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Probation

Innovation and the Evidence Base

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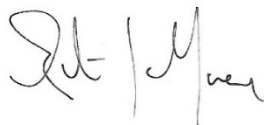
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Foreword

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

This report was kindly produced by Professors Chris Fox and Kevin Albertson, exploring the concept of innovation and its application to the delivery of probation services. As shown, while probation could be said to have its roots in social innovation, the role of innovation has become confused in recent times with a lack of alignment between stated aims and the reforms implemented. To support innovation, it is clear that networks and relationships are key, both at the level of individuals and organisations. There are natural links between innovation and (i) approaches which involve co-creation with service users, (ii) localised approaches that focus on the development of shared values, and (iii) the concepts of evidence-led and evidence-based practice. It is critical that new 'evidence-led' innovations are tested and evaluated, so that the evidence base underpinning the delivery of probation services continues to develop and broaden.



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

1. Introduction

Innovation has been a persistent theme in probation reform and probation practice over recent years. At a system level, when the Coalition government's 'rehabilitation revolution' was first articulated, it encompassed innovation by frontline staff, by organisations working within a mixed economy and even social entrepreneurs. Under *Transforming Rehabilitation*, innovation remained a stated aim of probation reform, although the scope of innovation envisaged appeared to have narrowed.

Innovation is also integral to ideas of evidence-based and evidence-led practice and there are numerous examples of innovative practice developing within probation and the wider criminal justice system. Applying the 'innovation lens' to evidence-based practice also raises interesting questions for the future development of such practice.

A desire for innovation in the probation sector has many drivers.

- Reoffending rates remain high: The most recent figures on the proven reoffending rate for adult offenders released from custody or court orders is 38 percent (for those released from custody or sentenced between April and June 2017). While there has been a decrease of 2.3 percentage points since the same quarter in 2011, many commentators feel that this figure remains too high (Ministry of Justice, 2019b).
- The profiles of people on probation are changing: Although the total number of individuals formally dealt with by the criminal justice system in England and Wales has been declining since 2015, and is at a record low, people with long criminal careers now account for nearly two-fifths of the offending population (Ministry of Justice, 2019a). A changing client group suggests the need for innovation.
- Interventions available to probation staff are changing: New technology has the potential to encourage innovative probation practice although the evidence that technologically inspired changes are reducing reoffending is not yet available (Fox et al., 2019). However, other, more subtle changes may also affect the efficacy of interventions; either opening up new possibilities for innovation or necessitating innovation if the efficacy of current interventions declines.¹
- The need to do more for less: Looking at public sector reform in more general terms there are also macro-level drivers of innovation. The rate of real economic growth per capita in the global economy has been in decline for several decades.² The political response is to seek ways of delivering "more for less". That is to say, governments seek to drive down costs while modernising and improving outcomes through refining public service delivery. Innovation is key to this process if cost cutting is to be associated with an improvement in service.

¹ For example, according to a recent Systematic Review, the effects of Cognitive Behavioural Therapy (CBT) as an anti-depressant treatment have reduced by about half since the late 1970s (Johnsen and Friberg, 2015). These findings have been contested and several possible reasons for this apparent reduction in effect have been advanced. Nevertheless, if there is any truth in them, there will clearly be an impact be on Accredited Programmes used in the probation sector as most of these are based on CBT.

² While some nations are still benefiting from growth – for example, the Peoples' Republic of China – the (so-called) developed world in general is not so fortunate.

Innovation is a broad concept encompassing different approaches. In this paper we first summarise some of the more influential models of innovation that have been popular in recent years before considering what their implications might be for probation policy and practice. We go on to consider their implications first for system level reforms of probation and then for evidence-based probation practice.

2. Innovation in criminal justice and probation

2.1 What do we mean by innovation?

There is no single, widely agreed definition of innovation. Traditionally innovation was associated with something companies did through internal Research and Development activities. In the post-industrial, information economy new models of innovation have become more influential. These start to break down the distinction between commercial and social innovation and suggest that innovation might involve collaboration between the for-profit sector, not-for-profit organisations and users. In this section we provide a very brief overview of some of the more influential models of innovation.

