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Published by the
Relationships Foundation
Registered Charity No. 327610

3 Hooper Street
Cambridge CB1 2NZ
Tel: 01223 566333
Fax: 01223 566359
Email: r.f@clara.net

Enquiries to Dr Jonathan Burnside

Production by
Stephen Lown Graphic Designer

Illustrations by Hannelie Grobler

Relational Justice BULLETIN

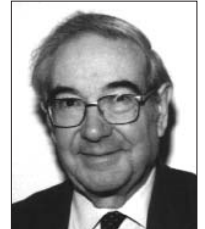
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Issue 10 April 2001

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A MOST UNQUIET REVOLUTION?

David Faulkner envisages a new role for citizenship, public service and community safety



"The next five years will witness the biggest transformation in the relationship between the State and voluntary action for a century." Gordon Brown's announcement of a £300m package designed to promote the voluntary sector and the limits of state provision has profound implications for changing the relationship between the individual and the state. The rejection of the old choice between state-provided services and the free market in favour of the 'space in the middle' where individuals join together in voluntary and charitable action has, if it is intended seriously, far-reaching implications for criminal justice generally and for Relational Justice in particular. Indeed, the front cover of the Relational Justice book champions this vital middle ground with its image of a chain of people holding the sword and the scales of justice.

It is easy to see why the assumption that 'Whitehall knows best' is being replaced with partnerships to harness what the Chancellor described as "the forces of compassion and care in our communities." Voters want tax cuts and better public services and large numbers of citizens contributing several hours of unpaid work per week to providing public services would help to bridge the gap between these conflicting expectations. It may certainly be questioned whether



Hannelie Grobler

"Citizenship in the commercial sector includes employing ex-offenders".

New Labour, with its passion for control and uniformity, is really serious about a radical decentralisation of core services. As Melanie Phillips has noted, too many radical neighbourhood projects trying to develop networks of local services from the bottom up find themselves frustrated by Whitehall and the town halls.

RELATIONAL BENEFITS

Voluntary bodies offer a number of particular relational benefits. First, they are usually strong on local knowledge and they can be more flexible at working with needy individuals who do not fit official rules. Government agencies are restricted, perhaps increasingly, by bureaucratic requirements relating to performance standards and accountability and by the scale on which they have to operate: voluntary agencies can often respond more

sensitively and more rapidly to the needs of individuals and local communities. The new money the Chancellor has made available will be used, *inter alia*, to develop mentoring; a significant development that clearly privileges the relational dynamic over classic bureaucratic responses. Of course, voluntarism has its weaknesses: voluntary bodies are not always as reliable as paid employees and are more financially vulnerable than government in an increasingly litigious culture. Nonetheless the recognition that many human problems cannot be solved by 'big government' and that voluntary bodies have positive characteristics which government agencies can lack is an important admission. This article sketches some of the ways in which we might reformulate our ideas

of citizenship, public service and community safety in the light of this acknowledgement.

Firstly, the nature of citizenship. Five or six years ago, the idea of citizenship seemed rather old fashioned. It had been used in the Citizen's Charter to depict the citizen as a consumer or customer of service,

consistently with the market-oriented politics of the 1980s and early 1990s. Before that it had been associated with the social and economic rights of the welfare state, for example in the work of T.H. Marshall; and earlier still it had been associated with the Enlightenment and the social contract. It was to be found in Aristotle and the Greek city state. It was all a matter of history.

REDISCOVERING CITIZENSHIP

The idea was rediscovered as part of a reaction against the individualism and economic liberalism which had dominated political thinking during the previous ten or fifteen years. It was then associated with other ideas such as community, social inclusion, social capital, civil society, human rights and responsibility. These ideas, and the writers like Anthony Giddens who promoted them, informed the thinking of the Labour Party during its later years in opposition and they are still prominent in the Labour Government's thinking today.

On this view, citizens are entitled to personal safety, respect for their private lives and to freedom of expression. All these are human rights protected by the European Convention on Human Rights and the Human Rights Act. Citizens are also entitled to decent public services; to social support when it is

Continued on Page 2

needed; to a safe and unpolluted environment; and to protection from crime, from improper discrimination, and from corruption, oppression or abuse of power by the state. In return, citizens have a duty or a responsibility to obey the law, to show consideration and respect for others, to support themselves and their families, to care for their children and perhaps to set an example. Citizenship is a central feature in the balance between rights and responsibilities.

ACTIVE CITIZENSHIP

Citizenship as so far described is fairly passive and individual – it is more about not doing things, or about doing things for one's self and one's family, than about taking an active part in society. A more active view of citizenship would emphasise citizens' rights to a voice in the governance of their country and their communities; and opportunities to influence the nature and quality of the public services which are provided on their behalf, or important decisions which will affect them. Corresponding responsibilities are to pay taxes, to undertake jury service if required (or military service in some countries), and on a more voluntary basis to vote in elections and to "do their bit" for society through various forms of voluntary or charitable work.

Active citizenship and active communities are becoming an increasingly prominent theme of Government policy; lay justice will be an important feature of the debate following Lord Justice Auld's review of the criminal courts; and restorative justice is gathering momentum, along with increasing involvement of ordinary citizens in measures to deal with criminal acts and people who commit them. It is an important part of citizenship in this sense that citizens should themselves take some responsibility for dealing with the problems of crime in their communities and for the reintegration of those involved. They should not see it as the business of someone else

– the police or the courts. How far the public are willing to become involved remains to be seen. According to a Mori poll published in December 2000, just under 50% of the British public have engaged in some form of voluntary work in the past year, mainly women and those in social class AB. Local schools and church-based activities were the most common areas of involvement. However, Mori found that 71% of men who had not volunteered thought it unlikely that they would, citing lack of time, family commitments and disinterest.

