

CONTENTS

2 Who we are

Justice after genocide 3
Sophie Bishop

4 *Continuity in the
Courtroom: Sorting out
Relationships in Court*
David Simpson

*Relationships and Justice:
Squaring the Circle* 5
Ann Tighe

6 *New Managerialism or
New Relationships?*
Michael Hitchings

*Seeing Far: A Relational
Approach to Combating
Youth Crime* 8
Trevor Philpott



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THE HEALTHY PRISON: A QUESTION OF RELATIONSHIPS

*H. M. Chief Inspector of Prisons, Sir David Ramsbotham
explains why relationships are the key to a healthy prison.*



Over the past eighteen months, HM Inspectorate of Prisons has been conducting a thematic review of suicide and self-harm in prisons, entitled 'Suicide is Everyone's Concern'. The immediate trigger for the review was the inexorable rise in the numbers committing suicide in prisons, particularly local prisons. These are the most overcrowded in the system, containing all unsentenced prisoners and those committed to prison for the first time. The figure of 68 suicides in 1997 rose to 83 in 1998, representing a figure of almost 500 per 100,000. This compares with 17 per 100,000 in the population at large.

The main recommendation of the review is the adoption of the concept of the 'healthy prison', defined as:

- A prison in which the weakest prisoners feel safe.
- A prison in which all prisoners are treated with respect as individuals.
- A prison in which all prisoners are busily occupied, are expected to improve themselves and are given the opportunity to do so.
- A prison in which all prisoners can strengthen links with their families and prepare for release.

The key to achieving this state, as in the running of all prisons, is good relationships between staff and prisoners, something that is by no means universal in all prisons. I am always struck, during inspections, by the different atmosphere, and the different ways of approaching and addressing prisoners that can be found in almost every prison. Some prisons are characterised by needless and unhelpful confrontation rather than by co-operation. You can tell these prisons the moment that you arrive at their Gate Lodge by the attitude of staff to their visitors, let alone by their attitude to the prisoners! Coming to prisons from the outside as it were, I am constantly amazed at the fact that those who continue to think that such confrontation is appropriate cannot see for themselves just how obvious they make themselves.

Such attitudes are part of an 'old-style' prison culture. This is, sadly, characterised by some staff who are cynical about positive programmes with prisoners; who oppose the need to change long established work patterns, and who continually challenge the legitimate authority of the Prison Service. I am most disturbed at the number of times that I hear that procedures are being dragged out to

such an extent that they delay and disrupt the implementation of improvements to the treatment and conditions of prisoners, not just for weeks, but for months on end. This culture tends to be maintained by domination and intimidation, a pernicious way of influencing colleagues.

The challenge to the old culture is best summed up by the word 'attitude', described at HMP Wolds as being "the little thing that means so much, both to prisoners and each other." Here, in the new culture, the dominant theme is 'human engagement', a phrase that will, I hope, become much more widely used as a determinant for how staff/prisoner relations should be conducted.

I regard staff/prisoner relations as an important part of my responsibility as HM Chief Inspector of Prisons. My role is to monitor and influence the treatment of and conditions for prisoners in all prisons in England, Wales, Northern Ireland and the Channel Islands, as well as in Immigration Centres. This is done by visits and inspections, reports of which are required to be published by Act of Parliament. But to discharge this responsibility, I must investigate the treatment of and conditions for staff, as well as prisoners. Unless these things are right for staff, nothing will be right for prisoners.

This means that I must include management in my overall look at outcomes, which is the theme of all inspections, because relationships between management and staff determine relationships between staff and prisoners.

The Home Office does not publish league tables because no two prisons are alike in their role or prisoner population. Nonetheless

we are considering how we can measure the health I have described above in order to bring it to the attention of Ministers, Prison Service Headquarters and the public. We have been encouraged to believe that all four attributes are measurable and achievable. They are measurable because they can be the subjects of questionnaires, and they are achievable because they are being achieved now; in my view notably - but not exclusively - in private sector prisons.

The question that must be asked, therefore, is: why? What is the reason for this disparity? Of course, there are important differences in the running of a public sector and a private sector prison. But this alone does not explain the difference. We must still ask: Why is it that some staff in some prisons are

*"Relationships
between management
and staff determine
relationships between
staff and prisoners."*

allowed to demonstrate a judgmental attitude and to treat prisoners as subordinates? This is in spite of the fact that such behaviour is in direct conflict with the Prison Service's Statement of Purpose, which claims to treat them with humanity?

These are questions that I bring constantly to the attention of Prison Service senior management because they are the ones who must lay down what is or is not acceptable. They are the ones who set the tone, and who demonstrate what attitude to prisoners they believe in. It is their job to make it clear what they will and will not tolerate. If they fail to enforce these standards, they send all the wrong messages not only to staff but also to prisoners, and indeed to Ministers and the public. This is why it is so important that senior management should be absolutely clear as to what is acceptable and what is not. The recent injection of £200 million may profit the Service little unless senior management are ruthless in insisting on the maintenance of standards, never tolerating anything less than what is required. To this extent, the concept of the 'healthy prison' that we are introducing is, in part, an attempt to explain what we mean by humane treatment and conditions. It helps to define the standards that ought to exist within our prisons; standards that we are required to inspect and on which we are required to report.

