

LIES, DAMNED LIES, STATISTICS – AND WHAT WORKS



A Response to the NOMS 3rd Sector Action Plan

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As a small arts organisation working in, and running programmes in, prisons, we are supposedly the kind of organisation that the government has identified as a potential ‘partner’.

‘Our key aim is to maximise the contribution made by the third sector to support our fundamental objectives of reducing re-offending and protecting the public. ...to better engage diverse organisations, large and small.. (Additionally) Learning from the third sector – ensuring that the innovation of the sector is fostered and learning is shared.’

Third Sector Action Plan – A draft. NOMS. November 2007.

Rideout (Creative Arts for Rehabilitation) has been running since 1999 and its co-directors have been working in the field of criminal justice since the early eighties. As stated in our charitable aims, Rideout uses the arts to address issues of offending behaviour and to reduce crime. We work with prison staff and others in order to develop innovative approaches that address these concerns both through small group work and larger projects. In recent years, our projects have ranged from Cognitive Skills Experiential Testing on ETS, P-ASRO and CALM programmes, to the Creative Prison, a project with national scope that examined prison architecture through a year-long consultation process involving staff and prisoners, and presented radical proposals for change.

Hence we welcome the Action Plan with all the traditional espousal of shared idealism and promises to collaborate, partner, listen, learn and walk together on the great path of making the criminal justice system work better. There is even some recognition in the document that in the past the government, whether MOJ, NOMS, HMPS or otherwise, has failed to do this and *‘we need to recognise that some of the frustrations, especially about pace and rate of progress, are shared between both NOMS and third sector partners.’* We welcome this acknowledgment. We also note that the document continues, *‘whilst such frustrations need to be acknowledged, we hope that they will not prove to be a barrier to further progress and shared working’*. There is some anticipation here perhaps of what might be a certain distrust in the minds of the document readers. Failed initiatives, bad management, professional incompetence and inadequately-thought through legislation cannot, it is true, be brushed aside like so many pencil shavings on an office desk.

As an organisation working in the criminal justice sector, we would be happy to put aside past disappointments if there was clear evidence that the motors which caused these disappointments were now being dismantled. However, our perception is rather to the contrary; that in fact the problems which caused Third Sector/NOMS difficulties in the past (in relation to prison offending behaviour programmes in

particular) must inevitably continue if existing initiatives remain in place. We're talking here about what appear to be two simultaneous drives within the system:

- one, towards uniformity of programmes that are delivered within prisons
- two, towards an embracing of what the Third Sector has to offer.

Unless these parallel initiatives are reconciled, we see no end to the continuation of difficulties. In particular, what appears to be a rush to assemble an armoury of control measures that have the intention of capitalising on notions of 'what works'. may in effect simply establish a closed shop within prisons that exclude just the kind of organisations the Action Plan hopes to involve. Central to all this is the existence of PSO4350 and the allied preoccupation with and management of the 'What Works' Programme.

We applaud the intent to build on good practice, evidence-based research and the devising of programmes that are more likely to succeed than not. However, the identification of a 'magic bullet' for so long understood to be unavailable from any armoury, has now seemingly been discovered, manufactured, and made available for purchase. Even the most cursory examination of the 'What Works' literature however, will lead the reader to understand that effective programmes over less effective programmes is usually in the order of 10%. In other words, for every ten offenders who participate in a 'What Works' cognitive-behavioural programme rather than some other kind of programme, only one is likely to significantly benefit over his peers – according to measures of evaluation accepted by the Ministry of Justice. This doesn't feel like a eureka moment. Not only that but much of the evidence for the implementation of WW programmes comes from the US and Canada, and *it cannot be assumed that their conclusions automatically apply to the British context.. Furthermore, weak research design has contributed to the lack of knowledge about 'what works'.* (The impact of corrections on re-offending: a review of 'what works' – Home Office Research Study 291). Further to this, there remains substantial doubt not only about the efficacy of 'What Works' but the way it can ever be assessed – *'Few studies in Britain have achieved sufficient sample sizes'*. (ibid)

Does 'What Works' work? Read any of the literature and the answer is always the same – yes, it often does. But not always, and it cannot be relied on. And there are examples when it has signally failed. (Offending Behaviour Programmes, Hollin, C. and Palmer, J. 2006) The general principles are clearly sound, but their implementation – that's something else. We have even arrived at a point where only last month, a Home Office document outlining a review on the effectiveness of interventions with violent offenders, announced in its executive summary: *'All included studies met a minimum standard of good methodological quality; however, the studies of highest methodological quality were associated with a smaller reduction in general re-offending and no significant reduction in violent re-offending.'* (A systematic review of the national and international evidence on the effectiveness of interventions with violent offenders. Ministry of Justice Research Series 16/07). In the light of a determination to establish a closed shop within prisons based on the efficacy of 'What Works', is that not an extraordinary admission?