The commercial sector has similar rights to influence its operating environment, and similar social responsibilities. Those responsibilities should not be confined to supporting good causes with cheques or sponsorship, but should also include duties to conduct their business in ways which are socially responsible – in production, marketing and employment, which includes employing ex-offenders.

'OPEN' AND 'CLOSED' CITIZENSHIP

This account of citizenship might lead to dispute about some of its practical applications, but it is not particularly controversial. Within it, there are however two contrasting views which might be called the "open" and "closed", or "inclusive" and "exclusionary" interpretations of citizenship. The "open" view values ideas such as equality, empowerment, tolerance, trust, reciprocity, respect for diversity and reintegration. Citizenship, and the rights and responsibilities which go with it, are part of a person's status and identity as a human being, and are not to be qualified or taken away. The role of the state is to secure those rights and to facilitate the performance of those responsibilities. Individual citizens and society as a whole have

responsibilities of care and support towards those who are vulnerable, disadvantaged, or at risk.

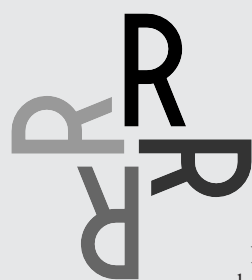
The "closed" view is more conditional and authoritarian. It emphasises security, protection and the prevention of risk. It is more ready to blame, stigmatise, disqualify and punish. The role of the state is not so much to facilitate the exercise of rights as to enforce the performance of responsibilities. Those who fail in their performance no longer deserve to be full citizens and can be disqualified from exercising the rights of citizenship or enjoying its benefits. Protection is for those

who deserve it against the danger or nuisance from those who do not. Both views can be seen in the language of politics and in the policies of the present Government.

RETHINKING PUBLIC SERVICE

Public service, and public services, are what give citizenship reality and content. They are also the link between the citizen and the state. But public service can mean different things. It can be a career, like nursing or teaching; an activity like jury service; or an organisation or institution. Public service organisations take different forms, and have different definitions. Definitions are important in law in deciding whether the organisation is liable to judicial review, and they may become important in deciding their position under the Human Rights Act. Public services include publicly owned services such as the police; privately owned companies providing public services, such as the privatised utilities and the railway companies; and voluntary organisations providing services on their own account or under contract from government or a public authority. They all have different relationships with the citizens and with the state. One defining characteristic is that public services

"Citizens should themselves take some responsibility for dealing with the problems of crime in their communities."



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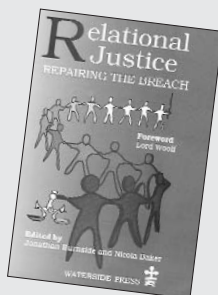
WHO WE ARE

The **Relational Justice Bulletin** is a quarterly publication by the **Relationships Foundation**, a Cambridge-based charity, as part of its **Relational Justice** initiative.

Relational Justice is a fresh approach to crime and punishment.

Rather than looking at crime solely as an offence against the state, it sees it as a breakdown of relationships between offenders, victims, families and the community.

The concept was developed by the **Relationships Foundation** in the early nineties. It first gained public exposure with the publication of the book **'Relational Justice: Repairing the Breach'** (Waterside Press, 1994), which was welcomed by Lord Woolf as 'a radical new approach which anyone with any concern about the criminal justice system needs to be aware'. Since then, it has been shown to have wide implications for policy and practice.



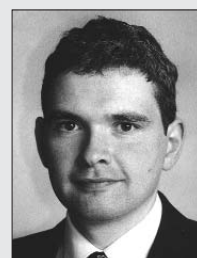
The **Relational Justice Bulletin** has been launched as a platform for discussion of the ideas at the heart of **Relational Justice** as well as exchange of good practice across the system.

You are warmly invited to join the growing number of professionals and practitioners who are already receiving it (see subscription form on the back page) and to contribute your own ideas and experience.

The **Relationships Foundation** is a registered charity dedicated to developing new 'relationships-based' approaches to social, economic and political issues.

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Dr Jonathan Burnside is
Editor of the Relational
Justice Bulletin



matter not only to those people who may be using them at any one time, but to society or the country or the community as a whole; and that a judgement of their success depends on far more than the bottom line in their balance sheet.

Public services have themselves been influenced by individualism and by economic liberalism in the form of the “new public management” and the performance culture of targets, indicators, “best value” and “evidence-based” practice. That culture has some admirable features, but it can also undermine integrity and generate a culture of blame and lack of trust resembling the closed view of citizenship. There are some signs of a reaction against the new public management as there has been against some of the other ideas which became prominent in the 1980s. It is so far to be seen more in individual expressions of dissatisfaction than in any new Government policies or new developments in managerial practice. But significant developments include the increasing attention being paid to partnerships (including crime and disorder partnerships), the Government’s Compact with the voluntary and community sector, and the increasing role of voluntary organisations as providers of public services.

A COMMON GREY CULTURE

These influences have brought changes in the culture, dynamics and sometimes the role of public services. The situation is complex, and there is no consistent pattern. In the police there is still a strong emphasis on local accountability and on devolution to basic command units, while the probation service is being unified under ministerial direction and central control. The police are becoming more of a social service while the probation service is becoming more an agency of law enforcement.

This is a difficult and confusing time for public services of all kinds. Their work is increasingly a matter for public and political attention and criticism, and their identities and values are being merged into a common, grey culture of performance, management and quantitative measurement. But difficult questions are being asked about leadership, accountability and legitimacy – that quality which gives services like the police and the Prison Service their authority and their right to public respect, and which causes people to obey the law and to comply with rules and instructions even when it may be inconvenient or against their immediate interests to do so. A necessary condition for that quality is a relationship of mutual trust, confidence and respect between the service and the citizens whom it serves. It requires a sense of public duty and professionalism on the part of the service, and of “ownership” and responsibility on the part of the citizen. Citizens often feel that sense in respect of their schools and hospitals, less often for their courts, their police and probation services, and hardly ever for their prisons.

