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Needs assessment: risk, desistance and engagement

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HM Inspectorate of Probation

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Contents

Foreword.....	3
1. Introduction	4
2. Integrating approaches and frameworks.....	6
2.1 Needs, risk and desistance.....	6
2.2 Effective engagement.....	8
3. Conclusion	11
References	12

Foreword

HM Inspectorate of Probation is committed to reviewing, developing and promoting the evidence base for high-quality probation and youth offending services. *Academic Insights* are aimed at all those with an interest in the evidence base. We commission leading academics to present their views on specific topics, assisting with informed debate and aiding understanding of what helps and what hinders probation and youth offending services.

This report was kindly produced by Kevin Wong and Rachel Horan, recognising the importance of effective and robust assessment for planning and service delivery. The focus of the paper is upon the potential for improvements to assessment processes. The possibilities from integrating Risk-Needs-Responsivity and desistance principles are highlighted, while stressing that it is essential for such integration to provide additionality and avoid dilution (which should be subject to testing). Attention is then given to the role that assessment can play in facilitating effective engagement. Crucially, the assessment process itself can serve a purpose that goes beyond identifying the support an individual may require and what risks need to be considered. It offers opportunities for co-production, the demonstration of care, and the starting point for building a relationship. Within our inspections of probation services, we will continue to examine whether assessment focuses sufficiently on all the key areas of engagement, desistance and keeping other people safe.



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The views expressed in this publication do not necessarily reflect the policy position of HM Inspectorate of Probation.

1. Introduction

The Probation Inspectorate's standard for the assessment of people with convictions is disarmingly simple. Posed through three 'does what it says on the tin' questions, they are:

- i. *Does assessment focus sufficiently on engaging the service user?*
- ii. *Does assessment focus sufficiently on the factors linked to offending and desistance?*
- iii. *Does assessment focus sufficiently on keeping other people safe?*

(HM Inspectorate of Probation, 2019)

These dimensions of assessment resonate with policy makers, researchers and practitioners in the United Kingdom (UK) and Europe. There is a general consensus that a responsive criminal justice process must start with an effective and robust assessment that guides intervention planning and rehabilitation for people with convictions (see among others, Canton, 2015; Moore, 2015; Council of Europe, 2010; McNeill and Weaver, 2010).

This is particularly pertinent in England and Wales as the latest shake-up in probation fast approaches. The post-*Transforming Rehabilitation* delivery model will see the 'unification' of Community Rehabilitation Company (CRC) staff with those from the National Probation Service (NPS) in June 2021 (HMPPS, 2021). In this bolstered national civil service, the Offender Assessment System (OASys), based on Risk-Needs-Responsivity (RNR) principles (Bonta and Andrews, 2017), will be the default system for assessment. Of course, OASys was used by probation trusts prior to *Transforming Rehabilitation* and by the NPS and most CRCs so perhaps this is no great change.

However, it is worth thinking about the assessment of people with convictions more broadly, as the 'unified' probation service won't be alone in making assessments. As observed by Senior et al. (2016), *probation services* in their broadest sense span four major systems of social organisation which, in general terms, operate as follows:

- probation staff as corrections workers
- voluntary sector staff principally as welfare workers addressing criminogenic and non-criminogenic needs
- public sector health and voluntary sector staff as treatment workers delivering drug and alcohol treatment (adapted from Harkin and Fitzgibbon, 2017)
- the broader interaction between people with convictions and their communities, mediated in many instances via the voluntary sector.



The non-probation organisations will have their own assessment processes based on standardised and non-standardised tools. Is there an opportunity, in this latest shake-up for *probation services*, to make improvements to assessment processes across the piece? This paper aims to answer this question by focusing on two related issues:

1. Is it possible to integrate the RNR model of rehabilitation (Bonta and Andrews, 2017) with desistance principles?
2. What role can assessment play in facilitating the effective engagement of people with convictions?

The paper concludes by considering how this learning can be applied by policy makers and practitioners.

2. Integrating approaches and frameworks

2.1 Needs, risk and desistance

Over the last two decades, two approaches to rehabilitation have dominated the thinking and discourse around how best to work with people with convictions: (i) the RNR model; and (ii) the good lives model (GLM) and desistance principles. The discourse between these two theoretical approaches has been neatly captured in an earlier *Academic Insights* paper by Shadd Maruna and Ruth Mann, [Reconciling desistance and 'what works'](#).

Drawing on an explicitly evidence-focused framework from its inception (Cullen, Myer and Latessa, 2009), RNR principles (Bonta and Andrews, 2017) have guided the assessment of the risk and needs of people with convictions in Canada, England and Wales, and other jurisdictions in Europe.