Open Innovation

The Open Innovation paradigm assumes that firms can and should use external ideas as well as internal ideas when they innovate because useful knowledge is abundant, widely distributed and generally of high quality (Chesbrough, 2006). This is in contrast to earlier models of innovation which assumed that useful knowledge is scarce, hard to find and hazardous to rely on (Chesbrough, 2006). The implication of knowledge being widely distributed is that organisational boundaries become more permeable and firms must interact with a wide range of external actors, including users, customers, suppliers, universities, and competitors (Felin and Zenger, 2014).

Citing a number of previous studies, Felin and Zenger (2014) show there is evidence that an increase in the number of external linkages and breadth of search for useful knowledge can have beneficial outcomes for organisations striving to innovate.

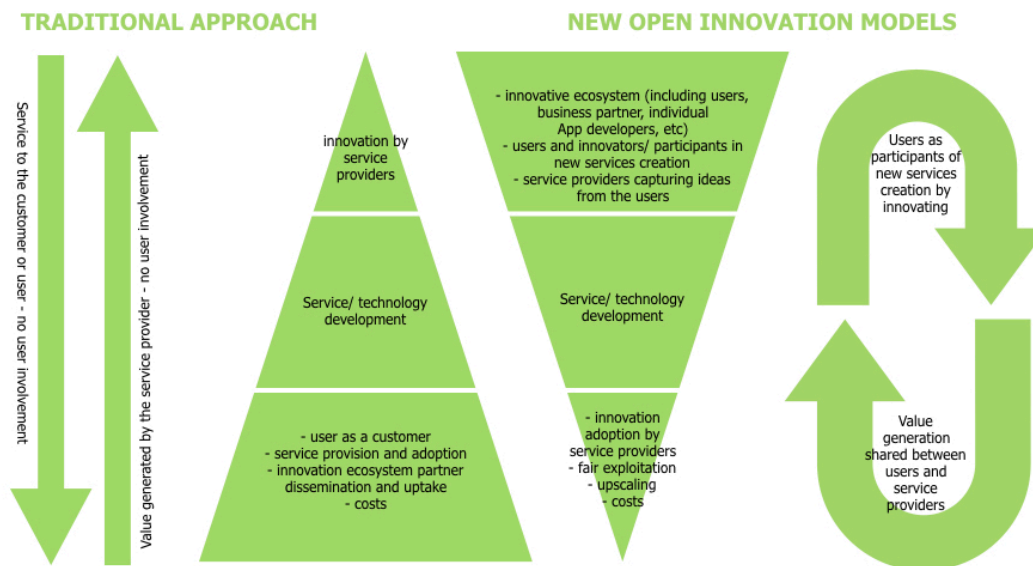
Open Innovation 2.0

Open Innovation 2.0 builds on the Open Innovation paradigm but places more emphasis on engagement between (i) industry, (ii) government, (iii) universities and (iv) communities and users (the so-called 'quadruple helix') to solve societal challenges sustainably and profitably (Curley, 2016). Open Innovation 2.0 inverts traditional models of innovation so that innovation is driven by the creation of 'ecosystems' made up of a mixed economy of diverse actors who align their goals and collaborate to co-create 'shared value' (see Figure 1). It is possible to co-create shared value when companies shift from optimising short-term financial performance to optimising both corporate performance and social conditions, thus increasing the value shared by both the corporation and the society in which it is embedded (Porter and Kramer, 2011).

An interesting feature of Open Innovation 2.0 is that instead of the user or citizen being seen as a research object and innovation being done to the citizen, 'the citizen and user becomes an integral part of the innovation process' (Curley and Salmelin, 2013: 4) and user

experience becomes a new driver for innovation.³ Innovation happens when a user becomes a co-creator of value and this only happens when there are high levels of trust between collaborators and conviction in a shared vision (Curley, 2016).