But it is much more than this. The concept of the 'healthy prison' is also an attempt to explain what we think should be the ingredients

of the attitude of staff to prisoners, and of staff to staff. If all staff are united in understanding that they owe to each prisoner a responsibility of care, in other words, that it is their responsibility to try to help the prisoner to live a useful and law-abiding life, in prison and on release, then prisons will be safe. Prisons in which staff allege that they do not feel safe, are prisons in which control is not being exercised. What the Prison Service calls dynamic security, does not depend on vast quantities of locks and barbed wire, but on the very relationships between staff and prisoners envisaged by the concept of the 'healthy prison.' The 'healthy prison' recognises that prisons can only run with the co-operation of prisoners. So what we are advocating is already in the arena

anyway. The problem lies not so much with the absence of intent, but in the attitude of management and staff to its delivery.

A good example of a 'healthy prison' is the Group 4 run prison at the Wolds, where excellent relationships between staff and prisoners have created a caring

community. Staff share meals with prisoners and treat them as human beings. Whilst there are some prisoners who feel that it is not a 'proper' jail, for most prisoners, this continuously polite and cheerful approach has acted as a balm. More difficult prisoners find themselves opening up and relaxing their guard. It gives them renewed hope, setting them off on the path to rehabilitation.

Inmates are on first name terms with staff, who address them by their name or as 'Mr.' Staff wear name badges which enables them to be

recognised and referred to by name. One man suggested to me that it was far harder to hit someone if he called you 'Jim'! The same method of address is followed in good public sector prisons as well, so good staff recognise its relevance to humanity. However, I am tempted to speculate on the reasons why the POA consistently refuse to sanction the wearing of name badges. Do they fear that prisoners will recognise those who have not treated them with respect as individuals?

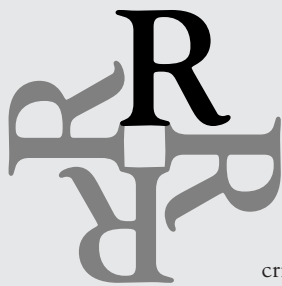
Relationships also underlie the third and fourth characteristics of the 'healthy prison'; although it is fair to suggest that they are aimed principally at management. They, after all, are the ones who have the responsibility of ensuring that the means to provide them are available. Like all concepts, the 'healthy prison' will only work if all elements are seen to be mutually supporting and inter-dependent.

Naturally I hope that the concept of the 'healthy prison' will catch on, because I am convinced that they are the ones that best protect the public by tackling offending behaviour. In this process, the relationships between staff and staff and between staff and prisoners really do have a key part to play in encouraging a change in the attitude of an offender to society. Treat him or her with respect, and perhaps this attitude will be repeated on release. The reverse is certainly true. Therefore, if we are to have 'healthy prisons', relationships are key.

General Sir David Ramsbotham GCB CBE has been HM Chief Inspector of Prisons since 1995.

"Dynamic security does not depend on vast quantities of locks and barbed wire, but on relationships between staff and prisoners."

WHO WE ARE

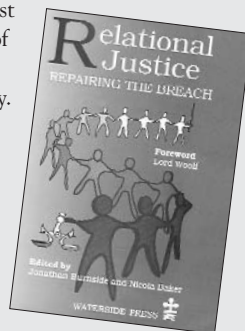


The **Relational Justice Bulletin** is a quarterly publication by the **Relationships Foundation**, a Cambridge-based charity, as part of its **Relational Justice** initiative.

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.

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

Your help would be welcome in publicising the Relational Justice Bulletin. Free A5 leaflets are available for your use. You can request copies on the form on the back page.

Jonathan Burnside is Editor of the Relational Justice Bulletin



Views expressed are those of the authors and do not necessarily reflect the policies of the Relationships Foundation.

JUSTICE AFTER GENOCIDE

Sophie Bishop reports from Rwanda on new moves to secure a more Relational form of justice.



"Justice in Rwanda must address the need for relationships to be restored, otherwise the cycle of killing will be repeated."

Relational Justice reflects something that is deeply intuitive to us all; namely, the need for relationships and the desire for justice. These characteristics are so much a part of what it means to be human that they cannot be ignored by any criminal justice process; however overwhelming its problems. This is true even in the case of Rwanda whose criminal justice system faces extreme difficulties. The genocide of April to June 1994 saw the death of nearly one million people and the forced displacement of two million. Over 125,000 people are currently held in prison, accused of participating in the crimes of 1994. Up to 100,000 are directly accused of killing. Yet even in the midst of this appalling situation, the Newick Park Initiative (NPI) has found that relationships are central to solving the problem of justice.

There are major obstacles to achieving justice after genocide. During the genocide, over 80% of Rwanda's legal officials were killed or displaced, meaning that there are few trained personnel to preside over the courts. Consequently, the majority of accused persons will stand trial without defence lawyers. The defendants themselves are denied adequate time to prepare their cases. All this means that if Western legal standards of evidence were to be applied, most of the accused would be freed due to lack of evidence. Added to this is the problem of finding witnesses. In some communities, there are simply no survivors to witness to the crimes. In other cases, where there are survivors, the psychological pain of facing the past and the fear of reprisals prevent them from telling their stories. The Rwandan legal system is founded on Belgian colonial law. However, the conventional apparatus of a normal Westernised judicial system has proved unable to cope with the backlog of cases. Five years on from the genocide, only 330 trials have taken place. At the current rate of progress, hearings would still be continuing in two hundred years' time.