COMMUNITY SAFETY

Community safety is one place where these changing ideas of citizenship and public service come together. Youth justice, and the regeneration of local communities, are others. Community safety, in the sense of the term as the Audit Commission uses it and including partnerships under Section 17 of the Crime and Disorder Act 1998, is a broader and more dynamic concept of crime reduction which is more associated with law enforcement. Community safety is a responsibility of citizens, public services and society as a whole, whereas crime reduction is portrayed more as a responsibility of the police and local authorities. It is associated with community, consultative and problem-solving policing and it provided the inspiration for the Thames Valley Partnership.

To apply the ideas of citizenship and public service to a practical programme for community safety demands some sophisticated skills and difficult judgements. The starting point is the three-yearly community safety audit, and the Thames Valley Partnership is working on what would be involved in making an audit socially inclusive. These are some of the questions which

are involved. (Similar questions arise in relation to youth justice, but the organisational structure of youth offending teams and the Youth Justice Board probably makes them easier to resolve).

- What should be the points of focus? Geographical areas or groups of people – young people, the elderly, minority groups? Or communities, and if so what kinds of community – those based on occupations, racial or ethnic backgrounds, different faiths?
- Whose responsibility is it to take the initiative and the lead? Services, prominent citizens, voluntary organisations? Who should be seen as being “in charge”? How should they be held to account?
- Should it be a collective or bilateral process? If it is to be based on consultative groups, should they be assembled for particular or more general purposes? How often should they be stood down or replaced? How is membership to be decided?
- What mechanisms should be employed? Public meetings, focus groups, meetings with representatives, written communication? What about groups who are hard to reach – travellers, minorities, those who are for various reasons alienated or disaffected?
- What information is needed – about services, people or situations and conditions? From



what sources should it be obtained, and how should it be assembled and communicated?

- What skills are needed – in analysis, presentation and communication? Are they already available, should they be developed through training or in other ways, should they be brought in from consultants or other specialists? The process must be reciprocal and multi-directional, and all parties to the process will need the skills to be effective.
- How will the process, and the relationships it involves, affect relations with existing structures and institutions, including central government, elected members of local authorities and the audit and inspection authorities? How will they relate to existing mechanisms for accountability?

Similar considerations arise at the later stages – the design, implementation and evaluation of the programme. No part of the process will ever be perfect, and judgements will always have to be made about what is feasible, affordable or “good enough” for its purpose. But the price of neglect will be a lack of public or professional understanding and confidence, or worse still alienation or lack of commitment, and the outcome may be operational failure, however good the programme may appear technically and however closely it conforms to the “what works” criteria.

To conclude, Gordon Brown’s initiative encourages us to rethink our understanding of the nature of citizenship, the changing character of public service and, in a practical outworking of these ideas, the framework for promoting community safety at a local level. Expanding the role of volunteers has the potential to foster an active and open view of citizenship and it also has the potential to bring greater innovation, flexibility and diversity to the provision of public services. But it might also bring volunteers, who have their own values and beliefs, into conflict with traditional and mainstream professionals. It could be a most unquiet revolution.

David Faulkner CB is Senior Research Associate at Oxford University’s Centre for Criminological Research. He is Chair of the Howard League for Penal Reform and a member of the Relationships Foundation Advisory Board. His new book “Crime, State and Citizen: A Field Full of Folk” is published by Waterside Press in May.

RETHINKING COMMUNITY PUNISHMENT

Sue Rex considers the relational possibilities of community punishment



Many offenders are dealt with in the community by means of probation, community service, and curfews backed by electronic monitoring (tagging). In 1999, nearly 100,000 people sentenced for indictable offences received a community sentence.¹ The range of community measures has been extended very recently, and is set to widen further still.² Yet there is lack of a clear conceptual framework for community orders and what they are intended to achieve. This article will argue that a lack of hard thinking regarding the theory and practice of community punishments has resulted in a failure fully to exploit the opportunities offered by these penalties. Below, I look at the possibilities offered by theories of sentencing in which punishment is conceptualised in terms of communication³ – an approach which I believe has particular relational potential.

In the twenty five years since the collapse of the rehabilitative ideal,⁴ the underlying rationale for non-custodial penalties has undergone major transformations (from 'penal-welfarism', to 'alternatives to custody', to 'punishment in the community' to 'public protectionism'). One consequence of these rapid and significant shifts in thinking has been to create considerable instability and uncertainty about the purpose and status of community orders. This confusion is perhaps encapsulated in the contrasting views of community penalties expressed in speeches made on the same day (31st January 2001) by the Home Secretary, Jack Straw, and by the Lord Chief Justice, Lord Woolf.⁵ Whereas the Home Secretary sees little promise in community penalties for persistent offenders who have 'almost without exception been through the mill of community sentences and still re-offended', Lord Woolf describes a short custodial sentence as 'a very poor alternative to a sentence to be served in the community'. These comments capture one abiding theme throughout the recent history of non-custodial penalties – their relationship with custody. Some suggest that relationship will always be 'subordinate',⁶ and that the best hope for community penalties is to 'revert to their recent task of providing alternatives to custody'.⁷ I would argue that this need not necessarily be so – community-based options offer unique reintegrative and rehabilitative possibilities, and merit our serious attention in their own right.