Figure 1: The Reverse Innovation Pyramid in Open Innovation 2.0



Source: Based closely on Curley and Salmelin (2013: Figure 2)

Social Innovation

In contrast to technological and industrial innovation, social innovation is explicitly about addressing human needs (Marques et al., 2018). It can refer to new products and services that address social needs – goal-oriented social innovation – (see for instance, Mulgan, 2006; Phills et al., 2008) or new processes which make use of social relations to deliver products and services in more efficient ways – process-oriented social innovation (see for instance, Howaldt and Schwarz, 2010; Mumford, 2002).

One of the defining features of social innovation is that it provides insights and develops capacity and soft infrastructure (intangible assets such as know-how, intellectual property, social capital etc.) that endure and can be utilised by other sectors and forms of innovation.⁴ In this sense social innovation provides a double benefit; not only can it help in finding solutions to pressing social needs, but the process of social innovation itself implies

³ In the Open Innovation 2.0 paradigm a particular definition of innovation is adopted which attempts to pinpoint where value is created. A distinction is made between 'invention' which is the creation of technology or a method and 'innovation' which concerns the use of that technology or method to create value.

⁴ Thus Mulgan et al. (2007: 35) note that 'social innovations, unlike most technological ones, leave behind compelling new social relationships between previously separate individuals and organisations'.

beneficial, transformative change, rather than mere incremental improvements in products and/or services (Didero et al., 2008).⁵

Like Open Innovation 2.0, co-creation can be understood as an integral part of the social innovation process (Murray et al., 2010). In co-creation, people who use services work with professionals to design, create and deliver services (SCIE, 2015). Involvement of users in the planning process as well as in service delivery is what distinguishes co-creation from closely related concepts such as co-production (Osborne and Strokosch, 2013). However, this distinction goes deeper than simply specifying the point at which people get involved in the co-design of services. Osborne (2018) argues that co-production assumes a process in which the public service organisation is still dominant and logic is linear. By contrast co-creation assumes 'an interactive and dynamic relationship where value is created at the nexus of interaction' (Osborne, 2018: 225).

Different models, similar themes

As Baines et al. (2019) note, a common theme of all these socio-technical versions of innovation is a knowledge base that is 'complex, expanding and dispersed' (Berglund and Sandström, 2013: 279). In such systems innovation is more likely to take place in networks than individual firms (Powell et al., 1996: 116). The key to Open Innovation and Open Innovation 2.0 is deep collaboration between actors in different organisations and sectors. Social innovation also has collaboration at its heart, often involving diverse actors including people who use services and local communities. In various ways, they all suggest that the roles of innovator, producer and consumer may overlap or merge (Grimm et al., 2013) with users key to the innovation process as co-creators of shared value or social goals.

2.2 Innovation in criminal justice

As Fox and Grimm (2015) note, at first glance the criminal justice system might not seem a promising sector for innovation, particularly social innovation. The requirements of justice evoke concepts such as certainty, consistency and adherence to well-defined processes, not ideas that are necessarily compatible with innovation. Some of the agencies in the criminal justice system such as the judiciary with their concern for precedent and the police with their 'command and control', hierarchical structure might not be ones that readily spring to mind when we think of innovation. Nevertheless, there is a rich tradition of innovation in the criminal justice system, much of which could be characterised as either open innovation or social innovation.

The early probation service – a form of social innovation

Taking a long view, arguably the probation service itself has its roots in social innovation. Early work on rehabilitation in the UK is often traced back to the 1870s and work undertaken by the Church of England Temperance Society in Southwark, London (Vanstone, 2017). The Temperance Society and other voluntary organisations appointed missionaries to the London Police Courts. Offenders began to be released into the community on the understanding that they kept in touch with an appointed missionary and accepted the guidance that they were given by this missionary. The probation service was placed on a

⁵ NESTA's (Murray et al., 2010) simple but effective definition is that social innovations are those innovations that are social in both their means and their ends.

statutory basis in 1907 and the courts were able to employ 'probation officers' to fulfil this role. The mission of early probation was based, at least in part, on altruism (Pease, 1999) and, in 1907, it was intended probation officers would 'guide, admonish, and befriend... certain offenders whom the Court did not think fit to imprison' (Samuel, 1907). The clear intention was that probation officers would employ social means to address social problems.