COMMUNITY JUSTICE

In responding to demands from the international community for fair and speedy trials, the Rwandan Government have turned to the country's traditional form of conflict resolution. This is called *gacaca* which in Kinyarwanda (the national language of Rwanda) means 'lawn.' The word reflects a style of meeting where a community 'gathers on the grass.' This Relational approach to justice impacts upon the proposed trial of offenders under Rwanda's Genocide Act 1996. This classifies suspects in four categories: Category One (those who planned the genocide and other crimes against

humanity); Category Two (perpetrators and accomplices to intentional genocide and fatal assaults); Category Three (criminal acts as part of other serious attacks against humanity) and Category Four (offences against property).

At present, the Rwandan Government favours dealing with Category One prisoners by means of formal judicial courts. But for

Categories Two, Three and Four the Government favours the use of decentralised courts. It is proposed that Category Two will take place at commune level (a 'commune' consists of approximately 50,000 residents) whilst Categories Three and Four will

take place at secteur level (a smaller locality, consisting of approximately 5,000 residents). Courts at both commune and secteur level will be made up of locally-elected community members of sound moral character. Although this is 'community justice,' the courts will try the suspects as they would be tried in a formal court. Sentencers will have discretion to punish within the tariffs laid down by higher courts according to the seriousness of the offence. The key difference between the formal judicial courts and these community courts is that the latter consists



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of locally elected community members and not legal officials appointed by the Government. The upshot of these proposals are that the vast majority of cases will be tried at decentralised courts. Only the most serious offences (Category One crimes) will be dealt with formally.

JUSTICE AND RELATIONSHIPS

The Newick Park Initiative (NPI) is the international arm of the Relationships Foundation which publishes the Relational Justice Bulletin. Since 1994, NPI has been working in Rwanda to bring conciliation. NPI believes that justice in Rwanda should not only be about punishment. It must also address the need for relationships to be restored; otherwise the cycle of genocide will be repeated again in the future. To this end, NPI has been researching alternative judicial processes that could work to restore relationships and achieve justice in Rwanda. NPI believes that certain preconditions are necessary for this type of 'community justice' to function effectively.

Firstly, the community as a whole must embrace the problem together. Public participation needs to be high in order to ensure that decisions made regarding each prisoner will be respected by the community. Secondly, the trials need to be conducted at very local levels if communities are to uncover the truth of the genocide. Relationships can only begin to mend when victims know the truth of the past. It is generally accepted in Rwanda that local communities are the best source of knowledge about what happened between April and June 1994. Thirdly, there needs to be safeguards to ensure that communities are accountable for their findings and do not cover-up the facts concerning the genocide.

As a result, NPI proposes that Category Two, as well as Categories Three and Four, are tried at secteur level. This allows for greater local commitment and ownership of the process. It also means that those who want to be present can make the journey to court. By contrast, if the courts are at commune level this option may not be available due to cost and time. In addition, punishment can also be tailored to each individual, since they will be well known by the local community. Lastly, NPI proposes that the 'courts' make recommendations to the judiciary regarding each case, rather than making final decisions. If the formal judiciary are not satisfied with the recommendations then they can return the cases to the local courts for further consideration.

SOCIAL HARMONY

The importance of local courts, local knowledge and face-to-face relationships in this extreme scenario should come as no surprise. As mentioned above, Relational Justice reflects something that is intuitive to all of us. As such, Relational Justice ideas can be applied in different cultural contexts. In the case of Rwanda, it is an approach that provides a unique opportunity to restore social harmony. A local setting in which offenders are confronted by survivors is far more conducive to genuine confessions than the sterile environment of a formal court. It also offers survivors the chance to express to offenders, and the community at large, the extent of their suffering. If space can be provided for the victims' and offenders' stories to be heard, then the real identities of the individuals involved will surface. As offenders are offered the chance to repent, so survivors are given the faces and names of those whom they can forgive. Survivors and offenders discover one another's humanity - enabling them to restore their relationships.

Sophie Bishop works for the Newick Park Initiative and is currently in Rwanda at the time of writing.

CONTINUITY IN THE COURTROOM: SORTING OUT RELATIONSHIPS IN COURT

David Simpson, Metropolitan Stipendiary Magistrate in the Inner London Youth Court argues that there needs to be continuity of relationships in a courtroom.



When a Youth Court Stipendiary Magistrate, a Chief Probation Officer and a Chief Constable, drawn together by chance, independently express the opinion that there is an opportunity available to make a real difference to the quality of youth justice there is clearly something afoot. The Government's proposals for youth justice taken together with the concept of Relational Justice are widening perspectives and giving opportunities to break away from traditional and largely discredited ways of working. Opportunities are opening up which promise a more constructive approach to the ways in which we deal with young offenders but only so long as the professional agencies involved have a commitment to work together to achieve a common aim. There have, of course, been false hopes and false starts before but instead of the pendulum style swings of hard and soft politics which have pervaded the system over the past thirty years there is at least a possibility of a more 'joined-up' approach.

The new statutory aim of the youth justice system to prevent offending is not in itself a remarkable statement, but set against a system so beset with confusion, clarity as to a common purpose is welcome. The current culture results in a system largely held together by friction, in which 'arms length' relationships impede effective communication.

The court process is similar to a game of cards with each player guarding their hand from the prying eyes of the others and revealing a minimum of information, or cards, according to a strategy which is likely to be different for each player. Magistrates are forced to use discarded cards when basing decisions about the punishment and development of young offenders. Magistrates are criticised for their failure to fully engage children and their parents but given the constraints under which they operate the majority do as good a job as the other players permit.