- The *risk principle* underpins identifying risk and matching the level of services to the individual's level of risk for reoffending – with greater risk requiring more intensive intervention (Bonta and Andrews, 2017).
- The *need principle* supports the identification and treatment of changeable (dynamic) risk factors that are directly linked to offending – only factors directly associated with reoffending should be targeted in interventions (Andrews et al., 2011).
- The *responsivity principle* suggests that intervention programmes should be matched to the characteristics of the person with convictions (Craig, Dixon and Gannon, 2013).

Despite the strong empirical base of the RNR model, it has suggested limitations. It has been criticised for over-emphasising risk factors at the expense of helping people with convictions to meet their basic human needs and live a more fulfilling life (Canton, 2015). In contrast, the GLM and desistance research, which focuses on 'why people stop committing crime' rather than 'why people commit crime' (Maruna, 2016: 291), seeks to identify and develop the strengths of people with convictions. However, desistance does not have the empirical support generated from extensive quantitative research and testing, as acknowledged by some of its leading proponents (McNeill and Weaver, 2010; Maruna, 2016), although an empirical evidence base is emerging (for example, see Savolainen, 2009; Skardhamar and Savolinen, 2014).

Is there some way of bringing these two approaches together – given their complementarity?

As with much of life, it is not altogether straightforward. Some commentators suggest that strengths-based approaches are in opposition with 'RNR and 'what works' research (Looman and Abracen, 2013), whilst others see strengths-based approaches as already presaged in much of the 'what works' literature (Andrews, Bonta and Wormith, 2011). However, research does suggest that the outcomes of criminal justice case management could be enhanced by the integration of strengths-based approaches with RNR principles (Horan, 2015; Serin and Lloyd, 2017). At the same time, it should be acknowledged that their inappropriate integration could increase risks through the dilution of evidence-based risk management practice (Serin and Lloyd, 2017; Wong and Horan, 2019).

Turning our focus to the subject of this section, is it possible to integrate these two approaches through assessment? In short – yes. RNR approaches are suggested to constitute a necessary but not sufficient framework for assisting people with convictions to refrain from offending and adopt prosocial lives in the community (Willis and Ward, 2014). Despite their apparent differences, RNR and desistance research strive toward the same goal – to assist individuals to cease offending behaviour (Serin and Lloyd, 2017). Therefore, the integration of strengths-based approaches with empirically evidenced RNR principles has a theoretical base and offers a way of achieving better rehabilitative outcomes for people with convictions (Horan, 2016; Serin and Lloyd, 2017).

It follows therefore that the design of tools which assess the needs and risks of people with convictions (built on RNR empirical evidence) could also accommodate new directions in offender rehabilitation and assessment practice based on desistance-led approaches. However, it is essential to ensure that any tool adequately integrates RNR with the GLM and desistance approaches, providing additionality while avoiding dilution.

Examples of integrative tools

Examples of this integrated approach to assessment are currently being used in England and Wales for children and for individuals convicted of sexual offences.

- *AssetPlus*, developed by the Youth Justice Board of England and Wales, builds on the previous *Asset* assessment tool. It reflects an integrative approach to assessment which identifies risk and protective factors in a child's life but recognises that it is not enough just to note their occurrence (Baker, 2014). The design and use of *AssetPlus* is informed by the GLM framework of offender rehabilitation (Willis and Ward, 2014) and desistance approaches (McNeill, 2014).
- The *Active Risk Management System (ARMS)* was originally designed to provide a framework for working with men convicted of sexual offences who are subject to statutory supervision in England and Wales. Though not in itself a risk assessment tool, it moves away from a focus on static risk factors to the assessment of dynamic risk and also protective factors, addressing some of the limitations of deficit-focused assessments (Nicholls and Webster, 2014).

Learning from piloting

For an examination of the challenges involved in developing an integrated tool, we turn to the *Enablers of Change (EOC)* assessment tool (Horan, Wong and Szifris, 2019). Developed by Interserve, a CRC, as part of their innovation offer for *Transforming Rehabilitation*, the EOC tool aimed to integrate the empirical evidence of the RNR principles together with emerging evidence from asset-based approaches including desistance.

What learning can be applied from the development and early testing of the EOC tool? This has relevance for the ongoing development of OASys and for other tools that may be developed and used by non-probation agencies with people with convictions.