This is an important time for community penalties. In addition to the proliferation of new orders, we are shortly to see the establishment of a National Probation Service for England and Wales.⁸ The new Service will operate within the Government's Correctional Policy Framework, which for the first time sets out a common policy framework for the work of the probation and

prison services.⁹ There are direct implications for probation practice in the What Works Strategy, under which a Joint Prisons/Probation Accreditation Panel has been tasked with approving a core curriculum of demonstrably effective programmes for offenders.¹⁰ According to this Strategy, success is defined by reduced recidivism and, to achieve this, a range of evaluated 'Pathfinder' projects have been funded under the Crime Reduction Programme – covering resettlement, basic skills and community service – as well as more traditional cognitive-behavioural programmes.¹¹ This initiative is giving considerable impetus to probation work, but has the potential to create some confusion and tension between the rehabilitative aims pursued under the Crime Reduction Programme and the aims more commonly attributed to some interventions with offenders.

CHANGED OUTLOOK

Community Service illustrates these tensions. It was the original vision of the Wootton Committee, whose recommendations led to the introduction of the community service order in the Criminal Justice Act 1972, that the experience of undertaking personal service to the community in association with volunteer non-offenders might lead 'to the possibility of a changed outlook on the part of the offender'.¹² The Committee also recognised that community service would necessarily be seen to have a punitive element, and, in practice, the classic view of community service has been as a punishment – a 'fine on time', which offers incidental reparation to the community. This perception has been reinforced under the 'just deserts' framework of the Criminal Justice Act 1991, which strengthened the distinction between probation as rehabilitation and community service as punishment.¹³

The CS Pathfinder projects mark a return to the reintegrative and rehabilitative aspirations of the Wootton Committee, aimed as they are at exploiting what is seen as a natural environment for promoting the development of socially responsible behaviour and of work-related skills that might help

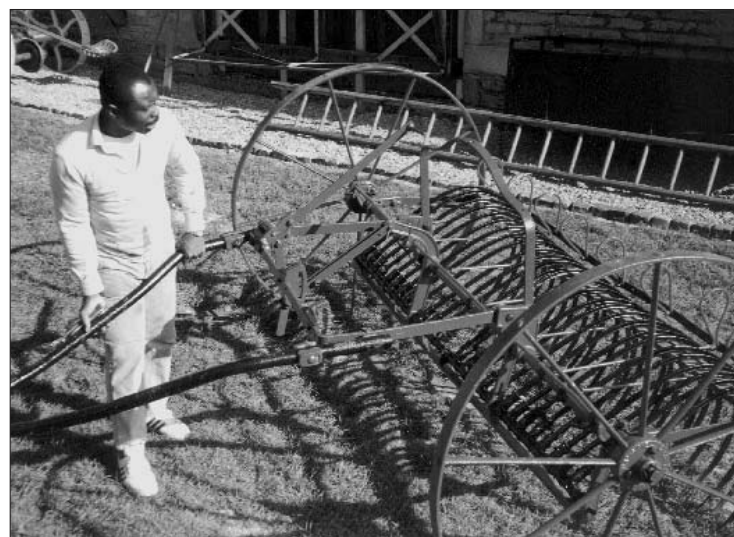
offenders into further training and employment.¹⁴ But there is a possible conflict between developing elements of the order that might be seen to benefit offenders (perhaps by increasing their self-confidence and chances of employment) and its traditional reparative and punitive goals. That is, if punishment and rehabilitation are seen in opposition to each other (so that an intervention is either rehabilitative, or it is punitive). I would suggest that such a view derives from an impoverished understanding of punishment.

DECLINING FORTUNES

The Criminal Justice Act 1991 exposed tensions between the aims of rehabilitation and desert – between what might avert an individual's further offending and what is warranted by the gravity of his or her offence(s). In practice, there seem to be real difficulties in achieving a balance between these ideas, with the consequence that one consideration overrules the other, and unfortunate consequences for the credibility and use of non-custodial options.¹⁵ Immediately after the introduction of the 1991 Act, the probation order suffered from our inability to see it in terms of its 'restrictions on liberty' (in the statutory language). The now apparently exclusively rehabilitationist focus of the What Works Strategy carries the danger that distracting attention from the seriousness of an individual's offending is ultimately self-defeating. The risk is that it draws in offenders the nature of whose crimes, and the likelihood of whose re-offending do not justify – or require – the use of probation resources.¹⁶ Officially, 'just deserts' remains on the statute book, but seems hardly likely to survive the view expressed by the Home Office that it creates problems because 'the sentence

"Community-based options offer unique reintegrative and rehabilitative possibilities."

"There is a lack of clear conceptual framework for community orders and what they are intended to achieve."



imposed is tied to the seriousness of the offence taking little account of offenders' propensity to re-offend'.¹⁷

The tensions between rehabilitation and desert mirror the polarisation between the consequentialist and retributive penal theories in which they have their origins. In other words, there is a tension between an approach which looks backwards to the offence for which it exacts retribution; and an approach which looks forward to the crime reductive consequences which the penalty might contingently secure (whether through deterrence, incapacitation or rehabilitation). Most contemporary penal theorists would favour a 'hybrid' approach combining elements of both, but dispute to what extent proportionality should be overridden by the aims of crime prevention.¹⁸ However, interest has been growing in a third kind of theory, a communicative approach, which is much more than a mere compromise between retributive and consequentialist accounts. It is the application of that approach to community orders that I explore in the rest of this article.

MORAL PERSUASION

A communicative theory of punishment has been most fully developed in the writings of Anthony Duff. Here, the forward-looking goal of punishment – the reform of the offender, is sought through moral persuasion. This might or might not be achieved, but the form that the punishment takes must be intrinsically appropriate to the aim of bringing offenders to recognise the wrongfulness of their crimes. Punishment is also retributive in the sense that the communication condemns or censures the crime, so that there must be a reasonable relationship between the severity of the punishment and the relative gravity of the offence(s) for which it is imposed. Unlike the purely expressive communication of retribution, this is a communication in which the offender is a participant who is appealed to as a rational moral agent capable of responding. Hence, punishment acts as a secular penance, justified as part of a morally communicative process that aims to persuade offenders to repent of their crimes, to communicate their reparative apology to others, and to undertake to reform their future conduct.