A NEW APPROACH TO AN OLD PROBLEM

Relational Justice and the early intervention required by the Crime and Disorder Act 1998 together offer a potentially new approach to an old problem. The Youth Offending Teams to be set up under this Act should open the way for multi-agency work across the traditional professional boundaries of social work, health, education, police and probation. It will not be

sufficient to graft new ideas onto old ways without fundamental changes to working practice. The individual members must operate as part of a team. Any comfortable temptation just to re-badge the old youth justice team will be exposed as soon as one team member seeks to pass the buck to another.

Good defence lawyers equipped with the necessary knowledge, communication skills and empathy with young people are essential to any justice system. Even young offenders have legal and human rights. Unfortunately the combination of some inept and inexperienced lawyers operating in a system which encourages some children to call the shots regardless of the merits of their case and at considerable public expense, does little to enhance their professional reputation. They are also notoriously at arms length with the other agencies which is not always in the best interest of their clients. Lawyers are, of course, acting out a traditional role. They wrap themselves up in the 'comfort blanket' of specialist language. Whilst this may add to the overall mystique of their tradition, it has no place in a court for children. Magistrates and social workers are also prone to resort to specialist jargon. All such players start to feel uncomfortable if they have to step outside this safety zone and use language which is readily understood by children and their parents.

CONTINUITY OF MAGISTRATE

One of the preconditions for a 'good relationship' as identified by Michael Schluter and David Lee in their book *The R Factor* (1993), is the need for continuity. The key question is: how much interaction is there between the parties, how often does it occur, and how long does it last?

Discontinuity is a problem in many magistrates' courts. First, the majority of magistrates are 'lay justices' who, by the nature of their appointment, have a restricted attendance. Second, the full-time stipendiary magistrates tend to spread their sittings across a range of courts. Only in central London do we find 'resident stipendiaries' in the Youth Court. Third, solicitors are increasingly using inexperienced barristers to do Youth Court work. Here any sense of continuity is at the whim of their chambers. Crown prosecutors also come and go and although youth justice workers are more consistent, supervising social workers do not regularly accompany their clients to court.

This should not be. Imagine a health system where all the specialists with knowledge of a patient's case constantly changed with some having only the name of the patient in the file!

If there were a genuine commitment to change the system for the better then I am sure that the professional players could ensure a much more consistent level of representation in court proceedings and although at present the lay justices nationally deal with the bulk of the work, there is surely a case and a role for professional children's judges from amongst the stipendiaries. Under the present system much time and expertise is spent by magistrates and other players on particular young offenders only to find that, upon any subsequent appearance, a whole new range of people take over as if the previous process had no subsequent relevance. Clearly in contested cases continuity of magistrates is not desirable. This is because, under current rules, magistrates are not supposed to have knowledge of any previous convictions. But when it comes to the sentencing of persistent offenders, why waste all the time and expertise expended at an earlier hearing? From experience, magistrates are more prepared to go the 'extra mile' if they are dealing with young people with whom they have become familiar.

FUNDAMENTAL CHANGE

The Crime and Disorder Act, taken in the context of a process of Relational Justice with adequate safeguards for legal and human rights, could, if we could also get the courtroom and inter-professional relationships sorted out, provide the means for a fundamental change in the way we traditionally work in the Youth Court.

Whilst changes in the law help, at the end of the day it is the people who will effect any changes. It's time to put the cards on the table in the form of more openness and honesty in the way the issues surrounding young people are dealt with in court. All the players need training at communicating effectively across the traditional boundaries. In this new culture, this will involve great use of interpersonal skills in the courtroom. Within the rotating stage of the Youth Court, a greater sense of personal responsibility needs to be engendered. Continuity of involvement needs to be the norm rather than the exception.

There is, for the moment, a real opportunity for all the players to make a difference to the quality and effectiveness of youth justice. I hope others will agree that whatever our differences it is at least worth a try.

David Simpson, whose views, as expressed in this article, are his own, has worked in magistrates' courts since 1967. He was appointed as a Metropolitan Stipendiary Magistrate in 1993 and is now the lead Stipendiary in the Inner London Youth Court.

"Magistrates are more prepared to go the 'extra mile' if they are dealing with young people with whom they have become familiar."

RELATIONSHIPS AND JUSTICE: SQUARING THE CIRCLE

Ann Tighe reports on the challenge of implementing reparation orders under the Crime and Disorder Act 1998.



Establishing victim-offender mediation within the legal framework of the Crime and Disorder Act 1998 (CDA 1998) has not been easy. NACRO has been running its Victim-Offender Conference Service (VOCS) in a voluntary capacity in London since 1997 and, since the introduction of the CDA 1998, have worked with two pilot YOTs (Youth Offending Teams) in Wessex and West London. This article explores some of the challenges that we as service providers have faced in implementing the new reparation order. In doing so, we shall draw in particular on our experience in West London, where VOCS has been operating longest.

The Home Office 'Draft Guidance Document: Reparation Orders' (section 2.3) describes the reparation order as follows: 'By allowing the offender to undertake some form of practical reparative activity which will benefit the victim (if the victim so wishes it), it is hoped that the victim will gain greater insight into the reasons for the offence, and put it behind him or her. Reparation to the victim will also help the offender to realise the distress and inconvenience that his or her actions have caused, to accept responsibility for those actions, and to have the opportunity to make amends either directly to the victim, or to the community as a whole.' It then goes on to say that reparation should be tailored to meet the needs of the victim(s), if they wish to be involved, and should address the offending behaviour of the young person.