Firstly, an indication that it is possible to operationalise an integrative approach to the assessment of the risks and needs of adults with general (i.e. non-sexual offending) convictions; and that this operationalised integration is not observed or experienced as being oppositional between RNR and desistance principles. The EOC tool includes both factors that predict criminal behaviour and factors that consider desistance; and its framework around the interrelated 'stages' of primary, secondary and tertiary desistance

provides an exploration of human and social capital with specific reference to community and social networks of support.

Secondly, that such a tool may not be appropriate for all individuals with convictions. Desistance thinking suggests that desistance approaches should be targeted at those who are relatively persistent and/or serious offenders with relatively established criminal identities (McNeill and Weaver, 2010). Where such identities are not yet established, it is suggested that no complex and costly reconstruction of attitudes, identities and behaviours is required or merited. Therefore, arguably an assessment tool which incorporates a desistance focus should only be used for high and medium risk of reoffending and/or harm cases and not low risk cases. However, it could also be argued that desistance thinking could inform a preventative approach in low risk cases.

Thirdly, the EOC is able to explore psychological and cultural elements of desistance but is perhaps more limited in its assessment of their interplay and the process of identity, as individuals grow into, through and out of offending and connect their internal worlds with the social worlds they live in (see Paternoster and Bushway's 2009 identity theory of desistance). Exploring changes in identity and behaviour through assessment and review could better inform the prediction and support of potential declines in criminal behaviour and better understand an individual's journey through the interrelated modes of primary, secondary and tertiary desistance. So going beyond shifts in identity and behaviour towards shifts in belonging to a (moral) community (McNeill, 2014).

And finally, the factors which make people desist are not always the same as those which make them offend (Laub et al., 1998). A desistance-led assessment may seek to identify the circumstances that make people choose not to offend, in order to facilitate these processes. The RNR focus (within the EOC tool) towards what makes individuals commit offences (rather than not offend) may limit the tool's exploration of the opportunities for people to begin or maintain their desistance journeys, and how individuals could sustain this commitment without turning back to crime. A successfully integrated tool could enable understanding of motivators and also understanding of desistance. It could inform robust sentencing and sentence management, together with desistance-informed intervention planning to facilitate an individual's choice not to offend. Managing these two elements within a single assessment tool needs careful consideration and testing.

2.2 Effective engagement

Given that assessment generally occurs at the beginning of the relationship between people with convictions and their probation supervisor or support service worker:

*'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".'*

Wong and Horan, 2020:1

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 offending (Bottoms, 2001; McCulloch, 2013). Additionally, the assessment process itself can serve a very human need for ritual as a way of signifying the start of reintegrative change for the individual and for wider society (Maruna, 2011).

So how can assessment be organised so that it maximises the potential to secure the engagement of the service user through the assessment process itself and beyond, facilitating the individual's completion of their court order and/or the programme of support? Helpfully, there are three frameworks which can assist.

The **first framework** is the pre-*Transforming Rehabilitation* blueprint for the ideal 'engaging practitioner' devised by Copsey and Rex (2013). Based on the skills for effective engagement, development and supervision (SEEDS) programme (Copsey, 2011), effective one-to-one interaction with a supervisee is based around four principal elements:

- structuring sessions
- pro-social modelling
- RNR principles
- cognitive behavioural techniques.

The **second framework** draws on the work of Shapland et al. (2012); their literature review on quality in probation supervision supported the NOMS Offender Engagement Programme. They identified six factors which probation supervisors and supervisees regarded as demonstrating 'quality' (Shapland et al., 2012:43):

- building genuine relationships which demonstrate care about the supervisee, their desistance, and future beyond control/monitoring/surveillance
- identifying needs and setting goals, including a supervisory relationship characterised by listening from supervisors and persistence in steering supervisees towards desistance through motivation and encouraging problem solving
- understanding desistance and applying thoughtful consideration to responses to relapses and breaches
- attention to practical obstacles to desistance and psychological issues
- knowledge and access to services to address practical obstacles
- advocacy tailored to supervisees' needs and capabilities, involving supervisor action, referral or signposting.

The **third framework** is a synthesis of research on disaffected children. Bateman and Hazel (2013) propose a multi-faceted model of engagement comprising:

- behavioural engagement – an individual's participation and cooperation with a service/intervention
- emotional engagement – the attitudinal relationship with a service/intervention and those who work in it
- 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 investment in working towards the cognitive and behavioural changes necessary.

While there are substantive differences between the adult and youth justice systems, this conceptualisation of engagement nevertheless remains useful for adults and allows for a richer consideration of engagement. Space does not permit consideration of a further model of engagement in this paper; however, Case et al.'s (2021) study into communicative influences on children's engagement with youth justice assessment processes also provides useful learning.

