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**THE DYNAMICS OF SERVICE USER PARTICIPATION AND
COMPLIANCE IN COMMUNITY JUSTICE SETTINGS**

Ugwudike, P. (Forthcoming)

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ABSTRACT

This paper draws on insights from within and beyond the parameters of criminal justice research, and from key models of community justice supervision, to illuminate the dynamics of service user participation and compliance in community justice settings. In doing so, the paper provides a multifaceted analysis of how service user participation in setting the goals of supervision intersects with factors that potentiate compliance. The paper identifies these factors as: service user agency; positive self-identity; empowerment; self-efficacy; and responsive services. Several complexities vitiate service user participation. The paper proposes the co-production of compliance as an antidote that can neutralise these complexities.

Introduction

Several studies have explored the links between the participation of former service users¹ as mentors, staff members, or in other capacities, and a range of outcomes (for example, access to future employment or resettlement) (Fletcher and Batty 2012; Maguire et al. 2010). This paper deviates from this trend by focusing on the under-researched question of how the participation of those undertaking community based orders might engender compliance specifically.

Models of supervision, namely the desistance model, the Good Lives Model (GLM) and the Risk Need Responsivity (RNR) model, have long identified service user participation in goal setting and decision making processes as vital for commitment to change processes (Bourgon and Guterrez 2013; McMurrin and Ward

2004; 2010; Maruna and LeBel 2010; Smith et al. 2012; Ward and Fortune 2013).

But, what the scant empirical literature on compliance with community-based orders primarily reveals is the dominance of practitioner-led mechanisms of compliance (Phillips 2011; 2014a; Ugwudike 2010; Weaver and Barry 2014). The studies of compliance suggest that service users play a limited role in the effort to achieve compliance, and this undermines the quality of compliance that is frequently achieved. Often, the studies of compliance pay insufficient attention to intersections between service user participation (or non-participation) in setting supervision goals, and different forms of compliance. This paper argues that the minor involvement of service users in efforts to achieve compliance might stem from their limited participation in goal setting and other decision-making processes.

The paper expands the literature on compliance by drawing on theoretical and empirical insights from various sectors, and from key models of supervision to assess the precise dynamics of service user participation and compliance. Thus, the paper illuminates how service user participation generates or strengthens factors that encourage compliance. These factors are the service users' attributes and competencies, particularly their sense of agency, renewed self-identity, sense of empowerment and self-efficacy.

Models of supervision reveal that these attributes are vital for service user commitment to change processes (Maruna and Lebel 2010; Ward and Fortune 2013). Responsive service delivery is another factor that is linked to active participation. The aforementioned models of supervision also emphasise that service users are more likely to engage with services that are responsive to their personal attributes and capabilities, and also their social circumstances (Farrall et al. 2014; King 2014; McMurrin and Ward 2004; 2010). Although the paper mentions some of the themes

that polarise the models, by highlighting the commonalities that unify the models, this paper deviates from the common trend of emphasizing their differences (see for example, Looman and Abracen 2013).

There has also been insufficient analysis of the complexities that impair user participation. The paper explores these complexities and argues that the complexities can be addressed through co-productive strategies that are supported by practitioners, and underscored by organisational commitment to service user participation. The active collaboration of practitioners, service users, and others, to achieve mutually defined outcomes such as: compliance (McCulloch 2013); or longer-term goals (for example, secondary or permanent desistance) (Weaver 2014) constitutes co-production. The paper contends that co-production, can strengthen service user engagement² during supervision and improve their access to resources that facilitate social participation and inclusion which are dimensions of citizenship.

Conceptualising Compliance

There is no universally accepted definition of compliance in community justice³ contexts. Perhaps this is because compliance is a nebulous concept. In his insightful theoretical analysis of compliance in community justice settings, Bottoms (2001) identifies conceptual differences between several types of compliance. For instance, instrumental compliance arises from the perceived benefits that might accrue from compliance, or from the belief that the costs of non-compliance outweigh its benefits. Normative compliance is said to emerge from an internalised obligation to comply. It could arise from the belief that a representative of authority has exercised his or her authority fairly and is as such, perceived to be legitimate and deserving of compliance (Bottoms 2001; Tyler, 2005).

Robinson and McNeill (2008) highlight distinctions between two forms of compliance namely, substantive compliance and formal compliance. Substantive compliance involves the service user's engagement with the goals of service delivery. By contrast, formal compliance involves fulfilling the minimum requirements of an order. Attending statutory appointments without concomitant commitment to the overall aims of the order exemplifies formal compliance. According to Robinson and McNeill (2008), unlike formal compliance, substantive compliance, characterized as it is by commitment to supervision objectives, is more sustainable; it could outlast the order.

It is important to identify effective strategies for encouraging compliance in community justice settings. Studies consistently reveal high rates of attrition from supervision and offender behaviour programmes (Hatcher et al. 2012). Additionally, official statistics in England and Wales point to the link between enforcement action and reoffending (Wood et al. 2015). Official statistics also reveal that high rates of enforcement action (for non-compliance) contribute quite significantly to the sustained rise in the prison population (Gyateng et al. 2010). It follows that non-compliance that results in recall to prison exacerbates the human and fiscal costs of the burgeoning prison population of England and Wales.