VICTIM-OFFENDER MEDIATION

Put in these terms, victim involvement and mediation are central to the reparation order. That said, the Home Office confuses the issue by later referring, in the same Guidance, to victim-offender mediation as only being part of a reparation plan, rather than the starting-point for any reparative activity. We at NACRO take the view that relating reparation directly to the wishes of the victim, through the process of mediation, is the primary aim of the reparation order. We also work on the assumption that mediation can have potential long term gains for victims, offenders and communities in its own right. Both of these aspects, we feel, capture the descriptions of the Order and the spirit of the guidance.

Our experience of reparation orders has highlighted some procedural and philosophical challenges. One of the main problems that we found was the difference in perception between mediation and reparative activities. For example, the Courts view mediation as an optional extra, rather than as an integral part of the reparation

order. Yet Home Office guidance clearly treats mediation as a 'stand alone' method of reparation. The Court's view has resulted in pressure being placed on YOTs (Youth Offending Teams) to ensure that VOCS (Victim-Offender Conference Service) provided indirect reparation.

A middle ground has been sought in that VOCS has built up a range of community placements, but with an emphasis on these placements being socially inclusive. The idea is to emphasise the more constructive aspects of punishment by encouraging reparative work with people rather than places. This has not been easy because we could not set up community

insufficient. This however, does not take into account the intensity of the intervention for the offender; the quality of the encounter for the victim or the potential long term gains for the community in terms of reduced offending. The issue is not simply the quantity of the hours put in, but also their quality.

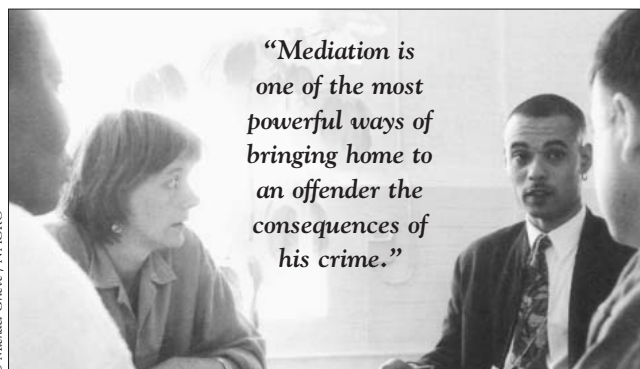
Currently approximately 40% of reparative orders in the West London pilot involve mediation. However, this is done as an adjunct to any reparative work and not as a direct result of this encounter. Consequently, offenders may feel that they are being sentenced twice. Early anecdotal feedback from the young people on reparation orders indicates that they do not see the difference between reparation and community service.

LASTING CHANGE IN THE OFFENDER

A final relational issue is the use of 'indirect reparation' or agency stated reparation. This is reparation in the community which does not benefit the victim, nor is it related to their wishes. Indirect reparation has its uses. If placements are carefully matched, they can validate the skills and positive attributes of offenders and as a result contribute to preventing reoffending by enhancing self-esteem and diversion with purposeful activity. The downside is that it excludes the victim from the process and it does not make the necessary link between the young person's criminal behaviour and its consequences. We found that many young offenders do not see the link between their offence and their victim when indirect reparation is arranged. In cases where direct reparation is not possible, a better approach may be to engage the young person in victim awareness sessions and/or apology exercises.

Our experience has confirmed our belief that mediation is one of the most powerful ways of bringing home to an offender the consequences of his crime. The human encounter involved also provides the best opportunity for lasting change in the offender. For victims, it offers the benefits of sensitive involvement and it tends to reduce the fear of crime. In view of this potential, we need to take the opportunity provided by the CDA 1998 to establish its appropriate use in the criminal justice system. In this regard, Relational Justice ideas are paramount. If, at the pilot stage, the reparation order is dismissive of the value of relationships, then the positive benefits of this new approach will be lost when the Order becomes available nationally. Victims and their offenders deserve better and so do their communities.

Ann Tighe is a qualified Social Worker and is currently a Deputy Section Head of NACRO's Youth Crime Section.



placements prior to being contracted to run the service. This was because (obviously) these placements have to be based in the communities they serve. Moreover, some placements are not able to accept children as young as 10 to 14 years old or for certain crimes.

Another problem arises from the Courts' need to set up places quickly. This sense of urgency can compromise the need to match the placement to the capabilities of the individual and to the wishes of the victim. Courts experience a dilemma in knowing how to exercise their discretion. This may be rooted in the construction of the legislation. Section 67(2) of the CDA 1998 requires that the person or persons to whom the reparation is made should be specified. But the time available to prepare reports and to ascertain the wishes of the victim is insufficient to encourage their participation. Data protection issues can also make it difficult to access victims' details quickly. Consequently, victims are rarely named in the Order. Although these time limits are necessary, they can lead to victims feeling pressurised to participate. The need to specify the victim in the order is thus a major stumbling block.

