


Please cite the Published Version

Wong, Kevin  and Horan, Rachel (2021) The role of needs assessment in the effective engagement of people with conviction. The Howard Journal of Crime and Justice, 60 (1). pp. 122-140. ISSN 2059-1101

DOI: <https://doi.org/10.1111/hojo.12397>

Publisher: Wiley

Version: Accepted Version

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Additional Information: This is the peer reviewed version of the following article: WONG, K. and HORAN, R. (2021), The Role of Needs Assessment in the Effective Engagement of People with Convictions. The Howard Journal of Crime and Justice, 60: 122-140., which has been published in final form at <https://doi.org/10.1111/hojo.12397>. This article may be used for non-commercial purposes in accordance with Wiley Terms and Conditions for Use of Self-Archived Versions. This article may not be enhanced, enriched or otherwise transformed into a derivative work, without express permission from Wiley or by statutory rights under applicable legislation. Copyright notices must not be removed, obscured or modified. The article must be linked to Wiley's version of record on Wiley Online Library and any embedding, framing or otherwise making available the article or pages thereof by third parties from platforms, services and websites other than Wiley Online Library must be prohibited.

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The role of needs assessment in the effective engagement of people with convictions

Kevin Wong and Rachel Horan

ABSTRACT

-We argue for the potential for needs assessment and sentence planning to transcend their core justice functions and set the tone for effective engagement between probation supervisee and supervisor. We draw on lived experience – analysis of interview and observational data from probation supervisors and supervisees’, collected during the testing of a new needs assessment and sentence planning tool_ which aims to integrate the risk, needs responsivity model with desistance principles. After testing the findings against established models and principles of effective engagement, counter-intuitively, we found that: disagreement can lead to agreement and more effective engagement. Additionally, that attention should be paid to the potential for the physical case management and supervision environment to positively influence the needs assessment and sentence planning process. These and the other findings have -implications for policy and practice in the United Kingdom and other jurisdictions where probation is a core criminal justice function.

INTRODUCTION

It is widely recognised in the United Kingdom (UK) and other jurisdictions that the assessment of individuals with convictions is a key first step in their rehabilitation. The process provides an important and necessary multi-dimensional perspective of the individual

to inform a suitable plan of rehabilitation (Canton, 2014; Moore, 2015; Council of Europe, 2010). How the assessment is conducted, and the relationship established at this point in the supervision process between the person with convictions and the probation supervisor matters. It can set the tone for the remainder of the individual's sentence – “we're starting like this and this is how we mean to continue”. In the short term, the relationship has the potential to influence the extent to which people with convictions comply with their order, instrumentally or otherwise (Sorsby et al 2016; Robinson and McNeil 2008). In the longer term, it has the potential to influence the extent to which they desist from reoffending (Bottoms 2001; McCulloch 2013).

Whilst research regarding holistic and individualised assessment and intervention processes and our understanding of strengths based approaches grows, in England and Wales, the importance of the relationship between supervisor and supervisee appeared to have been officially overlooked during the implementation and delivery of the Transforming Rehabilitation (TR) reformsⁱ (HMIP 2019a) – and within the relationship – the role of needs assessment and sentence planning. In the run-up to the implementation of TR (MoJ 2013a), effective engagement between supervisee and supervisor was presented as a key element of probation practice by the Ministry of Justice (MoJ 2013b). It was further apotheosised through the National Offender Management Service (NOMS) *engaging practitioner model* (Copsey and Rex, 2013); supported through the NOMS commissioned literature review (Shapland *et al.* 2012); and operationalised through the Skills for Effective Engagement and Development and Supervision programme (SEEDS) training (NOMS, 2011).

In this paper we argue for the potential for needs assessment and sentence planning to transcend their core criminal justice functions; to play a critical part in establishing effective

engagement between supervisee and supervisor. We draw on empirical data to support this - the lived experience of probation supervisees and supervisors, gathered during the evaluation of a new needs assessment and sentence planning tool - the Enablers of Change (EOC) (Wong and Horan, 2019).

Importantly, we readily acknowledge the necessary function of needs assessment and sentence planning – essential first steps in supervision (Canton 2014; Moore 2015). This is something we have recently given critical attention to (see Wong and Horan, 2019; Horan, Wong & Szifris, 2019) where the extent to which the EOC tool integrates the risk, needs, responsivity (RNR) model (Andrews and Bonta, 2017), with the ‘good lives’ model (Ward and Maruna, 2007) and desistance principles (McNeil and Weaver, 2010) is examined. We recognise that inappropriate integration could lead to increased risks through the dilution of evidence-based risk management practice (Serin and Lloyd, 2017). Of course, effective needs assessment for people with convictions applies beyond purely rehabilitative concerns. It encompasses for example, the overlapping sphere of health and social care needs assessment for probation supervisees (Public Health England 2020). Additionally, more nuanced needs assessment and sentence planning has recently occurred for sub-cohorts of probation supervisees, through: the maturity screening tool for young adult males aged 18-24 years (Wakeling and Barnett, 2017); the protocol for young people transitioning between youth and adult justice systems (Youth Justice Board, 2018); and structured risk guidance for ‘extremist offenders’ (Webster et al, 2017).