How might these engagement frameworks – at the assessment stage – be enhanced in the post-unification landscape of the probation and non-probation agencies?

We have the following suggestions, drawing on the learning from the integration of RNR and desistance principles identified through the development and testing of the EOC tool (Wong and Horan, 2020).

Firstly, the consideration of probation supervisee strengths – an integral part of the EOC tool's content and the assessment process, enabled by the incorporation of the GLM and desistance principles (see, among others, McNeill and Weaver, 2010; Maruna, 2016) – provided supervisees with a holistic experience that they had not encountered in previous assessments (conducted through OASys). This appeared to facilitate supervisee engagement.

Secondly, because the tool and assessment process explicitly required probation supervisor and supervisee to undertake a joint discussion around risk – rather than risk assessment being undertaken behind closed doors, solely by the probation supervisor – this process appeared to promote greater honesty from supervisees about risks (notwithstanding some acknowledged confusion on the part of some supervisees about what this meant). Such open consideration at the beginning of the supervisory relationship can indicate when relapses may occur and provides a potential opportunity to consider how this can be avoided.

Thirdly, disagreement. It seems counter-intuitive to suggest that disagreement can lead to agreement and more effective engagement, especially in a potentially difficult relationship between a probation supervisor and supervisee where supervisee compliance is required. However, disagreement, particularly in the assessment of risk, was an observed artefact of the co-production process built into the EOC tool. Of course, how it is handled by the supervisor and supervisee is critical. Handling disagreement at the assessment stage has the potential to impact on the how the rest of the relationship develops, positively or negatively.

Surmounting disagreement is perhaps implicit in the three frameworks outlined above. The findings from our study of the EOC tool (Wong and Horan, 2020) suggest that it is a necessary requirement for maintaining engagement between supervisee and supervisor, or between any case manager and their service user. It 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. The open discussion about risk rating (however uncomfortable) observed through the EOC testing goes some way to address supervisees' perceptions of being 'done to' when it comes to risk assessment (Attrill and Liell, 2007).

And *finally*, paying attention to the physical environment and physical process of assessment may enhance engagement. During the EOC testing, the relatively simple act of supervisor and supervisee sitting next to each other, viewing the tool on a laptop screen aided transparency in the process and fostered a sense of co-production – a physical and social manifestation of procedural justice principles (Tyler, 2010).

3. Conclusion

How should the learning about the integration of RNR, good lives and desistance principles along with enabling effective engagement be taken forward through the Probation Reform Programme?

The Ministry of Justice (MoJ) and HM Prison and Probation Service (HMPPS) have invested considerable intellectual effort and resources into developing and refining OASys; for confirmation, see Moore's (2015) compendium of OASys research and analysis. Clearly OASys is not going to be abandoned in favour of another tool. Nor, arguably should the MoJ/HMPPS go down that route. Instead, there are a number of questions worthy of consideration:

- Can the strengths-based approaches trialled in the EOC tool, incorporated into AssetPlus and other tools be incorporated into OASys itself without diluting its efficacy?
- Could such an addition enhance its sentence planning function?
- Is there something to be gleaned from other innovations around assessment, sentence planning and case management trialled by CRCs during *Transforming Rehabilitation*?

Also, what about the efficacy of the assessment tools used by non-probation agencies? It is neither proportionate nor logistically practical to expect these agencies to use tools that mirror the complexity of OASys. However, having a better understanding of the evidence base around RNR, good lives and desistance, and how this translates into assessment should help these agencies improve what they do and inform their choice of which validated tool they should use.

As to engagement, no agency or individual is going to imagine that they do engagement badly. However, are there ways in which it could be improved? Rigorously and honestly reviewing their processes against the frameworks presented in this paper would be a good starting point. Feedback loops, rather than linear lines, are critical.

It matters how each agency undertakes assessment and engagement. The assessment process, which occurs at the start or soon after an individual's involvement with an agency, serves a purpose that goes beyond just finding out what support an individual may require and what risks need to be considered. In the 'it takes two to tango' process of engagement, it offers an opportunity for co-production, the demonstration of care, and the starting point for building a relationship.

It is also worth considering that the supervisee is not 'tangoing' in isolation. They may well have more than one 'partner' at any one time. In addition to the probation supervisor, they may be engaging with a caseworker at a drugs agency and/or a mental health support worker. Additionally, they may well have a long history of past encounters with the same and other agencies. The research suggests that these experiences are likely to influence the individual's desistance journey; the trick therefore is making each encounter count.

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