Restorative Justice as social innovation

Many of the more recent innovations within the criminal justice system also illustrate the key dimensions or facets of social innovation. When examples of the power of social innovation are listed, Restorative Justice is often cited (for example Mulgan et al., 2007). Social innovations often reinvent older, social patterns and practices. The idea of Restorative Justice is an ancient one. Braithwaite (2002) suggests that interest was rekindled in the West from the 1970s onwards as a result of various projects including an experimental victim-offender reconciliation programme in Ontario, the New Zealand idea of family group conferences, Canadian First Nations' healing circles and various less visible African Restorative Justice institutions. This illustrates another common facet of social innovation; its utilisation of global links and knowledge transfer – an approach which, in the case of Restorative Justice made it easier to learn lessons and share ideas (Braithwaite, 2002).

Successful social innovations do not tend to follow a linear growth trend or innovation cycle but typically go through a developmental 'arc' from idea to mass movement in three steps 'First, it is ridiculed. Second, it is violently opposed. Third, it is accepted as being self-evident.' (Schopenhauer quoted in Mulgan et al., 2007: 4). It is worth reflecting on the development of Restorative Justice as it has moved from the periphery of the criminal justice system in the UK to take on a much more prominent role and feature in many aspects of mainstream service provision.

Key to social innovation is the utilisation of non-financial, social resources to achieve important goals. Often this implies more democratic methods of service design and delivery. Restorative Justice is a co-produced approach to delivering justice. It brings together community resources to work with offenders. In most models of Restorative Justice some degree of agency is conferred on the offender. It is not uncommon for social innovations to resonate both with principles of localism and personalisation (Fox et al., 2014). Restorative Justice tends to embody both of these principles.

Justice Reinvestment as open innovation

A common dimension to many manifestations of both Open Innovation 2.0 and social innovation is the innovative use of new technology and social media (Goldsmith et al., 2010). The Justice Reinvestment movement, which started in the USA but is now spreading illustrates the use of technology, in this case the rise of personal computing and Geographical Information Systems applied to delivering a social outcome: reducing prison re-entry (Fox et al., 2013). New technologies made 'justice mapping', one of the building blocks of Justice Reinvestment possible. The Justice Reinvestment movement started in the US at around the turn of the new millennium with analysis identifying 'million dollar blocks': certain communities where states were spending up to a million dollars per block to 'cycle residents back and forth from prison each year' (Cadora, 2007: 11). Early Justice Reinvestment projects explored whether some of this million-dollars per block might be better spent on other criminal justice or, ideally, broader social justice interventions, 'to

invest in public safety by reallocating justice dollars to refinance education, housing, healthcare, and jobs.’ (ibid.).⁶

2.3 The current state of innovation in the probation sector

Under the UK Coalition Government (2010-2015), the Ministry of Justice’s preferred strategy for reducing reoffending while also reducing costs was a combination of market testing, commissioning strategies using payment by results, and a diversification of the supplier base (Fox et al., 2016). The intention was to create a ‘rehabilitation revolution’ with Outcomes Based Commissioning, payment by results, a key driver of change (HM Government, 2010).

The aim of the revolution was to encourage new market entrants from the voluntary, private and public sectors as well as joint ventures, social enterprises and Public Service Mutuals (Ministry of Justice, 2012). Probation Trusts would continue to deliver services to high-risk offenders and could compete to run other services. This devolved strategy seemed consistent with the earlier Green Paper on criminal justice reform in which existing public provision was viewed as having stifled innovation at national and local level (Ministry of Justice, 2010). The Green Paper made repeated references to innovation encompassing the opportunities that reform would provide for criminal justice “frontline professionals” to innovate in their work with offenders (Ministry of Justice, 2010: 11) and also the opportunities for a wide range of organisations to innovate within a mixed economy. Innovation in this sense would include contributions from social entrepreneurs in local communities:

‘Rather than operating under close central control, we want to unlock the professionalism, innovation and passion of experts from all walks of life who want to make their streets safer and their towns and cities better places in which to live.’