Later in this paper, we relate themes of effective engagement to the particularity of probation in England and Wales, although we would argue that it has relevance for any jurisdiction where probation has a meaningful role. We consider the practical application of these themes to policy and on the ground practice in England and Wales. This is particularly

relevant given the current importance attached to effective relationships between supervisee and supervisor: signalled in the Probation Reform Programme (PRP) with the statutory supervision of people with convictions delivered by the National Probation Service (NPS) supported by voluntary and private sector delivery partners (MoJ, 2019a 2019b, HMPPS 2020). These changes being a response to the deficiencies in probation arising from the TR reforms (MoJ 2013), including a lack of effective engagement between supervisor and supervisee, acknowledged by David Gauke, the then Minister of Justice (MoJ 2018); and critically highlighted by independent bodies such as Her Majesty's Inspectorate of Probation (HMIP 2019).

Our paper proceeds thus. We commence by summarising the key elements of the EOC tool and process. Next, we explore key texts that provide frameworks for effective engagement between the supervisee and supervisor: the NOMS engaging practitioner model (Copsey and Rex, 2013); the principles of quality supervision (Shapland et al. 2012); and the multi-faceted model of engagement for disaffected young people developed by Bateman and Hazel (2013). We then describe the research methodology and its limitations before presenting the findings of the thematic qualitative analysis. We examine the findings against the above frameworks and consider their implications for probation policy and practice, in particular: how disagreement between supervisor and supervisee can potentially improve engagement; highlighting the challenges in the 'familiarity breeds contempt' routinisation of needs assessment and sentence planning; and argue for the importance of engagement as a golden thread which needs to run through the systems of social organisation occupied by probation: corrections; social welfare; treatment; and community (Senior et al, 2016)

THE ENABLERS OF CHANGE TOOL

The Enablers of Change (EOC) tool is arguably one of the few examples of significant innovation promised through the TR changes.ⁱⁱ (Wong and Horan, 2019; Horan, Wong & Szifris, 2019), seeking as it does to integrate the risk needs responsivity model RNR (Bonta and Andrews 2017) with the good lives model (Ward *et al.* 2012) and desistance principles (Maruna 2017; McNeil 2006). A departure from the RNR influenced OASys, the dominant assessment tool for adults with convictions in England and Wales since 2002 (Moore, 2015), the development of the EOC tool is detailed in Wong and Horan (2019). The tool has been developed by Interserve (which run five community rehabilitation companies CRCs managing low to medium risk of harm offenders) to replace sections 2-13 of OASys, fulfilling the functions of needs assessment, sentence planning, progress review and monitoring, through a more personalised and co-productive approach (Fox and Marsh, 2016; Interserve, unpublished). In design, the language used in the EOC is intended to be different; positive and enabling (Interserve, 2016); with strength based questions signalling a move away from a focus on needs and deficits. The tool is intended to operationalise primary, secondary (Maruna and Farrall, 2004) and tertiary (McNeill, 2016) desistance processes and their ‘zigzag’ path (Glaser, 1964). It is intended to assist supervisors and supervisees address the practical hurdles to rehabilitation (such as accommodation, support for substance misuse, benefits and debt employment) while adopting a strengths approach: collecting information on strengths, social capital and community networks; assessing individual’s motivations to change; and enabling them to address issues in the individual’s lives which have caused them to offend (Barry, 2013); Interserve, 2016).

Each of the enabling areas (covering needs and strengths) and the extent to which they were linked to risk, previous offending and strengths are scored on a five point Likert type scale by both the supervisor and supervisee. The supervisor scores the supervisee using their

‘professional judgement’ with any discrepancies between the supervisor and supervisee being ‘moderated’ by the supervisor. Importantly, this iteration of the tool was designed to facilitate the collection of information which the supervisor could use to risk assess using all risk sections of OASys. Therefore, at the time of testing, the way in which risk was intended to be assessed remained unchanged from existing practice.