LONG TERM COMMUNITY GAINS

In addition, section 67(5) of the CDA 1998 infers that the number of hours of 'work' should also be specified. This means that the Court may therefore view a mediation session, which might last no more than a couple of hours, as

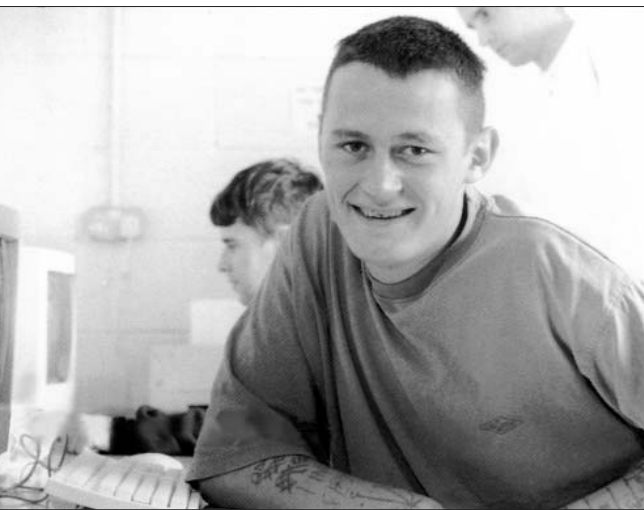
NEW MANAGERIALISM OR NEW RELATIONSHIPS?

Michael Hitchings, Probation Officer and Youth Justice Offending Team Officer, examines the scope for rehabilitating relationships within the Probation Service.



In the second issue of this Bulletin, Adrian James argued that Relational Justice is particularly relevant to the Probation Service, since its work has been subject to a 'major ideologically-driven onslaught' from recent governments. Now, as a result of this sustained assault, I would suggest that the threat to the Service's traditional values is no longer usefully considered a merely external one. The predominance of the new, public sector managerialism within the Probation Service, also places its humanitarian and relational heritage at risk.

My focus is not with the need for the Probation Service and its staff to be properly managed, but with managerialism. Put simply, managerialism is the preoccupation with management processes and the tendency to view these as the key to agency success. Its rise is



commonly traced to two particular sources. The origin of managerialism is seen, firstly, in the desire of central government for greater control of the public sector. Hence from its hierarchical pinnacle, the Home Office dispenses directives following the most perfunctory and inconsequential consultation with probation management. For the Probation Service, as elsewhere, this has meant that management have had diminishing input into policy and decreased say in the formulation of official practice guidance. Indeed the new Home Secretary, about to create a nationalised, more standardised service, made directly accountable to himself, seems set to further this trend. (Not an altogether reassuring prospect when he can contemplate something as contrary to the Service's traditions as a merger with the Prison Service).

Powerless to impact policy, the role of probation management has moved away from supervisory enabling of staff, to one of organising and monitoring adherence to standards imposed

from above. Probation services have thus generally become top-down organisations. Managers find themselves tangled up with bureaucratic and administrative systems, remote from staff and absorbed in work that is worlds away from the day-to-day realities of practice. This creates an environment utterly inimical to practitioner innovation. Worse still, the managerial emphasis on hierarchy and on enforcing obedience to procedure effectively depersonalises those on the receiving end.¹

MANAGERIAL UTILITARIANISM

The other main source of managerialism is the current obsession with market ideology. The Government, firmly believing in business but somewhat impervious to the moral, aesthetic and human dimensions of social phenomena, has promoted utility and profit, "to the point where, being all that are measured, they become almost all that matter". Managerial utilitarianism has become so pervasive that it is virtually impossible to imagine approval being given to any plans "...solely on the grounds that they are worth doing [even] though their effects cannot be measured."² The core virtues of 'economy, efficiency and effectiveness' now demanded of the public sector require that every action serve a demonstrable purpose, be measurably effective and be carried out as cheaply as possible.⁴

In my view, the simplistic application of such principles to the Probation Service, whose aims are vastly more complex than those of a commercial organisation, is fundamentally flawed. It takes too little account of the fact that its best work is time-consuming, that its results are not always easy to measure and that gains are seldom instantly tangible. I query whether the values of utility and cost-effectiveness constitute a sound basis for organisational decision-making when

much of the work consists in engaging with individuals and communities and success concerns things like personal change.

Ultimately when management procedures are

focal and the premises of the market hold sway, clients are processed through the service systems with maximal efficiency and staff are perceived as mere units of work. Even the oft heard rejoinder that 'staff are our chief resource' only serves to illustrate how managerialism cannot escape a depersonalising discourse. Without a change in culture, it is feared that the service will not retain the interpersonal skills still held at management and practitioner levels.

Some will perhaps find the above analysis too harsh; for others it will have resonance. No-one would deny that the new managerialism has its benefits. Used properly, it can contribute to greater openness and accountability. Its drive to improve performance is also welcome. However its underlying principles are at variance with the Probation Service's historic ethos and incompatible with its task. Of course the activity of the Probation Service should be costed and measured where possible, may benefit from central, strategic targeting and is better achieved by some methods than others; but in essence it pertains to people. Its work must therefore be evaluated and appreciated in terms of people and relationships, not in terms of financial or bureaucratic units.

DEBATING PROBATION VALUES

Managerial pragmatism has left the Service wide open to ideological attack. This has prompted some debate about what values ought to shape the Probation Service. Strangely, the Service has never formally assembled a statement of values. Appeal is sometimes made to social work codes of ethics or to the motif 'advise, assist and befriend'. Although worthy sentiments in themselves, they are hardly adequate for the current challenge. Mike Nellis⁵ has proposed the more criminal justice specific ideals of restorative justice, anti-custodialism⁶ and community safety. He contends that this triad, taken as a whole, upholds the Service's humanitarian heritage, enshrines anti-oppressive practice and reflects a concern for victims.