So how is the current situation regarding the implementation of WW principles affecting arts organisations? It's a simple answer: by the application of principles of

accreditation and the imposition of Prison Service Order 4350, it is becoming impossible to bring into prisons programmes that fall outside the increasingly rigid programme criteria that were – let us not forget – first articulated by academics who don't work in prison at all. The situation has now moved to the point that as a performing arts company we are forbidden from presenting performances that deal with issues of criminal behaviour and that have the intent of '*changing behaviour*' through offenders witnessing - for example - a performance. Hamlet never had this trouble. If we were to present such a performance, this could be classed as an '*intervention*' and would be subject to accreditation and validation procedures, in particular '*complying with quality assurance arrangements*'. There are nine quality assurance criteria. '*All nine must be covered when completing a business case for approval of an internally validated regime intervention.*' (Effective Regime Interventions, PSO 4350.)

It is worth going into a particular example of the problems caused by WW and PSO4350 in more detail in order to convey the problems currently being experienced by Third Sector arts organisations. In 2006, as a result of many years work in prisons and after discussions with prison staff and governors, Rideout determined to do a major project on gang crime. After extensive preparation and fund-raising from arts bodies, we began last year to prepare a performance and workshop programme entitled *Say Goodnight to the Bad Guy*. We approached a range of prisons with this product which due to our fund-raising we were able to offer to prisons at the rate of £200 per day.

We want to use the story of our negotiations with one particular young offenders institution as an example – in fact the prison where the project was first developed and where we ran some discussion-based workshops with prisoners having experience of gang crime. Initially the (new) governor was enthusiastic and he offered his personal commitment to the project taking place. He instructed an officer to work with us to make the arrangements. However, a question arose about the legitimacy of the project under PSO 4350. We were contacted by the Area Psychology Team, who explained that they needed to determine if the project 'fell under the scope of 4350'. We found ourselves in the odd position of having to argue to them that the play and workshops dealt with the broad issues of loyalty and friendship, knowing that only if we did this that approval would be granted. On this basis we were given approval. However, some time later, we were contacted by the Prison Governor who told us that the project could not go ahead since 'in the opinion of the prison's own Head of Psychology it should have been covered by 4350. We were told the project was 'too dangerous' to run and in defence of this argument an American academic was quoted whose book titles and specific references could not be recalled. We later received a further correspondence from Area Psychology saying they had changed their mind due to 'receiving further information' and the project may need to be classified under 4350. We were invited to come and discuss these issues at a meeting to take place some six weeks after the project was to be concluded. All this took place, it should be added, before the play was actually presented anywhere and without any of the parties knowing of, or really asking us about its content.

It's bizarre to think that on any night of the week those inmates for whom the play was considered 'too dangerous' can happily watch murder, death, mutilation, assault,

gun crime or rape on television or dvd. Does this reflect a consistency of approach – a ‘joined-up’, Carter-style approach to offender management and rehabilitation?

The case study is relevant because it highlights the institutional and cultural confusions that run down through the prison service. The imposition of an ideological and pedagogical orthodoxy only serves to conceal some fundamental uncertainties about how to work with offenders – an uncertainty which a genuine NOMS/Third Sector partnership, drawing on Third Sector experience, might alleviate. In part this problem is contributed to by an over-reliance upon academics and American meta-analytical studies to show our boys and girls the way. The notion that a play produced in prison should be considered ‘dangerous’ is in some ways a welcome filip to those who believe the power of performance is dead and waiting to be carried to the morgue while televisions are erected instead. But it only brings a brief consolation. Is it the form or content of the drama that is considered dangerous? PSO 4350 aims to make a distinction – plays that ‘don’t address offending behaviour’ are presumably welcome. But this is surely an inversion of the preferred situation. Surely NOMS should wish that artists with skills and experience use these to achieve the best possible effect within prison contexts. This separation between art that ‘addresses offending behaviour’ and art that doesn’t is plainly absurd. Given that NOMS would wish artists to use their skills to address these concerns, perhaps there is a notion that art works that do ‘address offending behaviour’ but do so badly are the ones to be considered ‘dangerous’? But why this should be any worse than allowing a bad crime film to be shown? It appears that as soon as any kind of rigorous intellectual analysis is applied to the current thinking around these concerns, the procedures of WW fall apart like a badly-constructed paper aeroplane.