FRAMEWORKS FOR EFFECTIVE ENGAGEMENT BETWEEN SUPERVISEE AND SUPERVISOR

We have identified three key texts which act as frameworks for effective engagement between the supervisee and supervisor. The first two cover the entirety of the supervision experience (for adults) rather than just assessment; the third also address the whole experience (for young people in the criminal justice system) but with an emphasis on resettlement. However, we suggest that all three retain a high level of applicability to this study and which we will return to below in our examination of the findings. The first of these frameworks is the MoJ/NOMS blueprint for the ideal “engaging practitioner” (Copsey and Rex, 2013). Based on the SEEDS programme (Rex and Hosking 2013; NOMS 2011) it bases effective one to one interaction with a supervisee around four principal elements: structuring sessions; pro-social modelling; risk need and responsivity principles (Bonta and Andrews, 2017); and cognitive behavioural techniques. The second is the literature review on quality in probation supervision (Shapland *et al.* 2012) commissioned by NOMS to support the NOMS Offender Engagement Programme. The review found that while there was little direct research on what was perceived to be quality or on what led to desired outcomes, six factors emerged which probation supervisors and supervisees regarded as demonstrating “quality” (Shapland *et al.* 2012:43). These were:

- Building genuine relationships which demonstrated care about the supervisee, their desistance and future beyond control/monitoring/surveillance;
- Identifying needs and setting goals including a supervisory relationship which showed listening by supervisors and persistence in steering supervisees towards desistance through motivation and encouraging problem solving;
- Understanding desistance and thoughtful consideration of response to relapses and breaches;
- Attention to practical obstacles to desistance and psychological issues;
- Knowledge and access to services to address practical obstacles; and
- Advocacy tailored to supervisees' needs and capabilities, involving supervisor action, referral or sign-posting.

The third text examines engagement by young people in the criminal justice system. A synthesis of previous research on disaffected young people. Bateman and Hazel (2013) propose a multi-faceted model of engagement comprising: behavioural engagement – i.e. an individual's participation and co-operation with a service/intervention; emotional engagement – their attitudinal relationship with a service/intervention and those who work in it; and cognitive engagement - an individual's investment in achieving the goals of the service/intervention and their commitment to mastering the social and personal skills and to work towards the cognitive and behavioural changes necessary.

While we recognise there are substantive differences between adults and young people in relation to their experience of the criminal justice system for example, we

nevertheless consider this conceptualisation of engagement to be instructive and allows for a richer consideration of engagement.

METHODOLOGY

Secondary analysis was conducted on qualitative data collected in the second phase evaluation of the EOC tool (Wong and Horan, 2019) and aimed to answer the research question - “what are the key elements (within the assessment process) of effective engagement with people with convictions”? The primary qualitative data used was gathered during fieldwork in a purposefully sampled CRC office. This comprised: 20 observations of EOC assessments; and post assessment, 20 semi-structured supervisee interviews and 15 supervisor interviews. This aimed to capture:

- reflections on the EOC process and experience;
- levels of co-production and collaboration;
- congruence of assessment points and decisions; and
- descriptive observation of the experience of each section and the relevance of EOC content.

The secondary analysis was conducted on this primary data using thematic analysis to identify, analyse and report patterns (themes) (Braun and Clarke, 2006) guided by the research question. Data was read and re-read several times. Coding identified features of the data that the researcher considered pertinent to the research question. All initial codes relevant to the research question were incorporated into a theme. Thematic maps aided the generation of themes which were refined to ensure a coherent pattern.

An inevitable limitation of secondary analysis is that the specific information sought by the research question was not explicitly collected. However, the research question was yielded from the primary analysis of data as it became clear that co-production and a working relationship were central elements of the EOC tool that could be further explored in secondary analysis of primary data. This ensured a match between the research question and the primary data. Qualitative data analysis is ‘normally’ evaluated by reference to the context in which the data was originally produced (Fielding, 2004) and the researcher who completed the secondary analysis also participated in the primary data collection process. Nevertheless, there are inevitable limitations of a reliance on such a convenience sample and that the sample was collected in one CRC office, limiting the generalisability of findings.

FINDINGS

The primary dataset that was accessed for the secondary analysis enabled the exploration of issues that were linked to, but not the focus of, the primary research area. This allowed the secondary analysis to focus on the key elements (within the assessment process) of effective engagement with people with convictions. This analysis (secondary) of the supervisor and supervisee interview data yielded key themes of: physical and social environment; self-reflection; co-production; strengths; disclosure; and disagreement. This section outlines these six key themes.

Physical and social environment

To complete an EOC, the supervisor and supervisee sat next to each other and faced the computer screen as they completed it. This arrangement was experienced to enhance the co-productive feel and approach of the EOC; supervisees saw their assessment being formulated

on screen and in the room rather than something completed by a supervisor elsewhere.