The problem, as Nellis himself admits, is that managerialism could easily take over these values. Having done so, it would likely evacuate his principles of their substance by applying them in a mechanistic way. For this reason, I believe that the peril of the times calls for a value base more explicitly confrontational of managerialism. A relational approach to criminal justice, as expressed in the idea of Relational Justice, provides the opportunity to do just that.

CONFRONTING MANAGERIALISM

Relational thinking is born of the belief that interpersonal relationships are basic to human identity. To be is to be in relationship.⁷ Social policy should therefore, wherever possible, enhance the possibilities for good relating. Relational Justice sees crime as a disruption of the right relationships that ought to exist within society. Appropriate responses to crime should then both 'mark the wrong' and attempt to 'repair the breach' for offenders, victims and their communities. The essence of a crime is seen not primarily in the contravention of state law, but in behaviour by individuals and by groups which inflicts harm on others. For me,

"The aspect of supervision which offenders most prize is their relationships with probation officers."

the great relevance of relational thinking lies in its capacity to critique and possibly even to deconstruct managerialism. More constructively, it helps to express what the Probation Service is really about.

Our work can be fairly categorised as relational. I think here of the breadth of the Probation Service's work, both criminal and non-criminal. It encompasses probation activity in family courts; working with offenders towards individual change; reparative endeavour in the community and broader community work to

"The simplistic application of managerialism to the Probation Service, whose aims are vastly more complex than those of a commercial organisation, is fundamentally flawed."

mitigate the harm caused by offending. Furthermore, Relational Justice is commensurate with the Service's historic interest in social justice and the humane treatment of offenders.

Relational thought favours

a different style of management, one that is decentralised and less hierarchical and more enabling of grassroots staff. It supports a style that enhances parity within the agency and implies more direct contact between staff and managers. Much of this is common sense and, ironically, just sound management: "The function of an organisation is to normalise the activity of its members and this is achieved not simply by the imposition of rules from above, but by the power that inheres in daily interactions and networks of relationships."⁸

In the case of the Probation Service it is all the more critical because its form of management must be in keeping with the nature of its task. After all, it is an illusion to fancy that an organisation that is internally unrelational can ever deliver an effective relational service. A systems orientation will hinder relational practice, just as oppressive structures obstruct anti-oppressive practice. And crucially interpersonal relationships are moral ground,⁹ which requires that decisions be founded, in the first instance, on ethical considerations, not according to the expediencies of the market.

REHABILITATING RELATIONSHIPS

The integration of relational values could also lead to renewed emphasis on the importance of officer-offender relationships. No doubt too much efficacy has been attributed to the worker-client interaction in the past. The impressive body of research into the effectiveness of interventions in reducing recidivism plainly lays the stress elsewhere; on what is done (content and methodology) rather than how the practitioner and client relate. Nonetheless studies like Imogen Brown's, presented in the first issue of this Bulletin, highlight how a good officer-offender relationships underpins full

assessment, workers' capacity to motivate and their sensitivity to the best methods to employ. In both one-to-one and in group work, professional, judicious use of workers' interpersonal and relational skills are integral to the supervisory process. They are the means by which the so-called 'principles of effective practice' are operationalised. Arguably such skills remain a prime area of Probation Service expertise.

In a managerial culture however, what is not straightforward to measure can be seen as not to matter.

Contrastingly, much consumer research indicates that the aspect of supervision which offenders most prized was their relationships with their probation officers.¹⁰ As one officer put it to me in some research that I carried out: "...the acquisition of a relationship is the starting point and the bedrock on which you might use any of your technical skills. It is difficult to believe you can get very far without it".¹¹ Practitioners cannot help but operate within a relational format. Further, a relationship of appropriate quality can influence offenders' readiness to accept the work undertaken.

Unfortunately, hard-pressed practitioners, faced with burgeoning paperwork demands of a bureaucratic culture and prescriptive modes of practice (not least the extreme case management models of some services), have difficulty in sustaining the relational perspective on their work. There is frustration among staff over the inordinate energy expended in producing

evidence of what has been done, as opposed to the time available to actually practise it. Moreover, it is a sad fact that some probation officers choose not to probe too deeply into problem areas because they genuinely feel they will not have the time to be able to deal with what emerges.

WAYS FORWARD

Relational Justice is poignantly apposite to the current predicament of the Probation Service. It challenges the tendency towards more repressive penal policy and critiques the depersonalisation of managerialism. Left unchecked, these forces could yet transform the service into a hard-hearted corrections agency. Perhaps allied to Mike Nellis' values, Relational Justice could chart a more productive course, one which preserves the agency's traditional ethos

and advances its humanitarian mission. That does not necessarily mean the positive aspects of the new management should be abandoned, but it does demand they be recast within a framework where relational considerations take precedence.



Michael Hitchings has worked as a Probation Officer since qualifying in 1995. He has recently been seconded to a new Youth Offending Team. This article is based on his dissertation 'Rehabilitating Relationships: Relationism and Probation' submitted to the Department of Social Work, University of Birmingham.

¹ Nellis, M. 1993. "Criminology, Corporatism and Probation Values." Birmingham: University of Birmingham.

² Ibid.

³ Humphrey, C. Cited in Beaumont, B. 1995. 'Managerialism and the Probation Service.'

