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Risk and Desistance: A Blended Approach to Risk Management

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Foreword

HM Inspectorate of 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 Professor Hazel Kemshall, exploring a blended approach which combines practice to manage risk with practice to enhance desistance. The aim is to reintegrate service users safely into the community, with a dual focus on: (i) protecting the individual from further failure, isolation and stigma; and (ii) protecting the community from further harm. In essence, desistance and risk management operate in tandem to achieve both non-offending and public safety. The key task for practitioners is to act in transparent, defensible and evidential ways, seeking an appropriate balance in each individual case between risk and rights, protection and integration, desistance supportive work and control. Within our routine inspections, we will continue to examine whether there is a sufficient focus on the key goals of supporting desistance and supporting the safety of other people.



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Hazel Kemshall is currently Professor of Community and Criminal Justice at De Montfort University. She has research interests in risk assessment and management of offenders, effective work in multi-agency public protection, and implementing effective practice with high-risk offenders. She has completed research for the Economic and Social Research Council, the Home Office, Ministry of Justice, the Scottish Government, the Risk Management Authority, and the European Union. She has over 100 publications on risk, including *Understanding Risk in Criminal Justice* (2003, Open University Press), and *Understanding the Community Management of High Risk Offenders* (2008, Open University). Her most recent book *Working With Risk* was published by Polity in 2013. She has served on the Parole Board Review Committee, and is a former Member of the Risk Management Authority Scotland and has chaired the Risk Management Plan Approval Committee for Orders for Lifelong Restriction. She has completed research into European information exchange systems on serious violent and sexual offenders who travel across EU borders.

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

1. Introduction

Since the early 1990s, risk has dominated much of probation practice, driven by both policy and media concerns, and fuelled by high profile risk management failures (e.g. Robert Oliver and Sydney Cooke), and the subsequent News of the World 'Name and Shame' campaign (2000). These concerns continued well into the 2000s (see Sonnex case; The Guardian, 2009). This trend took place within a wider focus on public protection, largely supplanting policy and practice concerns with rehabilitation (McNeill, 2006). However, by the mid to late 2000s, concerns had increased about the over-use of controlling interventions culminating in the Inspectorate report *Getting the Right Mix* (HM Inspectorate of Probation and HM Inspectorate of Constabulary, 2010) and arguments for mixed interventions that effectively promoted more rehabilitative efforts (Kemshall, 2010; 2018).

The 2000s also saw a growing focus on desistance coupled with a recognition that control and containment alone had a limited long-term impact (Weaver, 2015). Building on both theoretical explorations and empirical studies of desistance, academics and practitioners began to advocate for a combined approach to risk management utilizing controlling and rehabilitative interventions. This was described as 'blended protection' focusing on methods aimed at safely integrating individuals back into the community, and integrating rehabilitative strategies alongside community protection measures (Kemshall, 2008; 2019). These strategies can be understood as 'protective integration' in which the individual is protected from further failure, community retribution and stigma; and the community is protected from further harm (Kemshall, 2008, 2017a). Such strategies seek a balanced approach to risk management focusing on desistance and rehabilitation; changing risky behaviours and meeting legitimate needs; reducing risks and reducing reoffending behaviours; and avoiding over-intrusion on those whose risk does not justify it.

This *Academic Insights* paper will explore this blended approach to risk management.



2. How can desistance help risk management?

The perception that risk practice and desistance practice are distinct paradigms remains strong for both practitioners and academics, whilst in practice the boundaries are often less distinct (Kemshall, 2008; 2010; 2019; Weaver 2015). The key aims should be to integrate practice to manage risk with practice to enhance desistance, and to reintegrate service users safely into the community (see Kemshall, 2008; 2010). Intervention strategies seek to achieve desistance, rehabilitation, behaviour change and promotion of self-management, and to safely re-link service users to their communities (Kemshall and McCartan, 2014). This notion of protective reintegration (Kemshall, 2008, p. 127) takes place within a safety culture, with the pursuit of activities and network connections located within this culture. The over-riding question is always 'how can we do this safely?' (Wood and Kemshall, 2007). The focus is on a balanced approach to the 'pursuit of control and the promotion of change' (Weaver and Barry, 2014, p. 153; Weaver and Weaver, 2016).

The research base on desistance has indicated the following as significant in achieving a transition to non-offending, thereby reducing risk and limiting the harm:

- Pro-social supervision and pro-social modelling (Raynor, 2019; Rex and Hosking, 2016).
- Enabling the individual to re-frame goals and to change the cost-benefit see-saw of risk choices (Bottoms and Shapland, 2016; Graham, 2016).
- Interventions to enhance strengths and to build and sustain protective factors (Hazel et al., 2017; King, 2014), including attention to practical issues and mitigating the 'pains of desistance' (Nugent and Schinkel, 2016).
- Support to build and access social capital and the recovery capital required to lead a non-offending life (Best et al., 2018; McCartan and Kemshall, 2020; Weaver, 2015; Weaver and Barry, 2014; Weaver and Weaver, 2016).
- Enabling the individual to build and enhance resilience and coping strategies in order to combat fatalism and failure (Fougere and Daffern, 2011; Martin and Stermac, 2010; Nugent and Schinkel, 2016), and to strengthen self-risk management (Kemshall, 2019).

These will be briefly discussed and their relevance to risk management highlighted.