Physical positioning was experienced as equalising the importance of both the supervisor and supervisee contributions to the assessment and set an important environmental basis for co-production. Supervisee feedback demonstrated that they felt “*reassured*” (supervisee 45) to see their input being typed into the screen. Supervisees also considered their contributions to be acknowledged as relevant because they could see them in their completed assessment. One supervisee described how “*the fact that I could see what was going down on the form was useful and made it less formal. Overall it felt like a chat not like being questioned on the spot.*” (supervisee 75).

Self-reflection

The EOC was experienced to demand high levels of self-reflection by supervisees. Both supervisors and supervisees valued the amount of time spent drilling into issues and searching for solutions. The EOC gave supervisees space and time to reflect and think about all elements of their lives, rather than their experience of “*tick-box assessments*” and “*assessments being done behind closed doors after you have left the building*” (supervisees 49 and 77). Supervisees highlighted that previous assessment experiences were not as in depth and detailed as the EOC: “*never done anything like that before*” “*it asks you to ask a lot of yourself*” (supervisees 1 and 25). One supervisee stated they found it beneficial “*because quite often you don't look into the reasons why you've done things*” (supervisee 78). The high levels of self-reflection and insight enabled supervisees to feel an active participant of the process and a contributor of meaningful and important information. It was also felt that assessments were consequently more holistic and relevant. It also enabled assessments to be more individualised as assessments were experienced as being

more responsive to individual need. Supervisees felt better motivated because more meaningful information was necessary (when compared to other assessments).

Supervisees frequently noted that they wanted to start their orders positively and quickly engage with their worker in order to minimise the likelihood of non-compliance from early stages. The high levels of self-reflection were a considerable investment by supervisees at an early stage of their order and this was actively recognised by supervisors across observed assessments, contributing to the development of early rapport, trust and understanding. A great deal of value was placed on completed EOCs by both supervisees and supervisors as a result.

Co-production

Supervisees valued the co-produced nature of the process which enabled them to feel a valid part of the assessment with important contribution. It was described how the EOC moved their experience away from “*being told*” (supervisee 1) and supervisors also confirmed how it helped supervisees in “exploring the questions and finding their answers themselves” (supervisor 70). Co-production was summarised well by one supervisee; “*it doesn’t feel like it’s your opinion and my opinion*” (supervisee 1). Co-production enabled supervisees and supervisors to both feel an important contributor to a co-produced process, facilitating engagement by considering each other’s perspectives and building trust towards their relationship. EOCs that were experienced by supervisees as successfully coproduced saw supervisors perceived as legitimate and relevant contributors to assessments.

Importantly, there was some confusion as to the onwards application of a co-produced assessment to the criminal justice process. Supervisors questioned how a coproduced

assessment would be best communicated at NPS case transfer points and in any onwards risk management or allied processes. Concern was raised that “supervisee *opinion could look like the supervisor opinion*” (supervisor 59).

Strengths

Both supervisor and supervisee felt the inclusion of a greater focus towards strengths within the EOC “*pushed them to identify what they were good at*” (supervisee 69) and supervisees particularly, reflected positively on this process element. Supervisor and supervisee considered that the inclusion of strengths within the EOC was an important dimension, not only in the assessment of strengths but also to recognise positives and build the confidence of supervisees. A supervisee described how they “*felt there were good things going on in my life*” having completed an EOC (supervisee 13).

Supervisors suggested that there was subtlety to the strengths-based approach that further facilitated the positive experience, reinforcing that supervisees felt enabled and facilitated, rather than a process that “*happens to them*” (supervisee 50). It was felt that the EOC was not patronising as a result of a subtler consideration of strengths that is well integrated into the assessment, alongside assessments of offending behaviour, risk and need.

A focus towards strengths enabled supervisee and supervisors to feel that the EOC was a more holistic and responsive assessment when compared to other similar assessments.

Disclosure

Many supervisors and supervisee reflected that the EOC assessment elicited a great deal of personal information, supervisors often noted it was new information (for those with prior

contact and knowledge of a supervisee). An example being: *“I didn’t know that he learned to read and write in prison”* (Supervisor 49). Some supervisors acknowledged the supervisee’s candour and this early honesty clearly contributed to the establishment of trust within the relationship between supervisee and supervisors. Supervisees reflected that their greater contribution elicited more warmth from supervisors and understanding of their individual need.

Supervisors also reflected that the EoC assessment and process enabled greater honesty: *“it’s all very behind closed doors when you are doing an OASys ”* (supervisor 1). The EOC and its co-production approach to assessment *“meant that I was able to be a lot more honest with him than possibly I would have been able to previously”* (supervisor 1). This was particularly in reference to risk and the continual discussion of risk in summary for each enabling area. Risk assessment was seen in previous processes as a task done without a supervisee present, whereas in the EOC, it is explored with a supervisee .

