Copernican Commissioning?

Dr Fergus McNeill
Professor of Criminology & Social Work
Universities of Glasgow
F.McNeill@lbss.gla.ac.uk
NICOLAI
COPERNICI TO
RINENSIS DE REVOLUTIONI
BUS ORBIVM COELSTIUM,
LIBRI V.
IN QUIBVS STELLARVM ET FI
NVM ET REVOLUTIONVM MOTVS, EX
PETRIS AEQ REVOLUTIONVM OBSERVATIONIBVS, REVISITVS
HOC LIBRO PRIMUM, URBIS, UTI ENTRAHENTUR FACULTATIBVS.
ALIUS, HOC LIBRUM TEMPOREM.

ITEM DE Libi REVOLUTIONVM NICOLAI
COPERNICI, NARRATUR, PRIMA PER D. GEORGIAI.
RHEINIERI, AD D. IOAE. BOCCHI.

BASILEAE, EX OFFICINA
HENRICOPETRINA
Criminal Careers: Frequency, duration, gravity
Age and Maturation

Interactionist accounts

Subjectivities, Narratives, Identities

Life Transitions, Social Bonds
From Bottoms and Shapland (2011: 70)
Practice implications?

1. Realism
2. Individualisation
3. Hope and motivation
4. Relationships
5. Strengths
6. Self-determination
7. Social capital
8. Recognition
• ‘Commissioning’ describes the process of assessing need, identifying available resources, planning how to use the resources, arranging service delivery, reviewing the service and then reassessing need.

• Three Tiers: National, sub-national and local

• How we construct ‘need’ depends on how we construct our purposes; how we define the outcomes we are after.
Changing our perspectives?

• Traditional (service-led) commissioning
  – Doing what we have always done

• Ideology-led commissioning
  – Who *should* deliver?

• Pragmatic outcome-led commissioning
  – Who *can and does* deliver?
  – Who can and does deliver on *which objectives*?
  – Different skills and strengths, different roles
• User-led commissioning
  – Who can support my change process?
  – Who owns the process and the outcomes?

• Commissioning *quality*
  – Utilitarian
  – Deontological
  – Virtue-based
  – Contingent relationships between quality and outcomes
Traditional systems perspective

**Inputs:**
- Offenders (HR)
- Practitioners (HR)
- Estate (PR)
- Resources (Capital)

**Systems and Processes:**
- OASys
- Accredited Programmes
- NOMM
- Pathways/Services

**Outputs:**
- Reduced Reoffending
- Delivery of justice
- Public confidence?

**Outcomes:**
- Standards, compliance
- Progress
- Completion
• Reducing reoffending is neither an outcome that NOMS (or any provider) can properly or practically compel, command or control, nor one that (even when it is delivered) it can claim as its own ‘product’
  – Desistance belongs to desisters
  – Integration belongs to communities
• Even when RR can be achieved, it is the ‘mere’ absence of something, not a positive agenda for a justice service
  – RR doesnt have much emotional/visceral appeal: too technocratic, too offender-centred
• Promise what you can deliver and deliver what you promise: quality

  – E.g. Constructive reparation within a proportionate sentencing framework (HRs compliant)
  – Recast rehabilitative effort as reparation: ‘One of the best ways of paying back is by turning your life around...’ Sell rehabilitation as a welcome side-effect, not the main product; since we can’t ‘produce’ it
  – Judge justice sanctions by the quality of delivery of justice, and work to support desistance alongside (but don’t promise that services will deliver it)
Measuring ‘outcomes’

- Problems with reconviction
  - Sellin’s dictum: a woefully inadequate measure of the change we think we are after (desistance)
  - Who really believes these figures mean anything important? (cf. NI reconviction rates)
  - RR condemns us to over-promise and under-deliver; a political hostage to fortune
  - Highly vulnerable to extraneous influences, most of which (currently) militate against the likelihood of success
Positive intermediate measures

• Look to desistance theory:
  – Maturation, responsibility and agency
  – Positive social bonds, developing social capital
  – Shifts in identity; secondary desistance

• Think less of binary measures and more of quality added, distance travelled, ‘survival analysis’, even calculable cost savings of accelerated desistance
  – Frequency, severity and duration
  – Slowing down a high risk PPO produces more value than stopping a low risk first offender
  – Secondary desistance/substantive compliance may matter more than primary desistance/formal compliance
The person changing

Support services

The treatment programme

The reintegrating community

The offender

The exclusionary community
Conclusions

• Commissioning for desistance?
  – Listen to and engage seriously with users
  – Listen to and engage seriously with communities
  – That implies very, very localised commissioning of at least of some aspects of the support, but within better defined nationally agreed (deliverable) conceptions of quality and definitions of outcomes
• Commissioning for justice?
  – Same as above, plus judges, victims and others
  – Not a passive process of ‘pandering to’ punitive demands; an active project of shaping justice locally (within proper constraints)
  – Communicative justice requires communicative commissioning