The suspicion that within prison psychology departments fear and anxiety are replacing a spirit of genuine enquiry and research can only spell bad news for the service in the long term. This is the context into which the laudable aims of the Third Sector Action Plan are being introduced. But as we have argued before – in fact to David Lammy and Baroness Scotland when they were briefly taking an interest – the reform needs to take place at the ground floor level, within the prisons, if they want the voluntary sector and the prison service to work together. The twin impulses of centralised control and embracement of diversity needs to be resolved where it matters most.

Given the level of distrust displayed in this case described above, you’ll understand that after working in prisons for around twenty years, as individuals we find it very dispiriting. It brings sharply into focus one further issue that appears to have been driven off the agenda by the WW programme. It was hiding in the back of the conversations taking place during the negotiations with the Governor and his team. Did it matter that we were a respected organisation with years of experience of working in prison and with a Butler Trust award behind us? Not in the slightest. This was irrelevant. There was in the minds of those presenting the NOMS position a clear separation between form and content, between the deliverer and what was delivered. The same issue was brought to light at a recent NOMS/CLINKS meeting when a member of the NOMS Thinking, Attitude and Behaviour team argued when talking about delivering ‘What Works’; “We don’t care who runs these programmes”. The implication was clear: what matters is *content* delivered – correctly accredited – rather than on the *deliverer*. Of course it’s completely in line with the drive to harmonise

and unify all OB programmes taking place in prison. But this again goes to the heart of the problem in NOMS search for partnership. If the Third Sector Action Plan is simply a recruitment drive in disguise – aimed to recruit individuals and organisations to run programmes devised and credited by the Home Office – this will be no partnership of any substance. In fact it won't be a partnership at all. The point to make here is that this isn't like cooking where you take a recipe and whoever follows the recipe will get the same results. To push the metaphor, offenders don't behave like ingredients.

To separate the deliverer from what is delivered is, we would argue, naive. I can even imagine colleagues describe it as 'dangerous'. Why? Because it predicated the notion of a facilitator who has no personal values – or has values indistinguishable from those professed by the employing institution. Who has nothing to bring to the exercise apart from a complete and uncritical faith in the programme being delivered. Forgive the parallel, but isn't this precisely what Maoism in its teachings also espoused – the notion of a 'comrade' who always and only 'toed the party line'? And when the party line changed, the comrades were supposed to change with it? It's hard to believe that the speaker from the TAB team really believed that 'We don't care who runs these programmes'. For effective facilitation is actually inseparable from several key notions - intellectual independence, a degree of autonomy, critical thinking, ethical values and a degree of responsiveness that allows the programme to be tailored to context. Such individuals can't always be found in the Job Centre queue. Besides which, facilitation is also about modelling a kind of behaviour to the participants. Do we really want to present a model of a facilitator whose values, priorities and beliefs are all encompassed by a reductionist WW philosophy and whose view of life and society comes in a manual?

Pertinent to this debate is the issue of vocabulary. It's a further consequence of the impulse towards the imposition of a uniform pedagogy. What has become noticeable over recent years is the way that terms are seized on and used – often inappropriately or very generally – to justify a particular position. We're familiar with this from the era of the Thatcher government and notions of 'rationalisation' and 'downsizing'. A great deal is now placed on the use of this word 'intervention'. It's been brought over from psychology and used very widely to describe how officers and others engage with offenders. Yet it implies there are forms of engagement that are not 'interventions'. Presenting a dance or music performance in prison – presumably – is *not* an intervention – while presenting a play about a man who does a robbery – *is* an intervention. Is this helpful? Yet it may well be the case that a music or dance performance 'changes minds' just as effectively (or ineffectively) as the crime drama. There is a semantic confusion here deriving from the transference of psychological terms into a much wider field. The problem is compounded by the unstated assumption that Third Sector organisations are expected to become complicit in using these terms, implicitly requiring that their own vocabularies – even if they have been developed pragmatically over years – are irrelevant, perhaps even unhelpful or wrong. I've been told off myself in a meeting with NOMS officers not to use the word 'inmate'. A partnership born within the context of an imposed, narrow vocabulary simply won't survive the course.