Disagreement

Disagreement and the potential for disagreement as the flipside of agreement between supervisor and supervisee emerged as an intrinsic part of the tool and how it was used – co-production is not without friction. Generally, disagreements between supervisors and supervisee over their individual assessment/perception of the supervisee’s needs and related risks were well delineated by supervisor led discussion leading to a mutually agreed solution. However, there were exceptions. One supervisor recorded the supervisee views when the supervisor disagreed, stating that *“this is your assessment”*. The supervisor explained that *“to have the debate about every factor might have taken hours and still not have ended in them changing his view”* (supervisor 59). This may have resulted in some parts of EOC

assessments not being fully co-produced and as well experienced by supervisees. One supervisee fed back that he would have preferred his supervisor to “*not to try to overturn my decisions*” (supervisee 59).

Disagreement did, in some cases, yield more comprehensive assessments. It enabled a greater depth of assessment in areas of disagreement, but perhaps a more top-level assessment of other areas of the assessment that could have been better explored. In some instances, disagreement enabled discussion and guided supervisees away from entrenched negative perceptions of particular areas. Supervisors were able to discuss areas that were historically problematic for supervisees and drew out some positives. One example was: “*maybe at times I think he was being a little bit hard on himself so that gave me the ability to encourage him a little bit more*” (supervisor 1). However, (perhaps inevitably) some of these discussions did yield some confusion as to whether an area was a strength, or whether positive factors had been identified.

Disagreement was more common during the initial sections of the EOC. Supervisors were less likely to challenge and debate with supervisees in later stages of the EOC. This was commonly linked back to the length of the EOC assessment and the supervisor being conscious of the time available to complete the assessment. Disagreement at the start of an assessment was navigated in a more coproduced and solution focused way than disagreement towards the end of the assessment where supervisors and supervisee were tired and keen to complete the assessment quickly. Some supervisees clearly needed time to think through responses to many complex and personal questions and on occasion, especially towards the end of assessments were cut short, or answered-for by supervisors in a rush to get through the assessment. Many supervisees found the process “*tiring*” (supervisee 78).

Perceptions of Risk

Disagreement also occurred when considering each enabling area to risk of harm. One supervisor noted how “*you could see he was quite confused about what I meant by risk of harm*” (supervisor 58). Supervisors reflected that the co-production of a rating of risk for each enabling area was difficult, and in some instances created blockages in the assessment process. Some supervisees appeared to be rating whether an enabling area was a risk of harm to themselves. Others were rating whether an area led them to pose a risk to others. Others linked risk of harm to their offending behaviour and the risk that they may commit a further offence themselves. Disagreement was associated with supervisee’s understanding of risk and also about positive presentation - supervisees were keen to achieve low risk ratings perhaps without fully understanding the concept. Indeed, not all supervisors were entirely clear about risk.

Where the supervisors articulated early conclusions that the supervisee was a low risk of harm, there were no enabling areas that were rated as being associated with the risk of harm. The supervisors skipped these question, moving onto other enabling areas. This pattern of assumptive ratings, led primarily by some supervisors, led to disagreement and did not enable supervisees to understand an already difficult area. It impacted on the supervisee engagement and investment in the assessment process; supervisees did not fully understand their risk ratings where they were not fully co-produced.

However, many supervisors commented on the value of the inclusion of risk and how it improved the transparency of assessment and understanding of purpose “*the stuff about risk of harm, its making them see our role a bit more*” (supervisor 49).

Overall, there were some key elements of how disagreement was successfully negotiated. When disagreement occurred, those supervisees who continued to feel that they were an active and respected contributor to a coproduced assessment appeared to reach a more coproduced resolution to disagreement. Their engagement and motivation were better maintained. It was particularly important that supervisors did not rush a supervisee through an assessment and make assumptions. Disagreement at the start of an EOC was resolved in a more coproduced manner than disagreement towards the end of the assessment. Precision, transparency and consistency in approach was important, as was ensuring the understanding of the supervisee in the process.

Together, these themes provide valuable insight towards understanding the necessary key elements of effective engagement with people with convictions. Specifically, these themes build an account of necessary process and considerations of effective engagement when undertaking an assessment and / or intervention planning with a person with convictions.

DISCUSSION

The findings of this study are inevitably limited by the sample size, the singularity of the site and the opportunistic nature of the sampling (see Wong and Horan, 2019). Also, it has not been possible to follow participants through to the conclusion of the supervisor supervisee relationship. This is planned for further testing of the tool (Wong and Horan, 2019). However, this narrowness of focus has paradoxically allowed us, in this paper, to move beyond just an examination of the mechanics of the needs assessment and sentence planning process. We suggest that the findings, drawn from an explicit attempt to integrate

the RNR model with desistance principles offers useful learning. Insights that have the potential to support progressive development in needs assessment and sentence planning practice and policy in the UK and other jurisdictions. More broadly, recognising its fundamentally interactive nature, i.e. “it takes two to tango”, these insights could enhance supervision for both the supervisee and supervisor to assist practitioners to achieve the effective engagement and motivation of people with convictions and complement other necessary practices of developing more holistic and individualised assessments and intervention plans and the use of a ‘strengths based’ approach to achieve more positive outcomes.