Duff sees community penalties as having particular communicative potential. Supervision under a probation order reminds the offender that his offence cast doubt on his commitment to the community's public values and threatened to undermine the mutual trust on which the community depends. The conditions attached to a probation order, imposed for the offences that the offender has committed, aim to bring home their character and implications as public wrongs, and persuade the offender that he must (and how he can) modify his future behaviour. Community service, as public reparation, enables the offender to express her understanding of what she has done and her renewed commitment

to the community, and requires her to perform apologetic reparation to her community.

OFFENDERS & VICTIMS AS CITIZENS

These ideas are informed by the conviction that punishment should be inclusive: it is something we do, not to an implicitly excluded 'them', but to ourselves as full, if imperfect, members of the community of citizens. This clearly depends upon a particular view of society, and Duff subscribes to a 'liberal-communitarian' account, where citizens are bound together by a shared

"Punishment should be inclusive: it is something we do, not to 'them', but to ourselves as full, if imperfect, citizens."

commitment to certain defining values and by mutual respect and concern but without the intimate all-embracing character feared by liberals. Offenders and victims alike are members of this community, and we owe it to both of them as citizens to seek to persuade offenders to

recognise and attend to their wrongdoing.

In terms of the discussion by David Faulkner in this issue, this seems an 'inclusive' interpretation of citizenship involving reciprocity, respect for diversity, reintegration and restorative justice, and Duff sees victim-offender mediation and reparation as possible modes of communicative punishment. In discussing the application of these ideas in practice, Duff argues, one needs to recognise the various kinds of exclusion that so many of those who appear before our courts have suffered, and the implications for our ability to assume that they are bound by and answerable to the law as members of the community.

COMMUNICATING IN PRACTICE

Duff offers his account of punishment as an ideal. My aim is to explore its possible application to how State punishment is actually delivered, or could be delivered, in practice, on the basis that 'effective thinking about punishment requires a closer relationship between high-level normative theory and ground-level practical decision-making'.

I am therefore exploring how the ideas discussed above actually apply to people's perceptions and experiences of community-based options, relating this to a discussion of their broad understandings of punishment and how community sentences contribute to penal aims. As a first step, I have been conducting in-depth interviews with victims, offenders, magistrates and probation practitioners to discover: what they see punishment as communicating, and to whom; how offenders are seen, and see themselves as responding to that communication; and how the material forms which community orders do and could take contribute to the communication.

The extent to which people have been able to talk about these ideas suggests that they have real resonance for the groups concerned. The interviews have yielded a large quantity of data, from which a number of themes are beginning to emerge. That the act of sentencing communicated with the offender –

a communication that continued afterwards in the requirements of the order – clearly had meaning for participants, who saw punishment as signalling that the behaviour caused harm and was wrong, and as intended to prompt some response from the offender. Participants also had a great deal to say about the nature of the responses expected from offenders – taking responsibility, realising that they had caused harm, making amends in some way and reforming their future behaviour were all popular themes. However, people were also aware that these communicative processes might fail or act inappropriately, perhaps allowing offenders to avoid responsibility or prompting resentment rather than acceptance of the punishment. Wider conditions – the courtroom processes, and offenders' experiences of social exclusion – were often seen as impinging on the messages conveyed in the act of sentencing.

I hope that there will be much to learn from these interviews about people's understandings of punishment, what it is intended to achieve, and, crucially, how community penalties might contribute to those aims.

Dr. Sue Rex is a Senior Research Associate at the Institute of Criminology, University of Cambridge and Fellow of St. Edmund's College, Cambridge.

¹ See *Criminal Statistics for England and Wales 1999* – just under 80,000 were sentenced to immediate custody.

² The Crime and Disorder Act 1998 introduced the Drug Treatment and Testing Order and, for young offenders, the Reparation Order and the Action Plan Order. The implementation of the Criminal Justice and Court Services Act 2000 will bring the Exclusion Order and Drug Abstinence Order.

³ I am currently conducting a programme of research looking at the Role of Communication in Community Penalties in Theory and Practice through a three year ESRC Fellowship held at the Cambridge Institute of Criminology.

⁴ Extensively discussed in the literature – for perhaps the fullest discussion see Allen, F. A. (1981) *The Decline of the Rehabilitative Ideal: Penal Policy and Social Purposes*. New Haven: Yale University.

⁵ Straw, J. (2001) 'Next Steps in Criminal Justice Reform', Speech to the Social Market Foundation, 31 January 2001 (unpublished); Woolf, Lord Justice (2001) 'The Woolf Report: A Decade of Change', Address to the Prison Reform Trust, 31 January 2001 (unpublished).

⁶ Worrall, A. (1997) *Punishment in the Community: the Future of Criminal Justice*. London: Longman, p. 151.

⁷ Mair, G. (1997) 'Community Penalties and the Probation Service', in M. Maguire, R. Morgan and R. Reiner (eds.) *Oxford Handbook of Criminology*, 2nd Edition. Aldershot: Avebury.

⁸ Again, under the Criminal Justice and Court Services Act 2000.

⁹ See <http://www.homeoffice.gov.uk/cpd/cpu/frlink.htm>.

¹⁰ The target being to get 60,000 offenders through accredited programmes in 2003/4 – see Probation Circular 60/2000 for the What Works Strategy.

¹¹ Probation Circular 35/1999 announced the selection of Community Service, Resettlement and Basic Skills Pathfinder projects under the Crime Reduction Programme.

¹² Advisory Council on the Penal System (1970) *Non-Custodial and Semi-Custodial Penalties*, p. 13.

¹³ For a fuller discussion see Rex [1998] 'Applying Desert Principles to Community Sentences: Lessons from Two Criminal Justice Acts', *Criminal Law Review*, pp. 381-91.