(Ministry of Justice, 2010: 9)

Ultimately these aspirations fed through to the *Transforming Rehabilitation* strategy (Ministry of Justice, 2013a, 2013b). It is beyond the scope of this short paper to go into the short history of *Transforming Rehabilitation* in general. However, insofar as innovation is concerned, various assessments have concluded that, far from incentivising a greater flexibility in delivery, Outcomes Based Commissioning may not be appropriate for delivering probation services; there is evidence it leads to outcomes other than those intended (HM Inspectorate of Probation, 2019; House of Commons Justice Committee, 2018; National Audit Office, 2019). A wider review of the use of outcomes-based commissioning across the public sector in the UK since 2010 found little evidence that such approaches encourage innovation in UK public service provision in general (Albertson et al., 2018).

Perhaps the lack of innovation is not surprising. The models of innovation discussed above have several common features which were not central to the systemic reforms then implemented under *Transforming Rehabilitation*. Indeed, some of the reforms implemented under the *Transforming Rehabilitation* agenda undermined the vital features of innovation.

⁶ Latterly, argue Fox et al. (2013), the concept of Justice Reinvestment has tended to lay aside its more radical aspirations to deliver social justice and instead focuses more narrowly on system ‘re-engineering’. In this process, it has, perhaps, lost some of the characteristics of an open or social innovation.

3. Conclusion: Towards a more innovative probation sector

Our brief review of innovation suggests a number of ways in which the probation sector could more effectively promote innovation. It is clear that technological and financial innovation will be fruitless without innovation in relationships, both at the level of individuals and organisations.

Developing innovation ecosystems

The models of innovation discussed above describe how to respond to problems that are complex and where knowledge is dispersed across organisational boundaries. Reducing reoffending is undoubtedly a complex challenge. As the Chief Inspector of Probation noted, people on probation:

'[A]re arguably disadvantaged on almost every index of need. ... I estimate that one in two will have been abused as a child, with about one in four taken into care.... Many have no qualifications. A disproportionate number have special education needs or were expelled from school. A worrying number have become serious drug users or dependent on alcohol, or both, and many suffer with anxiety, depression other mental health conditions.'

(HM Inspectorate of Probation, 2019: 6)

It is also widely accepted that no one organisation can address the multiple challenges that many individuals face. Collaboration and partnership between diverse organisations is required; yet under *Transforming Rehabilitation*, partnership working within the probation sector has not been sufficiently facilitated (HM Inspectorate of Probation, 2017). The probation sector needs broad collaborations between actors across different organisations and sectors. Open innovation and Open Innovation 2.0 suggest that a mixed economy, with deep collaboration between industry, government, universities, and communities and users, is likely to facilitate innovation. These innovative 'ecosystems' require novel forms of governance. The use of markets and contracts are one possible form of governance, others include partnerships, alliances, contests, platforms, tournaments and user/community-led innovation (Felin and Zenger, 2014). Each represents a novel configuration of communication channels, incentives and ownership with various pros and cons (ibid.). This all suggests a much more innovative approach to commissioning probation services with much more variation in commissioning models dependent on the complexity of the problem and the nature of the knowledge required to solve it (ibid.).

Shared values

Drawing together the mixed economy of provision described above requires diverse actors to collaborate in pursuit of shared value – where creating value for society by addressing social needs and challenges also creates economic value. This suggests that any contracting of services needs to have social value at its heart and, in turn, this suggests that the aims of offender rehabilitation have to be framed in broader terms than simply reducing reoffending as measured using 12-month reconviction rates (Wong, 2019) The desistance literature, with its focus on what it means to live a 'good life', gives us some useful ideas about the kinds of broader goals that might help us to articulate shared value. Maruna and Mann (2019), for example suggest that people are more likely to desist when they have strong ties

to family and community, employment that fulfils them, recognition of their worth from others, feelings of hope and self-efficacy, and a sense of meaning and purpose in their lives.