The first part of this section is a step by step consideration of the alignment between the findings and existing models and principles for engagement with people with convictions. The latter part is more discursive, using the findings as a jumping off point to examine their implications for engagement policy and practice more broadly.

Effective engagement

Here, we examine the findings against the three key texts which act as frameworks for effective engagement between the supervisee and supervisor: the MoJ/NOMS blueprint for the ideal “engaging practitioner” (Copsey and Rex, 2013); the literature review on quality in probation supervision (Shapland *et al.* 2012) ; and the Bateman and Hazel (2013) multi-faceted model of engagement.

Engaging practitioner model

A good alignment was observed between our findings and the principal elements of the engaging practitioner model (Copsey and Rex, 2013). The assessments were conducted in a structured manner, guided by the EOC tool itself. Pro-social modelling occurred in the

interaction between supervisor and supervisee, in particular, a high level of self-reflection by supervisees demanded by the content of the tool and the co-produced nature of its use was recognised by both parties. Both the content of the tool which incorporated RNR principles (Bonta and Andrews, 2017) and the attention to risk, criminogenic needs and how to address them was experienced by supervisor and supervisee as an integral part of the EOC assessment. Cognitive behavioural techniques were experienced by supervisees through the self-reflection and problem-solving nature of the EOC assessment; an inherent feature of the tool design and interactive process between supervisor and supervisee required to complete the assessment. Notably reflected in the supervisee experience, was the consideration of supervisee strengths - an integral part of the tool's content and the assessment process - enabled by the incorporation of the good lives model and desistance principles (Maruna, 2017, McNeill and Weaver, 2010). This is a subject examined in detail in an earlier paper on the EOC tool by the authors (see Horan, Wong and Szifris (2019). It afforded an experienced holism that these supervisees had not experienced in previous assessments (conducted through OASys) and which was identified as being a positive feature of the support provided by voluntary sector agencies - in contrast to statutory probation services (Wong, Kinsella and Meadows, 2018).

Principles of quality supervision

In relation to the six factors which demonstrated quality in supervision (Shapland *et al.* 2012), the building of genuine relationships was observed in the data. Supervisees experienced the supervisors as caring about them, signalled through the physically and socially co-produced nature of the environment, assessment and the content – the attention paid to supervisee's strengths which went "...beyond control/monitoring/surveillance;" (Shapland *et al.* 2012:43). The second factor, needs and goal setting, were an integral part of

the assessment and supervisors demonstrated active listening, steering supervisees towards desistance by being encouraging and promoting problem solving through the interactive process of agreeing ratings of needs, risks and strengths. In relation to the third principle: understanding desistance, relapses and breaches (Shapland *et al.* 2012), the tool and process appeared to have prompted a greater honesty by supervisees about risks, notwithstanding some acknowledged confusion on the part of some supervisees about what this meant. Such consideration at the beginning of the supervision relationship suggests that relapses could occur and provides opportunity to consider how this could be avoided. The fourth principle was addressed through the construct areas covered by the tool. Discussion prompted attention to the practical obstacles to desistance i.e. needs such as accommodation and employment as well as consideration of some of the psychological issues. In particular, as experienced by supervisors who had worked with the SUs previously, the tool enabled historically problematic areas of supervisees to be discussed and enabled them to be guided away from entrenched negative perceptions. While indicated in the findings of this secondary analysis, the findings of the primary analysis (see Wong and Horan 2019 and Horan, Wong and Szifris, 2019) affirm the fifth and sixth principles of quality supervision (Shapland *et al.* 2012). The observed needs assessment and sentence planning processes demonstrated supervisor knowledge and access to services and advocacy by supervisors tailored to supervisee's needs and capabilities, with the added dimension of the supervisee's strengths being acknowledged.

Effective engagement model

The findings demonstrate good alignment with Bateman and Hazel's (2013) multi-faceted model of engagement. The supervisee experience of co-production generally evidenced a good level of participation and co-operation with the EOC needs assessment and sentence

planning process, i.e. behavioural engagement (Bateman and Hazel, 2013). Supervisee candour and a necessary early honesty observed by supervisors suggested the emotional engagement (ibid) by the supervisees with the supervisor and was experienced by supervisees as generating a warmth and understanding from supervisors. The discussion of risk and the rating of risk by supervisees; the negotiation and in some instances the supervisor's challenge of the supervisee's rating and where there was disagreement the supervisor's rating being recorded with the supervisee's rating being noted was itself "risky". It was unclear from the data to what extent the supervisee's cognitive engagement (ibid) was affected, i.e. the supervisee's investment in and commitment to achieving the goals of the supervision process as commenced through the needs assessment and sentence planning.