¹⁴ See Johnson, C. and Rex, S. A. (forthcoming) 'Community Service: Rediscovering Reintegration', in D. Ward and J. Scott (eds.) *Probation – Working for Justice*, 2nd Edition London: Whiting & Birch.

¹⁵ See Rex [1998] *ibid*.

¹⁶ Taking community service as an example again, there seems to have been a decline in its fortunes since the re-emergence of rehabilitation – its proportionate use for indictable offences has dropped from a peak of 11% in 1993 to 9% in the late 1990s, accompanied by a marked reduction in its use for offenders with previous experience of custody – now only a fifth of those starting community service. See *Criminal Statistics England and Wales 1999*, *Probation Statistics England and Wales 1999*.

¹⁷ In the current review of the legal framework for sentencing. See <http://www.homeoffice.gov.uk/cpd/sou/srleaf.pdf>.

¹⁸ See von Hirsch (1993) *Censure and Sanctions*. Oxford: Clarendon Press, especially ch. 6.

¹⁹ Most recently in Duff, A. (2000) *Punishment, Communication and Community*. Oxford: Oxford University Press.

²⁰ Raynor, P. (1997) 'Some Observations on Rehabilitation and Justice', *Howard Journal*, 36, p. 260.

RELATIONAL POLICING

Michael Hodgkiss charts a course for human policing in the twenty-first century



The goal of relational policing is not a novel one, as original instructions to the Metropolitan Police in 1829 reveal. It was directed that *“every member of the force must remember that it is his duty to protect and help members of the public, no less than to bring offenders to justice. Consequently, whilst prompt to prevent crime and arrest criminals, [the policeman] must look upon himself as the servant and guardian of the general public and treat all law-abiding citizens, irrespective of their race, colour, creed or social position, with unfailing patience and courtesy.”* It was a measure of the foresight of the first commissioners of the Metropolitan Police that the nature of policing in this country was moulded in such a way that policing by and with consent has remained a basic principle ever since.¹

In recent years, however, there has been a tendency for police officers to become increasingly functional in their responses to crime, regarding calls for service as merely incidents before moving on to the next crisis. The recording of more incidents and crimes over the telephone, without the personal visit or attention of a constable has led to perceptions of a more superficial and less caring policing style. Perhaps as a result of confrontational incidents, higher workloads and increasing levels of stress, the police service has responded to the ever-increasing demands on its resources by becoming more mobile and reactive in nature. Police officers have withdrawn to the secure but remote environment of their patrol car, unable to socialise and communicate with an estranged public. Perceptions vary regarding the degree of personal risk faced by the police but it seems as though police fears of violent crime are a barrier to greater face-to-face contact with the public. Some outsiders describe police work as “rarely dangerous [and] characterised primarily by monotony” whilst the police themselves describe “a darker picture” with “danger and violence... an endemic hazard of their environment”.²

Against this background of mobility and distrust, Relational thinking has something particular to offer. Relational thinking contends that the current political debate focuses too narrowly on economic policy and that the primary concern of public policy should not simply be a matter of finance but the quality of human relationships. The importance of relationships is frequently overlooked, yet relationships are vital to our personal happiness, the efficient working of the economy and the solidarity of the social fabric. Many different areas of public life can benefit by placing an awareness of relationships at the heart of decision-making, including operational policing. Relational Justice, as described by Lord Woolf in his Foreword to *Relational Justice: Repairing the Breach*, “involves identifying and seeking to tackle one of the major underlying causes of the

breakdown of social behaviour...the total or partial failure of a series of relationship...which should exist among and between individuals, communities and institutions.”³ Take a road traffic accident for example. A standard policing view would be to regard it clinically as two vehicles involved in a collision. The road has to be cleared, a report has to be submitted and the job done. Yet the same event can be viewed relationally, as Lord Woolf suggests, and due attention given to the human consequences, worry, blame and in extreme cases, bereavement. Very often, though, the human and relational dimension to policing work is ignored. The goal must be to see members of the public as people and not purely as organisational objectives.

Can a human police service be achieved in the modern climate of business related performance targets, high public expectations and intense scrutiny? I believe that it can. To demonstrate this, I am involved in pioneering a new project that is designed to develop, review and disseminate a more human style of policing within the Bournville Operational Command Unit (OCU) of the West Midlands Police (WMP). The project is being developed in partnership with the Christian-based Human City Institute (HCI)⁴ as part of its vision for building the ‘human city’ in Birmingham.

The project began with a presentation by the current Deputy Chief Constable of the WMP, Ann Summers, to the HCI in March 1998 on the theme of “The Human Police Service” – a vision that is very much in line with the 1998 “Forward in Unity” strategy for the reorganisation of the WMP and the present WMP policing diversity strategy. Following this, agreement was reached with the Assistant Chief Constable, Matt Baggott, who is in charge of Community Affairs to work more closely with HCI and Bournville OCU, where I am based, was asked to explore the possibility of setting up a number of relevant projects or sites to support the vision. Chief Superintendent Chris Moore and myself had a series of meetings with the then Director of HCI, the Rev. Dr. David Clark, which consolidated Chris Moore’s vision of policing with the HCI vision for Birmingham. The outcome was the development of six projects within the Bournville OCU, designed to encourage staff to develop and disseminate practical means of building a human police service. The six projects are as follows:

Constable 2000 – A Model Beat Officer

The idea here is to develop the concept of the model beat officer and to engage our humanity to deliver policing. This means recognising the role and responsibilities of a model West Midlands police beat constable and the skills and attributes required for this role. Constable 2000 is a person

who displays genuine sensitivity and compassion through humanity and humility and who is able to communicate at all levels with all people. He should be polite and controlled and fair to every part of society whilst at the same time sensitive to cultural and racial issues. He should be physically prepared and equipped and his integrity should be beyond reproach. Throughout, he should be motivated by a desire to tackle wrong and by a genuine commitment to those he serves. As part of Constable 2000, we will be defining the appropriate cultural, ethical and



value systems in which the beat officer works and examining the appraisal, recognition and rewards procedures for model officers.