In B. Williams (ed) *Probation Values*. Birmingham: Venture Press.

⁴ Nellis, M, *op. cit.*

⁵ Ibid.

⁶ Anti-custodialism involves minimising the use of unnecessary imprisonment and highlighting the negative effects of custody.

⁷ Cf. Schluter, M and Lee, D. 1993. *The R Factor*. London: Hodder and Stoughton, p.50

⁸ Worral, A. 1995. "Equal Opportunity or Equal Disillusion? The Probation Service and anti-discriminatory practice." In B. Williams, *op. cit.*

⁹ Schluter, M and Lee, D; *op. cit.*

¹⁰ E.g. Cox, M. and Pritchard, C. 1995. In M. Lacey and D. Ward (eds). *Probation: Working for Justice*. London: Whiting Birch.

¹¹ Hitchings, M. 1995. *Rehabilitating Relationships: Relationism and Probation*. Department of Social Work, Commerce and Social Science Division, University of Birmingham.

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SEEING FAR: A RELATIONAL APPROACH TO COMBATING YOUTH CRIME

Trevor Philpott, Chief Executive of C-FAR, explains why relationships are central to tackling youth crime.



An innovative initiative in rural Devon, C-FAR (the Centre for Adolescent Rehabilitation) aims to provide residential programmes of intensive personal development and social education to 'high tariff' male offenders aged between 16 and 24 years. The concept is based on the belief that relationships are central to understanding and responding to the causes of crime. The programme is designed to promote lasting change among a social group that might otherwise fail to achieve any real success in their lives. Its goals are relational, for they are to see ex-offenders assume their responsibilities as citizens and future parents.

The Relational ethos of C-FAR is needed because of the aetiology of juvenile offending. The majority of young men who become involved in persistent crime typically emerge from underprivileged backgrounds characterised by distress, relational dysfunction and low educational attainment. The challenge is to get them to accept personal responsibility and accountability, and to develop new behavioural responses. Regrettably, such changes do not come easily. The purpose of C-FAR is to facilitate this change.

RELATIONSHIPS AND MENTORING

The heart of the work is a ten-week residential programme, consisting of four main phases. Phase 1 centres on the importance of individual responsibility and seeks to maximise this through careful and directed supervision.

The objective is to gradually empower trainees to assume greater levels of responsibility, both for themselves and others. Phase 2 focuses on team work, in which offenders learn to identify with others and to develop strategies for solving problems. To this end there are outdoor activities, designed to promote trust and bonding within the group and with the staff. Phase 2 also involves social valorisation in the form of community service projects and reparation. Phase 3 builds on this by concentrating on social and life skills, including education on relationships (encompassing sexuality, marriage and families). Finally, Phase 4 prepares the young people for the job market and the world of work. The residential programme will be followed by a nine-month 'mentor' period during which mentors act as role models for the young people. Every month, mentors and their trainees return to the C-FAR Centre for a day of discussion. The idea is to reinforce support and to examine the lessons that will hopefully have been learned. Throughout, it is clear that much of the success of the C-FAR programme will depend on the quality of the relationships developed with the offender. For my money, it is what Relational Justice looks like in practice.

"For my money, C-FAR is what Relational Justice looks like in practice."

RELATIONAL TRAINING PHILOSOPHY

The training is planned to be demanding yet progressive. Mutual trust and values will be key features of the relationship between trainees and staff. The learning experience will be based upon the philosophy of 'assertive discipline'; consistency in boundaries, discipline, encouragement and care. It will also include regular appraisal and advice, out of which more confidence and respect will grow. The concept will employ a token economy of rewards and consequences. The supportive and encouraging environment will motivate individuals into realising their highest 'personal' expectations. As overall levels of confidence, faith and trust grow, it is hoped that psychological barriers will break down. C-FAR is not a cheap option. But neither is it expensive. It is cost-effective. To go cheap is often to pay twice.

The mentoring element demands that C-FAR's work is regional in nature. C-FAR staff are endeavouring to form partnerships with Local Authorities, the DfEE and the County Probation Services. It is anticipated that referrals will primarily be made by the Courts of Cornwall, Devon, Somerset, Dorset, Plymouth and Torbay as an alternative to custody. Courts and YOTs may use C-FAR as part of a Detention and Training Order, Supervision Order, Action Plan or during periods of remand or bail. Both of these options complement the principles enshrined within the

Crime and Disorder Act 1998 and the objectives of the Youth Justice Board. The plan is to run seven courses each year. To begin with, courses will be eight strong, gradually increasing to twelve. Initially dealing with males, it is anticipated that a form of mixed gender programme will be established within

two to three years. It is hoped that the Prison Service will also purchase future places as part of pre and post-release training. As the anticipated demand grows, the model can be replicated.

OVERSEAS SUCCESS

I recently visited the Associated Marine Institute (AMI) in Florida which runs a similar programme. It has 52 affiliated centres, in seven States, providing a range of day and residential facilities, for both high and low tariff offenders. A 1998 study found that of the 2,486 students participating in the various programmes, only a quarter re-offended during the first year after release from training. Equally, the 'Airborne Initiative' in Scotland (which is similar to C-FAR) is currently achieving approximately 60% success rates. Such initiatives are a great encouragement to us as we seek the possibilities of Relational change among young offenders.

Lt. Col. Trevor Philpott OBE is the Founder and Chief Executive of C-FAR Ltd.