The Extent of Service User Participation

Evidence from sectors outside the criminal justice system, and from key models of supervision, reveal that service users are more likely to engage with services if they have participated in setting the terms and goals of those services (Rudduck and McIntyre 2007; Hibbard and Gilbert 2014; McMurrin and Ward 2004; 2010; Maruna and LeBel 2010; Smith et al. 2012; Ward and Fortune 2013). But, there has been

limited analysis of the extent of service user participation in community justice settings, and the impact on compliance. The few studies of service user participation during probation supervision have found limited evidence that service users participate in the design and implementation of service delivery (Hughes 2012). Equally, the few existing studies of compliance with community-based orders indicate that service users tend to play a minor role in producing compliance (Phillips 2011; Ugwudike 2010; Weaver and Barry 2014). The studies highlight the role of practitioners in achieving compliance by forging good relationships with service users, treating them fairly, and trying to address socioeconomic and other obstacles to compliance. These studies have been conducted in England (Phillips 2011; 2014a), Wales (Ugwudike 2010) Scotland (Weaver and Barry 2014), and other jurisdictions (Skeem et al. 2007).

Ugwudike's (2010) study of compliance interviewed probation practitioners and service users in Wales. The study found that the practitioners played the key role in addressing obstacles to compliance in order to facilitate compliance. There appeared to be little input from service users. Phillips's (2011; 2014a) study of compliance in two probation teams in England interviewed and observed practitioners. The study revealed that practitioners, under pressure to attain managerialist targets, engaged in breach avoidance strategies to achieve compliance. The objective was to attain compliance targets although the compliance achieved amounted to maintaining some form of contact, rather than substantive compliance. Conducting telephone appointments represents an example of the breach avoidance techniques the practitioners adopted. Again, there was limited evidence of service user engagement with efforts to achieve compliance.

The studies cited above indicate that practitioners play the key role in achieving compliance, and generally implementing the order. Indeed, it is now increasingly contended that in the specific context of community order supervision, the focus of research has shifted away from solely exploring ‘what works’³ to examining ‘who works’ or ‘who is the room’ (see generally Durnescu 2014: 46; Burke 2014: 329). Both concepts focus research attention on seeking answers to the question of ‘who’ *delivers* the interventions (the practitioners), how they are delivered, and the impact of supervision skills on outcomes.

Meanwhile, some have argued quite persuasively that it is important to explore the service users’ competencies or how service users might contribute to achieving supervision objectives such as compliance, as active agents of change (Bottoms 2013; Ugwudike and Raynor 2013b). King’s (2014) study of 20 men on probation reinforces this view. The study's findings indicate that practitioners play a useful role in orientating service users towards desistance. They achieve this by encouraging service users to visualize an alternative crime-free future that they (the service users) can build for themselves using their agency and competencies (King 2014: 171). Thus, the study highlights the importance of encouraging service users to participate in setting goals they can commit to and strive to attain as active agents of change.

User Participation and Compliance in Various Sectors

In England and Wales, service user participation is a requirement in several public service sectors outside the criminal justice system (Department for Business, Innovation and Skills 2016; Health and Social Care Act 2012; NHS 2015; the Children Act 2004). Studies conducted in education sectors, and the health and social

care sector for instance, reveal that service user participation promotes engagement with the terms and goals of service delivery. The Student Engagement Partnership (TSEP) project, which was funded by GuildHE (one of the two bodies that formally represent UK Higher Education), demonstrated that student participation in curriculum design can produce positive outcomes. It can empower students and enhance their engagement, thus reducing drop out rates or ‘levels of non-continuation’ (TSEP 2016: 6).

In the primary and secondary education sectors, there is evidence that giving students a ‘voice’ in decision making about teaching strategies so that they are not simply recipients of education services, can empower them (Rudduck and Fielding 2006). It can help ensure that teaching practice is responsive to their learning needs and it can improve their engagement with teaching and learning (Rudduck and McIntyre 2007).

In the health care sector, randomised control trials involving patients from different backgrounds and health conditions in the US, UK and other jurisdictions indicate that enabling patient participation in designing treatment plans can enhance clinical outcomes, particularly compliance with treatment regimes (Hibbard and Gilbert 2014). User participation is similarly identified as beneficial to compliance in social work contexts (Smith et al. 2012). Smith and colleagues’ (2012) report presents the findings of four practitioner-led research projects that explored the utility of user participation. The research projects found that giving service users (including initially hostile service users) the opportunity to plan and design services was useful. It equipped them with greater understanding of the purpose, goals of and consequences of intervention. By contrast, marginalising service users from decision-making produced negative outcomes; it made service user engagement significantly ‘more

challenging' Smith et al. (2012: 11).

These outcomes have been recorded by other studies of user participation in a variety of criminal justice settings. Jackson and colleagues' (2013) analyses of large-scale secondary data held by the London Metropolitan Police Service found that people's perceptions of the legitimacy of the police's authority, affects cooperation with the police. According to Jackson and colleagues (2010: 2), fostering legitimacy 'includes allowing people a voice to present their side of the story when dealing with authorities' (see also Hough et al. 2010; Hough and Maffei 2013). Schmidt's (2013) study of prisoner participation in six prisons across England, Wales and Ireland, found that getting their voices heard (or having an input in decision making), improved the prisoners' confidence, self-identity and behaviour. The participants felt empowered, and perceived themselves to be 'people' of value who are 'council members' not simply 'prisoners' (see also Solomon and Edgar 2004).