Disagreement

It seems counter-intuitive to suggest that disagreement can lead to agreement and more broadly engagement, especially in a potentially difficult relationship between a probation supervisor and supervisee. After all, this relationship would not exist but for it being mandated through a court order. Implicit within this relationship is the potential for conflict – compliance with the order is required of the supervisee – and the flipside of this is supervisor enforcement of the order with the responsibility to breach the supervisee where appropriate. Arguably, as observed in its design and the process for its completion, the EOC tool makes explicit the potential for disagreement, even anticipating it. Disagreement in particular in the assessment of risk was an observed artefact of the co-production process – a key underpinning principle of the tool and process. How it is handled by the supervisor and supervisee is critical. Handling disagreement at this key stage – the commencement of the supervision – has the potential to impact on the how the rest of the process develops, positively or negatively. Surmounting disagreement is perhaps implicit in the engaging

practitioner model (Copsey and Rex 2013), the principles for quality supervision (Shapland *et al.* 2012) and the effective engagement model (Bateman and Hazel, 2013). However, the findings from this study suggests that it is a necessary requirement for maintaining engagement between supervisee and supervisor and therefore merits an explicit articulation as a practitioner skill, integrated as a principle of quality supervision, or expressed within one or more of Bateman and Hazel's (2013) modes of engagement. Furthermore, while there may be a presumption that the responsibility for this rests principally with the supervisor, given the evidence of supervisee agency (present in this study and in the wider rehabilitative literature), their part can and should be encouraged and enabled. So, what are we suggesting? The processes underpinning the themes from the analysis may have the wrap around potential to support engagement when such disagreement occurs. The physical and social environment, the encouragement of self-reflection, the focus on strengths as well as needs, as well as the process of disagreement itself which signals honesty on the part of both supervisor and supervisee – were handled well by both parties. In this aspect, the open discussion about risk rating (however uncomfortable for both) observed in this study goes some way to address the frustration of supervisees of being “done to” when it comes to risk assessment (Attrill and Liell, 2007).

Overcoming tiresome routine

Further research is required to investigate the extent to which the enthusiasm demonstrated by supervisees for the tool and the way in which it was administered can be repeated. Is the impact of the tool related solely to its novelty and its contrast with the assessment process under OASys? If the same supervisees were to cycle back through the justice system and once again find themselves at the start of another sentence and undertaking the EOC assessment a second, third or fourth time would the novelty and positivity wear off and its

experienced comprehensiveness become tiresome? In the same way that a returning supervisee may have the potential to induce disappointment and other emotional responses in the supervisor which are not conducive to the supervision process, part of the *emotional labour* of probation practice (Fowler, Phillips and Westaby, 2019); so too the routinisation of assessment and sentence planning due to repetition is likely also to impinge on the perception of the supervisee and their engagement with the tool and process; potentially limiting its potency, as would happen with any activity in ordinary life where recurrence diminishes significance - familiarity breeds contempt?

While recognising the positive aspects of variability inherent in the exercise of professional judgment, supervisors appropriately tailoring their interaction with supervisees to individualise the assessment, monitoring and supervision experience, it also offers the spectre of variability in the quality of such an interaction. Revisiting the SEEDS training (NOMS, 2011) training has the potential to ameliorate this. Intended to enable practitioners to use their professional discretion and skills to reduce reoffending' (Rex and Hosking, 2013: 333) as part of a post TR reinvigoration of probation practice, it would go some way to addressing the HMIP call for a re-focus on valuing the supervisor / supervisee relationship (HMIP, 2019). A move recommended by other commentators such as Fowler, Phillips and Westaby (2019), advocating for *emotional labour* to be recognised as a key pillar of probation work.ⁱⁱⁱ Although, as noted, simply implementing such training without adequately recognising the prior disposition of those being trained and post training, monitoring its practical application in practice would limit its value (Sorsby *et al.* 2016)