Call Handling

The goal of this project is to improve public satisfaction by developing a more human and effective system of call handling. This starts from the time an initial telephone call is received at the communications centre and involves increasing awareness and improving the training for staff who are responsible for taking calls and dealing with the public. It also means improving the decision making processes so that the appropriate reply, solution or resource is applied on every occasion.

The Human Police Enquiry Office and Sector Base

Our aim is to create more human-oriented police enquiry offices and sector bases. This means increasing the amount of time spent with the public when they visit police enquiry desks. Some of this time can be freed up by cutting back on bureaucracy and by developing better systems and processes. It also means improving quality of service which in turn involves training staff in customer relations. In addition, we are trying to improve access to the police for vulnerable and marginalised groups through ‘police surgeries’ and the introduction of improved technology. We also aim to provide better information and continued feedback to customers, witnesses, victims and partners at a local level.

Police Patrol – Examining Effective Patrols

Our goal is to establish the most effective form of patrol which meets the human needs and desires of the Selly Oak community. This means finding out the best method of police patrol, whether on foot, cycle or by vehicle as well as taking a new look at a range of police activities, from both a public and a police perspective. For example, what are the relational implications of 'double crewing' patrol officers? What effect does this policy have on our policing style and upon public perceptions of the police? Is there a cultural and a practical difference in approach between the traditional beat-based foot patrol officer, and his or her car-oriented sector colleague? A community consultation forum has been set up ('Selly Oak in Harmony') bringing together representatives from the main organisations in the area. As a result of this forum and with the active involvement of Insp. Eddie Barnett, a full-time cycle patrol team has been formed from volunteer officers. Early indications are that this is indeed helping us to establish the most effective and most appreciated forms of police patrol.

Police in Partnership – The Human Police Service within Effective Partnerships

The goal here is to examine how the police service can more effectively participate in local partnerships that improve the human quality of the community. This involves, *inter alia*, obtaining the views of our partners on our current input and working relationships and identifying ways of improving the management of collaborative strategies and projects. It means ensuring that partnerships focus on common agendas and achievable outcomes. Finally, it requires a collaborative style that is influential but also sensitive to the ethos of other organisations and communities.

Supporting Victims – A Human Approach to Victims

The object is to raise staff awareness to deliver a high quality human response to victims of crime. This involves obtaining victims' views, expectations and requirements, working close with organisations like Victim Support to enhance our understanding and developing working practices and policies which are empathetic and supportive to victims. It also means providing facilities and practical support which meet victims' expectations, acting as guardians and concentrating on vulnerable groups.

Each project is the subject of an evaluation by Richard Hester⁶ of the University of Birmingham, as well as forming the basis of the author's doctoral thesis. My research will explore the extent to which refocusing core policing activities allows police and support staff Bournville OCU to engage in human policing and so increase quality of service and public satisfaction whilst at the same time ensuring value for money. Key questions include:

- how do we measure improvements in the human quality of community life? Without some form of qualitative measurement, we cannot recognise progress.
- in which places do we operate as primary service providers and in which places as intermediaries? The pitfall in the past has been for the police to be seen as leaders in partnerships. Future work should be informed by our successes as intermediaries.
- what is the proper role of the police and what is the right level of intervention and operation?

The police are often seen as a 'can do' organisation. It is important that a process of reflection is built into any partnership to ensure that police involvement is effective.

- how do we embed partnerships so that they function as a regular part of everyday life? Working in partnership is new territory for many police officers, who often perceive the police role as solving the problem.
- do partnerships aid our search for humanity or do they sometimes dehumanise? Partnerships can often expose the working practices of people and organisations and may cause partners to retreat behind organisational barriers that are higher than they were before, with negative relational results.

Success is measured in terms of

- developing an effective, relevant and valued local police service as perceived by the general public and local communities, and
- increasing the mutual respect and active participation of police, community and other partners in the task of reducing crime, and improving community safety and public confidence.

Author Simon Holdaway in his book *Inside the British Police*, expresses the desire for "a more loving and just society and therefore a more loving and just police". On a similar quest myself, an academic colleague recommended that I read *Relational Justice: Repairing the Breach*. The parallels between the work of the Relationships Foundation in helping to develop more relational prison regimes⁷ and the Human City Institute's aspirations for human policing are striking. I am therefore convinced that Relational thinking must form a central theme for the work being carried out at Bournville. It is a framework within which we can realise community and individual potential and it is critical to building successful cities and economies.

It is hoped that the research will be of use to the service as a whole and will encourage it to reconsider its core ethics and present a new model of the human constable as a true guardian of public safety in increasingly diverse communities. As the pioneers of the Metropolitan Police recognised in the nineteenth century, there is a direct relationship between public co-operation and the degree of respect in which the police are held. Human policing remains as important as ever.

Michael Hodgkiss is a police sergeant with 26 years experience. He is personally and professionally committed to 'human' policing and is writing a doctoral thesis entitled Policing with Humanity. For the last three years he has lead the community safety team at Bournville and has been successful in attracting almost £750,000 of government funding to reduce crime.

1 Pike, M. 1985. *The Principles of Policing*. London: The Macmillan Press, p. 22.

2 Crank, J. P. 1998. *Understanding Police Culture*. Cincinnati, Ohio: Anderson.

3 Lord Woolf.

4 The HCI was set up in 1997 and is a consortium of over thirty Birmingham organisations committed to building a 'human city'. The HCI operates in Birmingham, Bradford and Swindon and has links with other cities in the UK and overseas (Chicago and Johannesburg).

