practice. A psychologically informed approach to understanding why people desist from crime that also acknowledges the role of personal relationships and social networks in the desistance journey, it has important implications for the way that offenders in the criminal justice system are supervised and the overall rehabilitation project (McNeil 2006, McNeill and Weaver 2010, McNeill et al. 2015). These include: recognizing that rehabilitation is a process; focusing on positive human change and avoiding negative labelling; recognizing the importance of offender agency (the capacity of individuals to act independently and exercise choice), recognizing the importance of offender relationships (professional and personal); and developing offenders' social capital (McNeill et al. 2015). Together these imply a more 'personalised' approach to working with offenders: "[I]f desistance is an inherently individualized and subjective process, then we need to make sure that offender management processes can accommodate and exploit issues of identity and diversity. One-size-fits-all processes and interventions will not work." (McNeil 2009: 28).

A challenge with desistance research is that it is not readily translated into straightforward prescriptions for practice (McNeil and Weaver 2010). This is not necessarily problematic, because developing a prescriptive model of practice would undermine personalization (ibid.). Nevertheless there is work to do to develop practical approaches to personalization in the criminal justice system. Fox et al. (2013) argue that the challenge is not just to 'operationalise' desistance, but, drawing on the experience of developing personalised approaches in social care (Fox 2013) and wider experience from the social innovation literature (eg Murray et al. 2010) to develop local markets and commissioning models that can support the supply-side of a 'market' for personalised service delivery, and develop community capacity and resilience. Fox et al. (2013) point to the experience in the social care sector, where the practice of personalization is now well established. While personalization is still developing in social care it has been broadly a success story

over the last 20 years or so supported by numerous examples of effective practice (Fox 2013) and theoretical development in the UK and Europe (Pearson et al. 2014).

Early challenges and plans to overcome them

In this section we draw on literature about what makes for successful social innovation and sketch out how we are developing the personalisation project to take account of this.

Social innovations are responses to the most pressing social needs. NESTA (2008) emphasise that there must be a demand or 'pull' for innovation generated by real social needs. Clearly the need to reduce re-offending is a strong pull. Latest figures from the Ministry of Justice (2016) relating to the period April 2013 – March 2014 show that adult offenders starting a court order had a proven re-offending rate of 34.0 percent (a slight increase of 0.1 percentage points compared to the previous 12 months) and adults released from custody had a proven re-offending rate of 45.8 percent (an increase of 0.7 percentage points compared to the previous 12 months). The rate for those released from a short prison sentence of less than 12 months was 59.8 percent.

Key to social innovation are new processes that make use of social relations. In relation to re-offending, the desistance literature has emphasised the importance of human relationships both between workers and offenders and between offenders and those who matter to them (McNeill et al. 2015). Drawing on experience from the social care sector (Fox et al. 2013) and working with staff and offenders in a CRC we are developing a number of models for more personalized approaches to offender rehabilitation where tailored life plans that recognize an offender's assets as well as their deficits (criminogenic risk factors) are central (McNeil 2009). Co-production will be key to this process, although negotiating meaningful co-production in the criminal justice system presents many challenges (Weaver 2011). A pilot in 2013, in Greater Manchester, identified the person centred practices likely to be more

effective in engaging offenders and helping them to take more control of their lives. (Barnes, Livesley & Sanderson). This in turn requires new approaches to assessment and sentence planning, new training for staff and rethinking the language of practice (McNeill et al. 2015).

Innovation is fraught with uncertainty. Dodgson et al. (2005), for example, have pointed out that there is a broad understanding in the innovation research that the innovation process requires experimentation and a tolerance within institutions for both risk-taking and failure. Before up-scaling new ideas, these need to be prototyped, piloted and implemented on a small scale allowing for impact evaluation and, if necessary, further refinement in order to achieve maximum impact and to avert catastrophic failure (Murray 2010). Interserve/Purple Futures are responsible for five CRCs. The personalisation project will initially operate in just one CRC where different components of a personalisation model will be prototyped, possibly with different models prototyped in different parts of the CRC. These are likely to include: different financing models, potentially including some form of service allocation model; different approaches to co-production; different models of staff training and support; new approaches to market development and different approaches to accessing community-based services (see below). Following initial prototyping in which rapid 'Plan, Do, Study, Act' cycles employing action research methods will be used to test different components one or more models of personalisation will be refined. These will then be piloted over a 12 month period time frame with a cohort of 50 to 100 service users, in respect of new approaches to case work, and in specific geographies in relation to community and market capacity building, and accompanied by process and impact evaluation. Subject to the results of this first pilot a second, larger pilot will be undertaken in at least two CRCs to explore the generalizability of the model. Whereas impact evaluation of the first pilot is likely to employ a range of impact evaluation methods including small *n* methods (White and Philips 2012), the second pilot is likely to employ an experimental or quasi experimental impact evaluation design where internal

validity is prioritised (Shadish, Cook and Campbell 2002) and accompanied by economic evaluation.

The social innovation paradigm is characterised by the opening of the innovation process to society. Companies, universities and research institutes, citizens and customers become relevant actors in an open, user-led innovation process' (Hochgerner et al. 2011). Interserve / Purple Futures incorporated some elements of personalisation into their operating model for CRCs, and as part of sentence delivery staff are working with service users to identify their personal attributes and enablers to help them stop offending (Interserve 2015). This will be supported by a simple service allocation model which will be rolled out with a new case management IT system across all CRC's and a training programme that emphasises the core components of a personalised approach. In keeping with other providers in the sector, they have developed an integrated supply chain of voluntary and community sector providers to give more choice of interventions for service users (Ministry of Justice 2014b).

