

Could personalisation reduce re-offending?

Alex Fox, Chris Fox and Caroline Marsh
explore what criminal justice can learn from
social care

Rates of reoffending are high, both for people leaving prison and people on community sentences: the reconviction rate for all custodial sentences is 46.8 per cent, rising to 56.8 per cent for custodial sentences less than one year in duration. The reconviction rate for Community Orders is 36.8 per cent (Ministry of Justice, 2011).

Reoffending is expensive. Prison costs £45,000 per prisoner per year, plus £170,000 to build and maintain each new place (Prison Reform Trust, 2010). Cheaper community sentences can still cost £4,200 per offender per year. Many people in the criminal justice system have multiple and complex needs. For example, 72 per cent of male and 70 per cent of female sentenced prisoners suffer from two or more mental health disorders (ibid).

Despite this complexity and the low rates of success, the criminal justice system in England and Wales has been increasingly 'standardised'. Payment by results (PbR) approaches which are designed to measure success with large cohorts, not individuals, may exacerbate this problem. In contrast, the social care sector has been driven by localism and the personalisation of services: tailoring responses, putting individuals in control of their services and their lives and looking for ways to 'co-produce' interventions with them. Whilst personalisation is based on an ethos of valuing people, looking for their skills and gifts, the criminal justice system includes a focus on punishment, deterrence and labelling according to levels of risk.

So what, if anything, could the criminal justice sector learn from the personalisation of social care?

Provider markets

Emerging concepts within offender management theory, such as 'desistance' and the 'Good Lives' model of rehabilitation are tailored and asset-focused approaches, with an interest in positive psychology, a person's relationships and building social capital (see for example McNeil, 2009). There are similarities across both sectors with regards to plural markets of providers. In social care, the introduction of personal budgets were intended to increase diversity in the provider market. Payment by results systems in the criminal justice system are designed to encourage a focus upon 'what works', delivered by innovative and efficient services, including new market entrants.

In both systems, the chosen mechanism has had variable success in achieving better outcomes and in increasing the diversity of provider markets. Both personal budget and PbR systems require providers to compete and there is a risk that large, well marketed, risk averse providers which focus on generic interventions will thrive, whilst innovative, niche providers may struggle to continue to finance work with more 'challenging' individuals.

Putting People First (Department of Health, 2007) first set out a comprehensive vision for personalising social care, posited personal budgets as only one of four 'quadrants', the others being the development of advice services to help people make choices, investment in prevention to head off crises and developing inclusive and supportive communities. Personal budget uptake has increased to 340,000 personal budgets, amounting to £1.57bn of public

money (ADASS, 2011). The other three quadrants remain harder to communicate and embed. One lesson is that giving individuals control of the money makes little impact upon choice without intensive work to develop a market of small and large providers that can meet the range of needs. Some of the most exciting recent developments in personalisation have been the move from entirely individual budget control, towards helping budget holders to act as a group, becoming commissioners with service shaping powers and in some cases co-designing and mutually owning small or micro-scale enterprises (Waters, 2011).

Achieving this more radical shift in control requires an enlightened approach to trust and risk sharing by those in power, but it creates opportunities for people to have real responsibility for others and to be involved in a positive community in which they have something to contribute, as well as receiving support for their needs. Without this shift, there has been a tendency for the introduction of personalisation to be reduced to meeting personal budget uptake targets which, in the context of a decreasing overall spend, simply create a new focus for a continuing battle for resources between the state and the individual.

Personal budgets

Despite these challenges, personal budgets have been transformative for a significant proportion of people using care services, including thousands of people with physical impairments who have employed a personal assistant to provide support tailored to their own needs, allowing them to gain employment themselves. There are numerous examples of disabled people, who would previously have spent their lives in institutional care, now living independently.

A form of personal budget has been piloted in Greater Manchester with people supervised by the Probation Service aged 18-25, who are allocated a budget of up to £2,000 from a pooled multi-agency funded budget. Early evidence suggests personal budgets have been

spent on a wide range of services, including rent deposits to facilitate a move away from peers also in the criminal justice system and specialist counselling.

Micro enterprises

Examples of service user-led micro enterprises within social care provide a promising model which could be adopted for those caught up in the criminal justice system, as they show what can be achieved by a group of people typically facing employer prejudice and who may struggle to fit into conventional employment opportunities.

For instance, Mike discovered a love of baking at his mental health day centre and went on to set up a baking venture. With support from social enterprise Community Catalysts, he teaches baking to other service users and the group sells its produce in the centre's café. A group of adults with learning disabilities have established an enterprise which takes a pedal-powered smoothie bar around events and festivals and have now purchased an allotment to grow some of the ingredients. An organisation giving independent living advice has constituted itself, with a board of directors with two places reserved for service users, two for family carers and one for a worker.

Shared Lives is an established approach to support and accommodation which involves matching service users, often including those previously labelled too challenging to live outside of secure services, with Shared Lives carers. Participants share family and community life with 4,500 people, mainly with learning disabilities, living long-term as part of the Shared Lives carer's family and putting down roots in their community.

These examples suggest that personalisation is a concept worth exploring in the context of other sectors. Through risk-sharing and co-production, people caught up in the criminal justice system who are at the stage of addressing their offending behaviour could be offered new opportunities to take 'ownership' of factors that have contributed to their behaviour and to

develop their self-reliance and personal capacity. Managed personal budgets, particularly those accompanied by support to form small commissioning groups and partnerships with community organisations, could create opportunities to develop innovative and niche interventions for offenders with particular needs, such as those with learning disabilities and mental health problems.

Justice reinvestment

Thinking more strategically, personalisation could provide a mechanism to help deliver the justice reinvestment philosophy, which seeks to reduce the level of crime in the most efficient way possible. Justice reinvestment is a process through which, over time, work is undertaken with people who have committed low-level offences in high crime neighbourhoods, to tackle the underlying problems in those areas. Funds which would have been spent on short prison sentences are shifted to local early intervention initiatives to prevent reoffending (Fox et al., 2011). This potentially creates a more law-abiding society at a lower overall cost than the traditional detect/convict/punish approach. This has synergies with the community fund holding developed by In Control, a pioneer of personal budgets, and with a Leeds initiative in which community groups and personal budget holders are helped to work together to find more cost-effective ways of supporting and including older people, drawing more effectively upon volunteers and community resources. The community groups are incentivised by receiving a share of the savings created, which they reinvest (Waters, 2011).

The introduction of personal budgets to a sector in which the public expects to see punishment and risk management is inherently risky, but this uncomfortable fit could also be an attraction. Personal budgets have shown in social care that they can positively disrupt monolithic systems and uncover the potential of individuals and communities which had never been imagined to exist. Many in social

care were concerned by the risk of abuse, fraud or poor decision making by budget holders. In reality, the challenge has been the opposite: how to persuade professionals to adapt to the spirit of the changes, sharing risks and creating the space in which people can be creative and reach their potential. Incidences of fraud have been relatively low and there is evidence that being in greater control and more embedded in their communities has reduced the risk of abuse experienced by people who previously lived hidden lives controlled by others. As people with a history of offending are often also vulnerable to becoming victims of crime themselves, this is a parallel worth drawing.

Overall, it seems that work with people who are in the criminal justice system has already taken some learning from personalisation in social care; the issue is one of creating and maintaining synergy, continuing to learn together. ■

Alex Fox is Chief Executive Officer, Shared Lives Plus. **Chris Fox** is Professor of Evaluation, Manchester Metropolitan University. **Caroline Marsh** is Independent Consultant, Justice and Social Care

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