5 Futures paper From Hearings to Happenings Ten Public hearings on visions for Birmingham held at the Council House Autumn 1997.

6 Lecturer in Community Justice, Dept of Social Policy and Social Work, University of Birmingham.

7 The Relationships Foundation. 1995. *Relational Prison Audits*. Scottish Prison Service Occasional Paper No. 2. Scottish Prison Service.

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RECLAIMING TALENT

Tony Giles describes UK attempts to 'mind the gap' between prison and employment



Sir Stephen Tumin's call to 'mind the gap!' (see 'Minding the Gap' in Issue 8) and Peter Young's US experience of providing jobs for ex-offenders in the same issue (see 'Happy Landings') finds a ready echo in a new charity I am founding called Option2. This is designed to help ex-offenders become valued members of the community through training and employment.

Being unemployed is a difficult and demeaning experience but being unemployed and an ex-offender is far worse. Many offenders have a record of poor educational performance. The process begins early where individuals with poor basic skills become marginalised, first in education and subsequently in the labour market. Truancy and school exclusion become commonplace, increasing the risk of criminal outcomes.

A FATEFUL DAY

For me, 'minding the gap' began in 1989 when I made my first prison visit. I vividly remember to this very day walking up to those big prison gates wondering what I had let myself in for. At that time I was a Senior Recruitment Manager with British Rail and was responsible for recruiting over four thousand people a year. Like many other employers I was among those who discriminated, often unwittingly, against ex-offenders. That visit changed my life. It removed my prejudice but, most importantly, it inspired me to do something about it.

With sometimes somewhat sceptical support, I embarked on a pilot project designed to give serving prisoners a level playing field when applying for jobs. All were in the last few months of their sentence and had no offer or chance of a job to go to upon release. Over the next three years I recruited sixty people and carefully monitored their progress. The project was a great success and broke down a lot of people's preconceived ideas about employing ex-offenders. Only two people lost their jobs during this time (in both cases for the relatively minor offence of persistent lateness). As a result, the project won the coveted

"Over 80% of our ex-offenders are still working for the same employer."

City of London Dragon Award for the best example of an initiative by an organisation working in the community. Television networks, radio interviewers and media from all over the world descended on London to see and hear about the scheme.

Encouraged by this vote of confidence, I left British Rail in 1993 and joined the charity 'Comeback' where I continued to work with offenders, the homeless and long-term unemployed. During the next six years, we

successfully placed over a thousand people in full-time employment with a variety of organisations, including some High Street names.

This meant overcoming a number of problems. In establishments where prisoners are allowed out to work, we fix up jobs for people whilst they are still in prison and this means negotiating with prison authorities to allow travel to places of employment. The ideal scenario is to get people into work within ten miles from where they live. This may mean travelling quite a long distance in the last few months of their

sentence. But it is worth the extra effort because it is easier for ex-offenders to stick with the job if it is on their door step. When the Bluewater Park development was being built I had 80 serving prisoners at work who went onto that site every day from a range of prisons in Kent. They were earning £800 a week which is a far cry from the current £8 a week that many prisoners earn in prison. The result was that they came out of prison with enough money to set up in a nice flat and get their life back together. We set up



Henriette Grobler

bank accounts for prisoners so they are not paid in cash but by a credit transfer. If a prisoner has no family to go back to on release we have to link up and make partnerships with housing associations and other voluntary organisations.

THE THREE MS

Using a large and diverse network developed over the years and inspired by encouragement from numerous quarters, I have founded a new charity called Option2, which is based on the three Ms, Mentoring, Matching and Monitoring. Mentoring is the first stage that begins when prisoners are nearing release. This takes time and without it, it is hard to encourage the individual to build self-confidence and openness. The process is a careful blend of discussions with the men about what work they want to do, assessment tests to identify skills and personalities, counselling and training

in the skills they need to apply for a job and to conduct themselves in a confident manner at the interview. We do not teach particular job skills because many prisons offer some 'work skills' – related training.

Matching uses specialised software programmes to match existing job vacancies to the specific skills of the individual which were identified at the mentoring stage. This part of the programme is best managed as a centralised unit. Since prisoners are dispersed from prisons to addresses all over the country, the opportunity exists for all prisons to draw on the Option2 model. Finally, the third stage – monitoring – offers support and supervision to the candidate and the employer during the initial six months of employment. It is a 'hand-holding' or confidence building process for both parties. Not all ex-offenders are angels and nor are some employers. Ex-offenders are not cheap labour. They must be valued and feel a sense of value and self esteem.

UNIQUE APPROACH

Throughout, our mission is a simple one – getting ex-offenders into jobs. The unique thing about our approach is that, like an employment agency, we start with actual jobs in hand. This means that we have to convince some very tough human resources directors and managers to give us a try. However, over the years we have built an impressive track record, having successfully placed over a thousand people into jobs. In 1998, we followed up a sample of 620 people whom we placed in work during our first four years (1993-1997) and found that 81% were still working for the same employer. Our methods are seen to be effective and so we can approach employers knowing that we have something of value to offer them. The benefit for employers is getting some high quality staff at a fraction of the normal recruitment cost.

For the individual, Option2 offers a way back into the community and proves that the vicious circle of no job, no money, no home, no job can be broken. For the community the benefits are hopefully a lower re-offending rate and the reclamation of valuable talents that might otherwise have been lost or turned against society. Option2 costs around £2000 per person which compares favourably to the cost of keeping someone in prison at around £600 per week. It does not take much to narrow the gap, just a bit of courage or, as in my case, a visit to your local prison.

"The vicious circle of no job, no money, no home, no job can be broken."

Tony Giles is Chief Executive of Option 2, a new charity designed to help ex-offenders find employment. For more information, contact Tony Giles on 07967 367197.