The personalisation pilot will take the principles of personalisation further, and test how far these are applicable and successful in reducing reoffending. Consideration will be given to the transferability of all 4 parts of the model developed by In Control – A Whole Life Approach to Personalisation (Crosby et al. 2010): Self-Directed Support; Family and Community Development; Promoting Rights and Inclusion and Strengthen Citizen Capacities. Key to the pilot design and delivery is co-production and engagement with a range of interested parties. This includes service users, CRC staff, Interserve Justice, voluntary and community sector suppliers, and local stakeholders. The pilot will be supported by and evaluated by the Policy Evaluation and Research Unit at Manchester Metropolitan University, funded by Interserve. It is acknowledged that there is much learning to be gained from other sectors that have already developed personalised services. The first steps are to research existing practice in a number of disciplines, e.g. social care and health, and then to scope small initiatives to test proof of concept of the most promising applications for the

CRC. Scaling up successful approaches to mainstream delivery will also be tested. This is crucial, as whilst principles may be generic, success will depend very much on local factors and capacity.

Social impact markets are inherently local and provide infrastructure, information, and incentives “to enable individuals or institutions to allocate financial, volunteer, or in-kind resources with the expectation of those resources resulting in social impact” (Wolk 2012). It has often been a characteristic of social innovation that change agents are located in local communities, or if in large organisations, at the service delivery level. Social innovation equally involves building communities, involving different stakeholders and creating sustainable collaborative partnerships between citizens, local communities civil society organisations (Kunnen et al. 2013) with innovations being diffused through communities of interest. Greater understanding of the local landscape will be vital to support community and market capacity building. Austerity and consequent Local Authority and central government budget cuts have depleted local service provision and community organisations, and this presents challenges for the CRCs to access universal services. CRCs themselves face resource challenges to deliver services in line with the contract requirements, and it is important that personalisation optimises use of resources. Evaluation needs to consider value for money for CRCs as well as effectiveness. Community capacity building cannot be done in isolation, and will require joint work with other stakeholders and local groups. The mixed experiences of voluntary and community sector organisations of previous Payment by Results programmes (see for example Sheil and Breidenbach-Roe 2014) are likely to make local collaboration more challenging.

Other challenges will need to be addressed. The CRC needs to maintain focus on delivering the sentence of the court and to build stakeholder confidence in its ability to do this well. Messages around personalisation need to be aligned with success in reducing reoffending and not interpreted as ‘rewards for bad behaviour’ or a prioritised route to services. In social care, there was initial concern about

individual budgets being used for inappropriate activities such as exotic holidays, alcohol, etc. This fear was not borne out by experience (Fox 2013), but the issue needs to be faced in work with offenders that gives them more choice and control over accessing what will help them lead 'good lives'.

Resource allocation from the CRC will also be a challenge, and there is learning from other sectors about retaining financial control as well as promoting choice. Another insight from social care is that pre-occupation with resource allocation is meaningless unless there is a greater range of services to choose from, including those that focus strengthening personal capabilities and resilience. A practical challenge will be the fact that the CRCs are going through a period of significant change, with new ways of working, staff restructuring, new IT systems, etc. and this turbulence presents both obstacles and opportunities for innovation.

Conclusion

We are at the early stages of a project that seeks to realise a social innovation in the new world of TR. Looking ahead, NESTA (2008) suggest four conditions for scaling up social innovation :

- Demand for innovation generated by real social needs – the 'pull'.
- A supply of workable (and communicable) ideas – the 'push'.
- Connecting the two with the right organisational form.
- Ongoing organisational ability to learn and adapt to the evolving external environment.

Our work with Interserve/Purple Futures is well placed to address these conditions:

- The pull is to tackle the high reoffending rate through social innovation.
- The CRC delivery model already supports a more personalised approach, and there is sufficient body of ideas and expertise to further develop this.
- Working in a 'desistance paradigm' is an idea that has support among many

probation workers and there is senior strategic support to develop and test new concepts of personalisation and then scale up those that are successful across five CRCs

- The pilot will be undertaken with an academic partner to ensure robust evaluation and learning, and plans are well advanced for a knowledge management system to develop effective practice models through which pilot findings will be filtered.

Successful social innovations do not tend to follow a linear growth trend or innovation cycle but typically go through a developmental 'arc' from idea to mass movement: "First, it is ridiculed. Second, it is violently opposed. Third, it is accepted as being self-evident." (Schopenhauer quoted in Mulgan et al., 2007).

We see this trajectory in social care. Initially there was scepticism. For example, Clements (2008) wrote about Individual Budgets and irrational exuberance, and professional resistance as staff could not see any other way of delivering social care or did not believe it would work with people with a range of care needs. Now, personal budgets are the norm in community social care services and we hear of personalisation as a mainstream approach across many other public services—education and maternity services are two recent examples. It is a concept that many want for their lives: to have more choice and control about any services they need, whether it is, for example, being able to book a convenient place and time for non urgent health services, or what school they choose for their children... why not in work with offenders?

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