These studies reveal that service users are more likely to cooperate with practitioners if they (the service users) participate in setting service delivery terms, or if they at least have an input in decision-making. The studies also suggest that participation is linked to certain factors that promote engagement. These factors are: opportunities for service users to act as active agents rather than passive recipients of services; improved self-identity; empowerment; and responsive services.

Participation as a Mechanism of Compliance: The Role of Service User

Agency and Capabilities

As the studies cited earlier demonstrate, participation provides opportunities for service users to act as active agents who can contribute meaningfully to setting and implementing the terms and goals of service delivery. Key models of supervision now increasingly stress that service user agency is vital for longer-term change (see for

example, McNeill 2014; Ward and Fortune 2013). The models imply that enabling service users to participate in decision-making during supervision, such as goal setting, is a useful means of harnessing their agency and encouraging their engagement. The key models discussed in this paper are: the desistance model; the Good Lives Model (GLM); and the Risk-Need-Responsivity (RNR) model.

The desistance model⁴ identifies the exercise of agency as a key dimension of the transition towards desistance (Farrall 2002a; Farrall et al. 2014; King 2014; Maruna 2001). Therefore, the model stresses that giving service users the opportunity to inform the terms and goals of service delivery can strengthen their agency, and foster engagement with supervision process that are geared towards desistance. Indeed, McNeill (2006) has gone as far as to state that criminal justice practitioners should cede ownership or control of the change process to the group it rightly belongs to, namely the service user. The latter is described as the principal change agent. This does not mean that desistance research tells us that service users: ‘should be left alone to ‘get on with’ the business of self-change’ (Maruna and LeBel 2010: 81). Rather, the research suggests that interventions should not simply be applied to service users; interventions should contribute to, or fit in with, or complement the service users’ efforts to change their lives.

Service users are more likely to engage with interventions that complement their efforts and desistance-focused goals. This reflects the position of one of the probationers, Micky, who participated in Farrall’s (2002a) longitudinal study of the impact of probation supervision on desistance. Asked to describe what would help him stop offending, Micky endorsed the merits of future-orientated supervision practice. He stated that in his view, probation officers should promote the ‘self-progression’ of the probationers by helping them to visualise and work towards a

crime-free future (Farrall 2002a: 227; Farrall and Calverley 2006: 95-96; King 2014).

The foregoing suggests that participatory supervision processes can strengthen the service users' agency, and their resolve to engage with supervision processes that promote desistance. The latter is said to rely, not solely on extrinsic factors that might include situational or structural conditions, but *inter alia* on intrinsic or personal factors such as the service user's agency, identity transformation, treatment readiness and the related issue of intrinsic motivation (Farrall 2002a; Farrall and Calverley 2006: 187; Farrall et al. 2014; Maruna et al. 2004; Vaughan 2007). It is worth noting that Farrall's (2002a) longitudinal study of the impact of probation supervision on desistance found that even amongst service users who demonstrate low or no treatment readiness or self-motivation, probation practitioners might sow 'seeds' of desistance that can germinate or 'be fully realized' long after the end of the order (see also Farrall and Calverley 2006: 66; Farrall et al. 2014: 290). This may happen when the service user's social and personal circumstances change and they make the decision to transition towards desistance. Their agency and self-motivation do however contribute to this process.

The Good Lives Model (GLM)

The Good Lives Model (GLM) shares several similarities with the desistance model, particularly the latter's postulation that longer-term change relies on intrinsic factors such as the service user's agency, self-motivation and identity transformation (Ward and Maruna 2007). Indeed, the GLM draws on insights from Maruna's (2001) work on desistance narratives. Maruna's (2001) work highlighted the key role of agency and identity transformation in achieving desistance (see also, Laws and Ward 2011; Maruna 2004; Ward and Maruna 2007).

The GLM also shares the desistance model's emphasis on enabling service user participation in goal setting and decision making during supervision (Ward and Fortune 2013). Advocates of the GLM have long argued for what they describe as a 'strengths-based approach to offender rehabilitation' because it promotes practices that build on service users' agency, strengths and capabilities, and fits in with their goals, 'core interests and values' (Ward and Fortune 2013: 33-34). In other words, it endorses practices that enable active user participation. The study by Harkins and colleagues (2012) provides support for this. The study examined the views of practitioners and service users who participated in a GLM approach to working with those convicted of sex offences. Both parties reported that the GLM is future-orientated; it encourages a focus on positive goals service users can strive to attain. The model posits that service user engagement is more likely where the service users participate in identifying the terms and goals of intervention as active agents of change (McMurrin and Ward 2004; 2010).

Some argue that a degree of paternalism might accompany the implementation of the GLM. Glaser (2011) for example, points out that this paternalism manifests itself when practitioners assume that they (not the service users) are better positioned to identify the service users' goals. Such an assumption it is argued, might encourage practitioners to pursue the potentially harmful goals *they* define as beneficial goals for service users. This paternalism might be inspired by the assumption that the professional's judgment should be prioritized and is morally justified because it is beneficial to the service user even if it usurps the service user's role, undermines agency and infringes human rights (Glaser 2011).