The effective engagement of people with convictions of course is not just a concern for probation supervisors but for other agencies providing services for them. Voluntary sector (VS) agencies have long claimed an exceptionalism in such engagement by dint of: the voluntary nature of their services, individuals can opt-in or opt-out; they are generally open-ended, i.e. non-time limited; and individuals can dis-engage and re-engage at any time without penalty or compulsion (Martin *et al*, 2016). Based on our examination of engagement within the bounds of the supervision of people with convictions and also previous considerations around the positing of a voluntary sector engagement model for people with convictions (Wong, Kinsella and Meadows, 2018) we would suggest that effective engagement is a *golden thread* which needs to run through the multiplicity of provision which people with convictions are likely to encounter (Burns, 2019). Arguably, the principle of effective engagement across each aspect of the justice system from arrest through to sentence completion is implicit within the procedural justice literature (Tyler 2009, 2010). While it may appear too obvious to propose this, we would suggest that while implied, effective engagement is not a given, it's successful adoption as a mode of working requires certain conditions to exist. These are: an organisational and cultural orientation which favours this; processes, technology and physical environments, including the seemingly simple physical positioning of a worker and individual with convictions; and the commitment of the worker rooted in a belief in positive change (Burns, 2019). In the *new* probation arrangements in England and Wales - the private and voluntary sector partners commissioned through the regional NPS arrangements (Ministry of Justice, 2019); and the likely many more agencies which will remain outside of the NPS/MoJ funding orbit, suggested by recent experience (see Clinks *et al*. 2018^{iv}) – all of these agencies will need to apply an equal commitment to develop practice. Each must foster engagement in order that the experience of people with convictions is consistent, irrespective (or in spite) of the orientation of the key

roles that their staff play. As articulated by Senior and colleagues (2016) - spanning the four major systems of social organisation occupied by probation: the corrections world; social welfare world; treatment world; and the community. To illustrate: probation staff primarily as *corrections workers*; VS staff primarily as *welfare workers* servicing criminogenic and non-criminogenic needs; public sector health and VS staff providing drug and alcohol treatment, primarily as *treatment workers* (adapted from Harkin and Fitzgibbon, 2017^v); and *community* the broader interaction of people with convictions and their interaction with their communities (McNeill 2016, Nugent and Schinkel 2016). Merely assuming that engagement will happen is perhaps naïve. Variability in services engagement with people with convictions is all too common, as experienced by participants in drugs court in the United States (Gallagher *et al.* 2017) and young adults in England and Wales (Wong, Kinsella and Meadows, 2018).

In paying attention to the physical environment and the physical process of needs assessment and sentence planning – the tangible aspects of the service encounter – which as suggested by Proctor and White (1998) (albeit in relation to healthcare) is amenable to standardisation. We suggest a long overdue consideration of adapting the case management and supervision environment to positively influence process, something which criminology has long seen the benefits of through the Crime Prevention Through Environmental Design (CPTED) literature (amongst others see Armitage and Ekblom, 2017). More recently this has become an important consideration for the physical configuration of proposed young adult courts in England and Wales providing “...an adapted courtroom environment more conducive to engagement” (Transition to Adulthood Alliance and Centre for Justice Innovation 2015:3). For instance, using youth courts which are generally smaller (than adult

courts) and on one physical level, to improve defendants' perceptions of procedural fairness – thereby invoking a greater willingness to engage in the judicial process.

CONCLUSION

We do not wish to overstate the significance of initial assessment and sentencing planning processes in shaping the rest of the supervisor and supervisee relationship for the duration of the order, however, the popular maxim – first impressions count – we suggest is critical to an enduring and successful probation supervision relationship. In relation to OASys, the NOMS offender management model (NOMS, 2010) built on RNR principles, it signals the commencement of the offender management process. In relation to the desistance literature and the European Probation Rules (Council of Europe, 2010) which seeks to mediate RNR with desistance principles, initial assessment and sentence planning marks the start of the enabling process for supporting the desistance journey of people with convictions, wherever they happen to be on that zig-zag journey (Glaser, 1964). Assessment and sentencing planning processes have a formal role within the criminal justice process, required to be undertaken within 10-15 days in order to meet national standards in England and Wales. Getting the relationship off to a good start therefore seems immutable, and designing in the elements (within the tool and process) as identified in this study offers a way of better ensuring the necessary good start and signalling the potential for that relationship to be a good relationship, one that bears out the quality principles of supervision (Shapland *et al.* 2012).

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ⁱ This saw people with convictions assessed as low to medium risk of harm managed by 22 privatised Community Rehabilitation Companies and those assessed as high risk of harm managed a public national probation service.

ⁱⁱ Under TR CRC bidders were required to propose innovations in offender rehabilitation as part of their proposals to the Ministry of Justice.

ⁱⁱⁱ As described by Hothschild (1983) workers: interacting face-to-face or voice-to-voice with the public; managing the emotional state of the public they interact with as well as their own; and with their organisation having some control over their emotional labour of through training or supervision.

^{iv} This report found that the majority of voluntary sector agencies who worked with people with convictions were funded by charitable trusts and/or other public funding bodies

^v Making a distinction (in relation to supporting victims of domestic violence) between the orientation of the police – as justice workers; and that of private security companies providing physical security and monitoring alarms – as security workers.