When it comes to running OB programmes in prison, it's clear from the (lack of) evidence that maintaining a closed shop approach on the basis of the WW research is

intellectually unjustified, organisationally problematic and socially exclusive to the detriment of the service and its users. The attempts to try and maintain the much-vaunted 'programme integrity' by videoing sessions in prisons, having the tapes sent off to managers and academics for analysis and 'feedback' (often just a telling-off) can often cause a high programme staff turnover. Why? Because it proceeds on the basis of absence of trust. It disempowers the facilitator and in fact de-professionalises their function. Working from an over-prescriptive manual and then waiting for your 'feedback' weeks later, leads to a feeling that as an individual you are no more than a cipher, unable to employ your own discretion and constantly subject to an unseen authority.

Our only experience of this invasive and Big Brother (in the traditional sense of the term) style of operation was when OBPU (Offending Behaviour Programme Unit) came and set up a video camera to record the programmes we were running in HMP & YOI Swinfen Hall. The incident is relevant in terms of looking at how NOMS and Third Sector Organisations interact, and how the kind of distrust referred to early in this submission, can be engendered. Rideout was contacted by the then Principal Psychologist (Living Skills) of the OBPU who took the videos of our sessions along to Liz Fabiano and Frank Porporino (developers of the original R&R cognitive skills course). The letter to us written in November 2000 identified our approach as *'extremely useful and innovative. In particular, the way in which extended roleplay scenarios were used to assess the skill levels of participants and the way that this was individually tailored to each client's needs, was impressive'*. Not long after, the Unit developed a Cognitive Skills Booster Programme that in outline and process was remarkably similar to that we'd been developing. Looking back now on the letter we received from the Unit, there is a telling final paragraph. *'As stated above, we were all impressed by the quality of the work and the creativity of the ideas. I would be happy to discuss this further with you, and once we have decided whether we can incorporate this kind of work into our booster programme development, we will contact you again.'* Despite our willing acceptance to meet at any time convenient to the Unit, and letters sent to OBPU, we never heard from them again. Today, of course, our ability to run these 'creative and innovative' programmes is seriously impeded - precisely because of the existence of 'accredited' cognitive skills programmes such as the Cognitive Skills Booster Programme delivered by NOMS.

NOMS needs, if it is serious about partnership, to do what it says it'll do on the tin: consult - rather than simply handing out poorly-thought through aspirations and expecting deference in return. It needs to listen and consider what, for example, arts and creative-based programmes can bring to a prison context. Our view is that in fact they can dovetail in a constructive and helpful way with programmes that have a specifically cognitive-behavioural focus. They can do this because they focus usefully on subject areas that WW programmes - because of the rigidity of their orthodox methodology - can only pay shallow reference to. Some of these aspects are to do with how the relationships that are established between facilitator and participant, and some are to do with the recognition of the power of creative thinking. Arts facilitators will always be resistant to a completely manualised approach because they recognise the value of the spontaneous confession or confidence, and the importance of maximising the significance of this. This calls for a flexibility of approach - what the manual writers might perceive as 'drift'. Arts facilitators will always claim as essential to their practice the right to digress from prior trajectories in

such moments of spontaneity since they understand the value of recognising that *'this moment – now – this group – these words'* have a significance which in the honouring of same, empowers the participants in a shared, human and emotional experience. What needs to be recognised is that this is an aspect of 'responsivity' that is lauded in the WW credo but pinched and minimised in the practice – precisely because there is insufficient flexibility allowed for the facilitator. There has grown up a great fear of spontaneity, and in trying to put it in a box and screwing down the lid, the quality of the interactive process can become belittled. Spontaneity can of course lead to situations in which disruptive or aggressive behaviour might be exercised – but possibly to the surprise of the fearful, such events are extremely rare. The claiming of flexibility within programme leadership can only become problematic for the participant group or the institution if relationships between the facilitators and the prison are inadequately grounded or clear lines of collaboration between the two have not been firmly established.