The RNR Model

According to Ward and Fortune (2013), the main difference between the GLM and the RNR model⁵ is that the RNR model focuses on service users' deficits, particularly predicted risk factors or criminogenic needs, rather than their agency, strengths and capabilities. The concern to 'manage' service users on the basis of their actuarial risks is, according to Feeley and Simon (1992: 458), a feature of the 'new penology'. The latter it is argued, upholds system-focused ideals; primarily the preoccupation to maintain an efficient and cost-effective criminal justice system in which 'risky' populations can be identified and managed (Feeley and Simon 1992). Proponents of the RNR model do however state that risk assessment practices should be applied to the more productive aim of targeting interventions at aspects of the service user's personal social circumstances that could be addressed to reduce reoffending (Andrews and Bonta 2010).

The GLM incorporates key features of the RNR such as risk reduction and cognitive behavioural approaches (Chu et al. 2014). But, GLM proponents argue that the GLM *also* promotes the importance of building on the service user's strengths, goals, and general well being (Ward and Fortune 2013). In addition, GLM adherents point to what they describe as the failure of RNR model to properly incorporate desistance variables⁶ (Ward and Fortune 2013). Ward and Fortune (2013: 33) do nevertheless concede that the GLM and RNR are not completely 'mutually exclusive models'. Chu and colleagues (2014: 218) point out that: '...In fact, the GLM is designed to augment principles of effective correctional intervention, and it is complementary to the Risk–Need–Responsivity model.' The key difference according to Ward and Fortune (2013), appears to be that the RNR focuses on risk avoidance.

Some desistance scholars also believe that the RNR model encourages a focus on risk factors. This, it is argued, does not permit active service user participation through for example, collaborative identification of needs, and may undermine supervision relationships (Maruna and LeBel 2010).

Some of the criticisms that have been levelled at the RNR model are not cognizant of key developments in the model. Indeed, as far back as the 1980s, advocates of the model identified supervision skills that can enable active service user agency and participation (see for example, Andrews and Kiessling 1980). Several recent studies have found that the skills can produce outcomes such as reductions in levels of reoffending (Raynor et al. 2010; 2014; Raynor and Ugwudike 2013). Andrews and Bonta 2010; Bourgon and Guterrez 2013). A key example of these skills is the collaborative identification and resolution of problems (which should reinforce service user agency and encourage active participation) (Dowden and Andrews 2004). Another example is Motivational Interviewing (MI) (Miller and Rollnick 1991). According to Alexander and colleagues (2013: 342):

MI focuses on a “spirit” of collaboration, respect of the individual’s right to choose his/her behaviour, and evocation from the client of potential reasons for/against change.

Thus, service users are expected to exercise a degree of agency and control during the MI process. In an evaluation of the impact of staff practices, Alexander and colleagues (2013) found links between MI and reduced rates of reconviction among service users serving probation orders in the United States.

In England and Wales, evidence-based supervision skills proposed by RNR proponents were recognised officially in the mid-2000s. In 2010, the National Offender Management Service established the Offender Engagement Programme

(OEP) to bring together the emerging international research on the importance of supervision relationships (Copsey 2011) The OEP also explored how best to develop research-based skills and practices (Rex and Hosking 2013).

The Skills for Effective Engagement and Development (SEED) training programme was introduced as part of the OEP. The programme involved training practitioners on how to employ evidence-based skills and other effective approaches. Most of the practitioners in 8 Probation Trusts (as they then were) who participated in SEED training described the experience as positive. They reported *inter alia* that the training had improved the quality of supervision sessions, enabled them to individualize their approach. The training also permitted a more collaborative approach to supervision; the service users felt that they were given the opportunity to contribute to the change process (Rex and Hosking 2013; Shapland et al. 2014). A key objective of the SEED programme was to revive a traditional principle of probation practice. This principle emphasizes that collaborative supervision relationships forged within the context of one-to-one interactions are useful for engaging service users (Ugwudike 2010) and encouraging longer-term change (Burnett and McNeill 2005).

Outcomes of Service User Participation and the Implications for Compliance

Insights from other sectors, and the models of supervision presented earlier also reveal that service user participation in goal setting and other decision making processes is likely to promote engagement because participation can help generate additional outcomes. These outcomes are discussed below. They are: reversed self-identity; service user empowerment; enhanced self-efficacy; and improved responsiveness of services.

In terms of reversing a negative self-identity, it is argued that the service user's participation in making decisions and changes that might improve their lives can enhance their self-identity (Maruna 2001; 2004). The label of 'criminal', it is argued, can undermine the labelled service user's social status with implications for their self-identity and willingness to engage with change processes (Maruna and LeBel 2010). The desistance literature refers to the 'knifing off' process through which desisters divest themselves of their criminal history and negative self-identity in order to adopt a prosocial lifestyle and corresponding identity (Maruna and LeBel 2010; (Maruna 2004: 274; Farrall et al. 2014; Sampson and Laub 2005).