Co-created, personalised

In all three models of innovation discussed above, the roles of innovator, producer and consumer may overlap or merge. In social innovation, the act of innovation to address social challenges is itself part of the solution to addressing social challenges. This suggests that social innovations will often be co-created or co-produced. In co-creation, relationships are key; both at the system level in terms of service design and delivery, and at the individual level in terms of more personalised services.

A recent report by the Probation Inspectorate (Pike et al., 2019) found that service users and staff reported benefits to service user involvement. Benefits identified by staff included improving service delivery, utilising service users' skills and providing a re-focus for probation work. Benefits identified by service users included increased self-efficacy, social benefits and improved desistance from further offending.

More personalised services encompass a range of new ways of delivering services, which can provide both what Leadbeater (2004) describes as 'shallow' and 'deep' approaches. It can include 'providing people with a more customer-friendly interface', 'giving users more say in navigating their way through services', 'giving users more direct say over how money is spent', users being 'co-producers of a service', and self-organisation (Leadbeater, 2004: 21-24). In Leadbeater's conceptualisation, co-creation 'would give users a far greater role – and also greater responsibilities – for designing solutions from the ground up' (ibid.: 20) and seems to share much in common with the more radical end of a spectrum of approaches to personalisation.

Within this broad framework of 'personalisation' there are different models that the criminal justice sector might pursue. Economists and policy reformers in the neo-liberal tradition, emphasising governance by market-forces, tend to place great emphasis on 'choice' leading to more efficient services. But an alternative perspective more consistent with the concept of shared value is the asset-based approach integral to 'desistance'. Desistance acknowledges the role of personal relationships and social networks in the process of rehabilitation and has important implications for the way that individuals in the criminal justice system are supervised and interventions to support them are designed (McNeill, 2006; McNeill et al., 2012b; McNeill and Weaver, 2010). These include: recognising that rehabilitation is a process; focusing on positive human change and avoiding negative labelling; recognising the importance of agency (the capacity of individuals to act independently and exercise choice); recognising the importance of relationships (professional and personal); and developing social capital. Together these imply a more 'personalised' approach to working with service users:

'Since desistance is an inherently individualised and subjective process, approaches to criminal justice social work supervision must accommodate and exploit issues of identity and diversity. One-size-fits-all interventions will not work.'

(McNeill et al., 2012a: 8).

Localised

All of the above suggests that localised approaches to designing and delivering probation services will be important. Under the currently proposed arrangements, twelve publicly run

probation regions in England and Wales will replace the former seven NPS and 21 CRCs (HM Prison and Probation Service, 2019), potentially reducing further the level of localism in the service. Our analysis indicates it will be easier to arrive at an understanding of shared value – and easier for users and communities to co-create solutions – if the system works on a human scale. It follows we need to create a probation system which fosters localism if we are also to foster innovation (Albertson and Fox, 2019).

More investment in a broader understanding of evidence

Curley (2016) suggests a number of components that are key to collaborative innovation. One is that solutions need to be tested and improved through rapid experimentation with users and citizens. This idea of 'prototyping' is just as applicable to services as it is to products and helps show how appropriate a solution is, reduces the risks of failures, and can reveal what Curley refers to as 'pain points'. Rapid experimentation might involve many different types of research depending upon how far developed existing solutions are and the precise evaluation question to be answered. We would expect research methods ranging from repeated randomised controlled trials (Haynes et al., 2012) to less formal, more iterative evaluation (Breckon, 2015). Enabling factors are a more benign attitude to risk and failure, better incentives (for example, rewards and competitions), new organisational structures (for example, innovation teams and crowd sourcing), and more open data (Breckon, 2015).

Ultimately, the evidence indicates sustainable and fruitful innovation involves more than just appropriate economics and marketised incentives. As Fromm (1955) has argued, sustainable innovation can only occur when changes are made simultaneously in the economic, socio-political and cultural spheres. Any progress which is restricted only to one of these is ultimately regressive. It follows technical and financial innovation must go hand in hand with social and relational innovation if it is to achieve its potential.

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