Secondly, arts-based projects are able to explore a further aspect recognised as valuable within the WW creed, but more fully and more intensively. This is the notion of empathy. The creation and development of performance is nothing if not the construction and architecture of the science of empathy. That's what drama essentially is; the establishment of an alternative reality within the present one precisely in order to feel and experience what it is to live in that 'other reality'. This is where the cognitive-behavioural approach often crucially fails to deliver, as evidenced to us in hundreds of comments by offenders who do a course with us after coming out of R&R, ETS, CALM or P-ASRO. Comments such as *'this is more real'* bear constant witness to the way in which arts-based approaches can bring something to the table. Additionally, there are many other gains – too many to go into here, but only to reference; the value of working in a language of metaphor, the study of motivation that recognises the insufficiency of the 'dead vocabulary' of OB programme managers (who on earth can feel comfortable talking about 'moustation' or 'cantstanditis' for heaven's sake?), the value of deep experiential interactions taking place within role plays run by those who have spent years learning about role play, and finally the employment of a language of play itself – so often absent from the childhood of offenders – that in the exercise can allow for an accumulative reincorporation of 'lost and better selves'.

There is a real danger now that arts organisations such as ours will be frozen out from the criminal justice system just at the time when we are needed the most – and indeed when some within that system are beginning to recognise our value. It's not as if the imposition of the What Works closed shop processes are consequent on a blisteringly high success rate. It's rather as if a man who has gone to sea in a leaky boat comes back after having nearly drowned and announces, 'I've survived! From now on, it's leaky boats for everyone!'

For the future, we need to move away from the emphasis on validating 'the programme', conceptualised without reference to the deliverers of it (except by stipulating that they must be 'adequately trained') and towards a validation of the deliverers. In this way, recognise that those who have spent years of their lives in prisons working with offenders delivering programmes have accumulated a residue of experience and expertise that deserves recognition outside the context of any specific programme. This can then be married to evidence-based research to create

programmes that are ‘responsive’ in a true sense of the word. Secondly, we should be establishing a process of training that is managed jointly between NOMS and 3rd Sector organisations where appropriate, so that collaboration is genuine at the beginning of the journey. It’s no solution simply to tell us – ‘these are our conclusions’ – that isn’t a partnership. This will prevent 3rd. sector organisations simply being coerced into being service delivery organisations – an arrangement which in no way builds on their strengths. Thirdly, we should remove or fundamentally change PS 4350 so that it serves not as a fundamentally restrictive measure but as a pro-active and facilitative one which capitalises not just on the research (which in the summary so often glides smoothly over the inadequate nature of it) but on the experiential knowledge of staff and programme deliverers. Fourthly, far greater attention needs to be paid to the spaces and the organisational management of programmes. Recently a prison in the midlands engaged in a considerable expansion of its numbers. A lot of new buildings went up. Different parts of the prison were expanded to different degrees. The gym expanded by 600%. while - curiously - classrooms used for OB programmes expanded by an absolute 0%. The efficacy of programmes certainly depends on the structures and pedagogical tools of its implementation - that much we know. But if programmes take place in a cracked and broken down room with the wind coming through a window that can’t be closed – this might, just might, have an effect on the learning outcomes.

Fifthly, there needs within each prison to be a single member of staff whose responsibility it is to relate to – and conduct negotiations with – Third Sector arts organisations. This single initiative would transform the relationship between NOMS and relevant Third Sector organisations almost overnight. Finally, the Arts Alliance as espoused by Lord Ramsbotham and mentioned within the 3rd Sector Action Plan, needs to become a reality – not simply an idea on paper. If it did, then there’s a chance that we can move to create a different climate in which organisations such as ours cease to be treated as a nuisance – occasionally lionised but more often than not ignored – and become a significant part of the fabric. The 3rd Sector Action Plan appears to offer this hope. It just depends whether the sentiments expressed there - or those in the seemingly unrelenting programme accreditation juggernaut will have preference in the months and years to come. Absolute control from the centre - or partnership – you can’t have both.

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