Desistance research on the importance of identity transformation mirrors the work of neo-Chicagoan sociologists of deviance, notably Becker (1963), and Lemert (2000) who argued that a negative label might foment a negative self-identity and trigger deviance. Studies have demonstrated that negative labels can derail efforts to achieve desistance (see generally, Farrington 1977; Farrington and Murray 2014; McAra and McVie 2010). A longitudinal study of the impact of labelling on future deviance among 400 young people in London, found that official labelling in the form of a guilty verdict imposed by a court increases future deviancy and convictions (Farrington 1977). Another longitudinal study of pathways into and out of crime sampled approximately 4,300 young people in Edinburgh (McAra and McVie 2010). The study found that interactions at an early age with agents of social control such as the police or social workers, corresponded with 'amplified contact' with these agencies later in life.

Facilitating the participation of service users could also promote engagement because it can empower them. Service users may feel empowered and able to engage

with efforts to attain the goals of service delivery if they are given the opportunity to participate in setting those goals. Studies conducted in education sectors (Rudduck and McIntyre 2007; TSEP 2016), health care contexts (Hibbard and Gilbert 2014) and social work settings (Smith et al. 2012) reveal that participation can empower service users and enhance engagement. It is argued from a social work perspective, that enabling participation is a useful way of empowering service users who are statutorily mandated to undertake interventions; it gives them greater control over their lives (Beresford and Croft 2004). Braye and Preston-Shoot (1995: 48) note that the objective of empowerment is to: ‘enable people who are disempowered to have more control over their lives, to have a greater voice in institutions, service and situations which affect them’.

For many service users, their status as ‘offenders’ who are subject to the authority of the practitioners might instil in them, a perception that they occupy a less powerful position not only in wider society but also within the supervision context. Harrison (2015) argues that even the architecture of the modern probation office may create ecological barriers that foster a ‘them and us’ perception of the relationship between the service users and the officers. According to Harrison (2015), in some probation services, practitioners are located in offices that are separate from the rooms reserved for interviews with service users.

Harrison (2015: 68) invites us to consider the likelihood that from the service users’ perspective, ‘banks of separated interview rooms’ that are reserved for those who are labelled as ‘offenders’ reinforces the label. The separate rooms create an ecological barrier that may from the service user’s perspective, symbolize the social distance or difference in status between both parties. The barrier might reinforce the label and diminished status imposed on the service user in wider society, with

implications for their self-identity. Such an environment might discourage service users from visualising longer-term change and committing to supervision processes that are geared towards achieving that change (Harrison 2015; Phillips 2014b).

Empowering service users by giving them the opportunity to inform the direction of their orders may also enhance their self-efficacy. McGuire (2000: 26) defines self-efficacy as ‘our general sense of our ability to influence our own behaviour’. Service users with low self-efficacy evince limited confidence in their ability to exercise their rationality and agency to positive ends. Consequently, they are less likely to achieve substantive compliance.

A recent systematic review of service users’ views about the causes of disengagement and attrition from RNR programmes, identified: ‘a perceived lack of self-efficacy’ as a key factor (Sturgess et al. 2015). Sections of the desistance literature highlight the importance of self-efficacy but point out that many service users lack requisite levels (McNeill 2014). The high expectations of practitioners and others, it is argued, can help reverse not only negative self-identity but also low self-efficacy among service users, and inspire engagement with change processes (Maruna and LeBel 2010: 76). Other models of offender supervision, namely the GLM and the RNR model also identify self-efficacy as one of the factors that can help motivate service user engagement and longer-term change (Chu et al. 2014; Dowden and Andrews 2004; Laws and Ward 2011). It is thus likely that vesting ownership of the change process in the service users to facilitate their participation, whilst practitioners play a navigational role might help enhance self-efficacy.

Service user participation also improves the responsiveness of services and could as such encourage service user engagement with change processes. The desistance model suggests that to motivate service user engagement, supervision

practices should be commensurate with the service user's personal and social circumstances (Farrall 2002a; Farrall et al. 2014; King 2014; Maruna 2001). The GLM also emphasises that service users are more likely to engage with change processes that are tailored to suit their strengths, desistance goals, core interests and values (McMurrin and Ward 2004; 2010). The RNR model identifies 'specific responsivity' as crucial because it involves encouraging engagement by adapting services to circumstances that the practitioners identify collaboratively with the service users (Andrews and Bonta 2010). Examples of these circumstances include issues relating to the service user's gender, culture, ethnicity, learning style, level of motivation, and cognitive abilities (Andrews and Bonta 2010).

Implications of Limited Participation

The evidence presented in this paper so far, suggests that limited service user participation in planning the objectives of an order diminishes the likelihood of engagement. As already noted, lack of engagement poses implications for the nature of compliance achievable (Robinson and McNeill (2008). But, it is worth noting that lack of engagement or even attrition from a community order is not always wilful. Non-criminogenic factors can trigger non-compliance. Farrall's (2002b) study of factors that are linked to non-compliance during probation supervision found that financial problems, substance misuse, and ill health (particularly depression) can trigger unavoidable non-compliance (see also Ugwudike 2010). That said, several studies of service users' perspectives have found that lack of participation can produce unsustainable compliance that is underpinned by lack of motivation to engage with supervision goals.

Rowe and Sopitt's (2014) study explored service users' views and found that several service users were motivated to attend mainly by instrumental considerations

of the benefits of compliance. The latter, according to the service users were – addressing socioeconomic and family-related problems including: ‘housing, training, employment, and prospects of improving relationships with children’ (p. 409). For these service users, their compliance and professed motivation to desist from offender were bound within the confines of the perceived benefits of compliance. They did not indicate that they were motivated to engage with the goals of the order. It is not clear whether they participated in setting those goals, although it is perhaps unlikely that they did.

As mentioned earlier, models of supervision tell us that service users are more likely to engage with supervision goals if they have participated in setting the goals. Rowe and Sopitt's (2014) study found that the *perceived role* of the practitioner as the provider of help and support was crucial for motivating compliance. As Rowe and Soppitt (2014: 410) observed: ‘In some respects it might be that the significant issue was not ‘who is in the room?’ so much as ‘what role are they playing?’ It is argued that ‘what helps?’ is perhaps the more pertinent question in supervision contexts (Ward and Maruna 2007: 12). The question is said to be preferable because it focuses attention on identifying a wider range of desistance strategies. It directs attention to the practitioners’ skills or interventions. But it *also* emphasises the service users’ personal attributes such as their agency, competencies, as well as the social, cultural and political contexts of their journey towards desistance (Farrall et al. 2014: 290).

Other studies have also found links between limited participation and lack of engagement during supervision. Hughes (2012) found in a study of service users’ engagement with the sentence planning process, that although some of the participating probationers reported that they were willing to attend appointments, they were motivated mainly by instrumental reasons; primarily the requirement placed on

them to attend and the benefits they sought to achieve from supervision. The study noted that service user participation in sentence planning was limited. Perhaps related to this, their actions were directed towards attendance (as a form of compliance) rather than engagement in the form of commitment to attaining the goals of supervision (substantive compliance) (Hughes 2012).

Dubberley and colleagues (2015) explored how and why young people undertaking court orders in the community comply with their orders. They found that instrumental factors, particularly the perceived consequences of non-compliance, were the key motivating factors. The service users did not demonstrate that they were committed to the orders' objectives. The practitioners assumed primary responsibility for the orders whilst the young people played a passive role and exhibited formal compliance (in the form of attendance without commitment). In line with most existing studies of compliance, the study did not explore how participation (or non-participation) in setting goals or making decisions might have contributed to the form of compliance achieved. Nevertheless, the participating service users did not demonstrate that supervision objectives were attuned to mutually-set goals.

These are mainly small-scale studies with small sample sizes that pose implications for the generalizability of the findings. But, they do point to the possibility that service users who rely on the practitioners' solicitude or are motivated by fear of consequences are more likely to exhibit instrumental compliance rather than substantive compliance. The studies suggest that similar outcomes could be achieved where service users do not actively participate in planning and implementing orders. Limited service user participation or input may atrophy service user agency and foster passivity. Affected service users might engage in formal compliance; for example they might attend appointments without exhibiting the high levels of

motivation and commitment associated with substantive compliance. Instrumental compliance and formal compliance are perhaps not as desirable as substantive compliance. This does not repudiate the utility of both forms of compliance. Conceivably, formal compliance and instrumental compliance that involve attending supervision sessions, albeit without necessarily committing to change processes, might in some instances evolve into substantive compliance. It is indeed possible that gratified by what they perceive as the officers' solicitude, some service users who were originally motivated by perceived benefits, might subsequently feel obliged to commit to the order's objectives. But, if achieving more sustainable compliance (for instance, substantive compliance) represents one of the objectives of supervision, what might be required is an approach to working with service users that strengthens their ability to participate actively in goal setting and decision making processes. Studies from other sectors also demonstrate this (Rudduck and McIntyre 2007; Hibbard and Gilbert 2014; Smith et al. 2012).

The Merits of Co-production

Some allude to the utility of co-producing compliance, and argue that the co-production of compliance might enhance service-user participation and establish their role as capable agents of change (see for example, McCulloch 2013). Co-production is a term that is widely used to describe the participation of citizens in the delivery of public sector services (Bovaird and Loeffler 2008). The individualised⁷ (Bovaird and Loeffler 2008), or individualistic (Needham 2008) co-production model for example, is defined as the 'collaboration and reciprocal contribution of each party's [co-producer's] resources to produce mutually agreed outcomes' in the contexts of good working relationships (Weaver 2014: 196).

In penal contexts, the concept of co-production has been applied mainly to the

study of desistance (Farrall, 2002a; Sampson and Laub 1993; Weaver 2014). In community-based supervision contexts specifically, the individualised model of co-producing compliance would manifest as a symbiotic relationship that the practitioner and service user develop, which in turn facilitates the collaborative identification and implementation of desistance goals (McCulloch 2013). It seems reasonable to contend that by working towards mutually agreed goals with the practitioner's assistance, for example, by actively engaging with mutually identified service providers, the service user is co-producing substantive compliance. The practitioner's co-productive role would in this instance, involve not only collaborating with service users to identify relevant service providers, but also facilitating access to the service providers.

The individualised model also embodies family-focused strategies. Within the model, the practitioner's role is to support the service users' efforts to repair or strengthen relationships with their families, friends, and others with whom they share social relationships. Family members and friends may co-produce compliance by working with the service users to address obstacles to compliance such as financial problems, accommodation issues and substance misuse (Farrall 2002b; Ugwudike 2010). Farrall's (2002b: 269-270) study of the reasons for absences from probation uncovered several obstacles to compliance but also found that one of participating probationers' family members participated in the co-production of compliance. They helped to maintain: 'the probationer's attendance at probation and a local drug centre.'

By engaging in relationships with supportive family members and others who can co-produce outcomes such as compliance, and longer-term change, service users might also enhance their social capital⁸. According to Farrall (2004: 61) '...family relationships which are in some way supportive, either emotionally or practically'

represents one of the ‘most important ingredients of social capital for the individual in Western countries’. Through their relationships with supportive family members, service users may acquire social links or ‘ties and social contacts’ that help build social capital (Farrall 2004: 75). By engaging with these social links, service users may access resources (for example, suitable accommodation and employment) that facilitate social participation and inclusion which are dimensions of citizenship.

Complexities of Service User Participation

Ostensibly, it could appear that by co-producing compliance, service users are in effect coproducing punishments that have been imposed on them. But, this paper contends that the co-production of compliance is a goal worth pursuing. This is particularly the case if the objective of achieving compliance extends beyond punishment to attaining substantive compliance (service user engagement) with mutually agreed desistance goals. These goals are likely to be meaningful to service users, and responsive to their circumstances. We have already seen that evidence from sectors outside the criminal justice system, and from key models of supervision, reveal that service users are more likely to engage with supervision goals if they participated in setting the goals.

Equally, the co-production of compliance is a goal worth pursuing because it could enhance the perceived legitimacy of authority. Ugwudike’s (2010) study of compliance with probation orders found that giving service users opportunities to state their case and inform decisions that are made about whether or not they have complied with their orders, enhanced the perceived legitimacy of authority. As already noted, perceived legitimacy is described as an antecedent of normative compliance. The latter is conceptualised as voluntary compliance that can emerge from an internalised obligation to comply because an authority is perceived to be

legitimate (Bottoms 2001). Therefore co-producing compliance may serve as a means of achieving service user consent and voluntary compliance with a mandated order. A study of service users' views of supervision identified the consequences of limited participation in decision making as: confusion; undermined legitimacy; and disengagement (Weaver and Barry 2014). In addition, by facilitating service user participation, co-production processes are also likely to produce the previously mentioned factors that encourage compliance. These factors are the service users' sense of agency, renewed self-identity, sense of empowerment and self-efficacy.

It is worth noting that co-production is a process that requires substantial service user participation in decision-making processes (Bovaird and Loeffler 2008). But, there are limits to the degree of service user participation attainable in criminal justice settings. These settings are designed to impose punitive constraints rather than facilitate service user participation in choosing and controlling services (see also Weaver 2011). Therefore, it could be difficult to attain the levels of service user participation required for co-production. Relatedly, service users undertaking penal orders are statutorily mandated to comply with the practitioner's directives. Some of the practitioners' directives will on occasion, override the service user's views or preferences. This represents an obstacle to co-production.

Furthermore, in most contexts of public sector service delivery (even in service delivery contexts that are devolved to private sector providers), the practitioners occupy more powerful positions given their status, level of education, and other attributes (Calder 1995). Co-production necessitates a degree of power devolution to the service user and others. As McCulloch (2015: 50) observes, co-producing compliance in penal settings: 'is about sharing power'. Weaver (2014) also notes that co-producing desistance in these settings involves: 'relinquishing

monopolies of power.’ The unwillingness of some practitioners to share their professional power and authority in order to foster egalitarian participatory practices has been noted amongst social work professionals (Carr 2007), teachers (Rudduck and Fielding 2006), and prison officers (Solomon and Edgar 2004).

It is also argued that practitioners who supervise penal orders might resist co-productive practice if they view such practice as a managerial imposition (Weaver and McCulloch 2012). In addition, there could be practitioner resistance if they believe that the service user’s participation would elevate them (the service users) to higher positions of authority than the practitioners occupy themselves (Weaver and McCulloch 2012). Clarifying the co-producers’ roles, communicating the potential benefits of co-production to practitioners and perhaps reassuring them that the objective is not to undermine their authority, could help secure their commitment to the approach (Weaver and McCulloch 2012).

The current penal policy climate in England and Wales might also impede co-production in criminal justice settings (McCulloch 2015). The prevailing objectives of punishment and public protection might inspire authoritarian responses in which practitioners assume the dominant role, particularly in cases where the service user is assessed as ‘high risk’ or fails to comply to the satisfaction of the practitioner (McCulloch 2015).

Another limiting feature of the current policy climate is the performance management culture that now pervades public sector service delivery. This culture drives pecuniary (‘value for money’) ideals and efficiency imperatives (Ministry of Justice 2013: 26). It is argued that pursuing target-focused operational priorities is inimical to participatory ideals. This is because it circumscribes the amount of time practitioners can expend on working with service users to promote participation in

education sectors (Baron and Corbin 2012; Rudduck and Fielding 2006), social work contexts (Carr 2007), health care settings (BMA 2015) and probation services (Robinson et al. 2013). In a target-focused policy climate, practitioners supervising community-based orders could find themselves under pressure to focus on practices that yield quantifiable compliance. Formal compliance in the form of attending appointments without engaging with the goals of the order, exemplifies quantifiable compliance.

This paper contends that practitioner and organisational support for participatory and locally relevant co-productive strategies can reverse some of the aforementioned complexities of service user participation. The objective of co-productive strategies should be to mobilise the strengths and resources of key stakeholders⁹ within and beyond the justice system, in order to achieve outcomes such as substantive compliance and desistance. Weaver (2014: 201) puts it that: ‘to facilitate participation, co-production requires organizational flexibility and support for the development of localized and innovative approaches’.

As McCulloch (2015) rightly notes, some might argue that co-production amounts in part, to the responsabilisation of private citizens as articulated by Garland (2001) in his description of contemporary penal policy trends. According to Garland (2001), responsabilisation strategies involve the devolution of crime control to the private sector or the wider community. The strategies represent part of the adaptation techniques some Western states have adopted in response to the realization that they cannot retain sole responsibility for governing aspects of social life including crime. However, the prevailing models of supervision point to the importance of encouraging service user participation by harnessing their strengths and capabilities as active agents of change (Bourgon and Guitierrez 2013; Dowden and Andrews 2004;

McMurrin and Ward 2004; 2010; Maruna and LeBel 2010; Laws and Ward 2011; Ward and Fortune 2013).

Conclusion

This paper argues that enabling greater service user participation in community justice settings could encourage substantive compliance. Formal compliance is the likely outcome where service users adopt a passive role, and instrumental compliance is likely where they passively rely on the benevolence of the practitioner. There is nothing to suggest that practitioners purposely set out to dominate change processes or assume sole responsibility for compliance. It is clear that forming good relationships with service users, treating them fairly and being responsive to socioeconomic and other obstacles to compliance might represent part of a humanitarian, client-centred approach to practice. But, this paper suggests that limited service user involvement might pose implications for the type of compliance that is achieved.

Collaborative supervision processes may provide opportunities for service users to exercise their agency, and could help reverse negative self-identity, empower service users, enhance their self-efficacy, and improve the responsiveness of service delivery. Therefore, supervision processes that facilitate service user participation might ensure that service users are able to contribute meaningfully to processes that might improve their lives not only as service users, but also as capable citizens.

Future research could explore service users' views and experiences to identify their definitions of the precise dynamics that might encourage them to achieve substantive compliance.

Notes

1. It has been suggested that it is a misnomer to refer to those undertaking court-mandated interventions as ‘service users’ (McLaughlin 2009). This, it is argued, is because the term signifies an element of voluntariness and willing participation in mutually-agreed activities, and does not accurately represent the experiences of those undertaking court orders (McLaughlin 2009; Smith et al. 2011). They are statutorily required to complete the interventions. Nevertheless, it could be argued that the term though laden with complexities, offers a positive alternative to stigmatising and exclusionary labels such as ‘offenders’ or ‘criminals’.
2. Engagement in this context can be defined as:

The active engagement and co-operation of the offender with the requirements of his or her order. It is achieved when (for example) the offender subject to community service works hard and diligently; or when the offender on probation shows a genuine desire to tackle his or her problems (Robinson & McNeill 2008: 434)
3. The term ‘community justice’ refers to crime reduction activities that operate within the community. This paper focuses on the supervision of community-based orders.
4. It is rightly noted that: ‘There is no single ‘desistance theory’ any more than there can be said to be a single theory of crime or of poverty’ (Maruna and Lebel 2010: 72). Whilst some desistance writers highlight the role of agency in achieving desistance, some emphasize structural factors, and others

highlight the relevance of agential factors constrained by wider structural forces (see generally, Giordano et al. 2003).

5. Please refer to Andrews and Bonta (2010) for a detailed analysis of the theory and evidence that underpin the RNR model of supervision.
6. According to Ward and Fortune (2013: 33) ‘desistance variables’ are ‘variables that promote non offending lifestyles’. Ward and Fortune (2013: 33-34) imply that the GLM incorporates these variables. They are: forging a therapeutic alliance; promoting the agency of the service user or the service user’s capability for ‘self-direction’, and promoting the service user’s engagement with treatment and commitment to the longer-term objective of desistance.
7. The outcomes of individualised co-production processes are directly beneficial to the individual co-producers whilst larger groups or the wider community benefit from the outcomes of group and collective co-production models (Needham 2008; Weaver 2014). The focus of this section of the paper is on co-producing individual compliance (preferably substantive compliance) that could evolve into long-term positive change, and as such directly benefit the individual service user/co-producer. Therefore, the individualised model is quite relevant here. For a more detailed account of other co-production models that involve service user groups or community groups, please see Needham (2008) and Weaver (2014).
8. Farrall (2004: 59) observes that social capital is a multidimensional concept that has been conceptualized variously as the: social links or ‘connections’ between people; a resource that inheres in the social bonds people share with others; or ‘trust and engagement in civil society’.

9. Key stakeholders include practitioners, service users, their families, and their social networks in the community.

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