2.1 Using supportive authority

Skills, particularly those linked to pro-social supervision and pro-social modelling have been seen as critical to effective interactions with probationers (see the earlier [Academic Insights paper 2019/05](#) by Peter Raynor). However, attention to engagement and forming effective personal relationships with service users has arguably obscured an equally important focus on those skills which aim to change attitudes and behaviours, and which provide for 'effective reinforcement and disapproval, skill building, cognitive restructuring, problem solving, effective use of authority, and advocacy-brokerage' (Bonta and Andrews, 2017, p. 177). Effective risk management benefits from the use of 'supportive authority' (Bush et al., 2016) in which supervisors are prepared to exercise appropriate authority to set expectations and encourage positive choices, censure risky behaviours and negative conduct, and signal disapproval or apply legitimate sanctions (Martin and Robie, 2006; Maruna, 2012).

2.2 Reframing choices

Understanding the individual's framing of risk choices is also critical to effective risk management. Whilst we may view such behaviours as risky, the individual may see them as rewarding or as intrinsically part of their habituated behaviours and self-identity. Central to effective risk management is the sound reframing of the cost-benefits of risky behaviour and the commitment of the service users to this reframing, with constant reinforcement from the supervisor (Hazel et al., 2017).

Again, supportive authority can be useful in reflecting back the consequences of choices for the service user and others, and enabling the exploration of positive alternatives. Desistance research has been helpful in understanding this process of reframing (King, 2014; Weaver and Barry, 2014; Wolfgabreal, Day and Ward, 2014). In particular by providing insights into reluctance to change (Farrow, Kelly and Wilkinson, 2007), and in foregrounding the notion of 'hooks for change' (Giordano et al., 2002). These 'hooks' require active exploration and creation by supervisors, with the offering of opportunities to service users, while also being accompanied by work to enable service users to gain the necessary skills and competences to take such opportunities (McCartan and Kemshall, 2020). These skills include practical problem-solving skills; emotional regulation and self-management; and interpersonal skills – all supported by research as effective mechanisms for promoting desistance (see Healey, 2014; King, 2014; McCartan and Kemshall, 2020).

2.3 Building strengths and mitigating the 'pains of desistance'

The 'pains of desistance' can be considerable (Nugent and Schinkel, 2016), and practitioners have a key role in assisting service users to navigate and overcome them. These 'pains' are primarily social isolation (or the fear of it), failure to achieve or sustain key pro-social goals (or fear of failure), lack of acceptance of a new pro-social identity by others, and lack of community acceptance over the longer-term (Best et al., 2018). These barriers are considerable, and can prevent service users shedding the offender label and stigma, and can prevent genuine and meaningful reintegration into communities (Best et al., 2018). This can result in individuals living lives largely disconnected from mainstream communities, and in situations of strain and fearfulness in which positive acceptance and reinforcement of the new non-offending identity is lacking (Best and Savic, 2015). Maintaining non-offending and self-risk management in these circumstances is challenging. As Nugent and Schinkel put it:

'desistance for some is not just a 'process' but rather more like an endurance test with little to no reward for their efforts' (2016, p. 580). In such circumstances, practitioners should not underestimate the importance of personal support, praise, and simply walking alongside the service user during this difficult journey.

2.4 Appropriately using social capital and recovery capital

Many offenders and ex-offenders experience negative social capital in the form of stigma and rejection (Best and Savic, 2015; McCartan and Gotch, 2020). Many will have used, and may continue to use, criminally-based social capital. Enabling access to, and sustaining use of, positive social capital has thus been seen as intrinsic to the desistance process (Farrall 2004).

However, in practice this requires a nuanced understanding and use of social capital by practitioners. In brief, social capital comprises both bonding and bridging capital. In essence, bonding capital secures and reinforces belonging, and bridging capital enables access to new groups, networks and opportunities (Claridge, 2018; Putnam, 2000). Offenders transitioning to non-offending may feel the pull of bonded negative social capital, back to existing criminal groups. In addition, scoping and accessing the type of bridging social capital likely to result in positive change, access to new opportunities, and access to new positive groups which provide true acceptance can be very hard for offenders to achieve.

Practitioners have a significant role in scoping and accessing bridging social capital through support networks, educational and employment opportunities, volunteering and mentoring, and supportive community groups (see the earlier [Academic Insights paper 2021/06](#) by Katherine Albertson). Creating the 'bridge' of the right type at the right time is crucial. However, a critical question when bridging is the test of "how can this be done safely?"; and what additional measures may be required to make the bridge safer and more acceptable for both the individual service user and the community. This must include attention to how the use of bridging capital will be used, mechanisms to monitor how effective it is in reducing reoffending, and a clear strategy for managing its safe use over time.

Recovery capital, that is the total sum of the resources available that an individual can draw on, is also important to desistance (McCartan and Kemshall, 2020). Notably, it includes personal skills, pro-social values, beliefs and attitudes that can sustain non-offending and 'enhance social conformity and rule compliance' (McCartan and Kemshall, 2020, p. 91). Promoting and improving recovery capital is essential to enabling long-term self-risk management.

2.5 Enhancing resilience and combating fatalism

Hope and agency have been seen as key elements of the desistance process (Fougere and Daffern, 2011; Martin and Stermac, 2010). Wolfgangreal, Day and Ward (2014) argue for case supervision that promotes self-efficacy, agency, optimism and hope. Agency and self-efficacy are required elements for successful desistance and self-risk management (Johnston, Brezina and Crank, 2019). Johnston et al.'s study found that service users able to desist used a 'language of agency' and saw themselves as capable of influencing their actions and environment. Conversely, persistent offenders saw themselves as victims of circumstance, unable to influence actions or events, and portrayed themselves in helpless terms and as even 'doomed to deviance' (2019, p. 60).

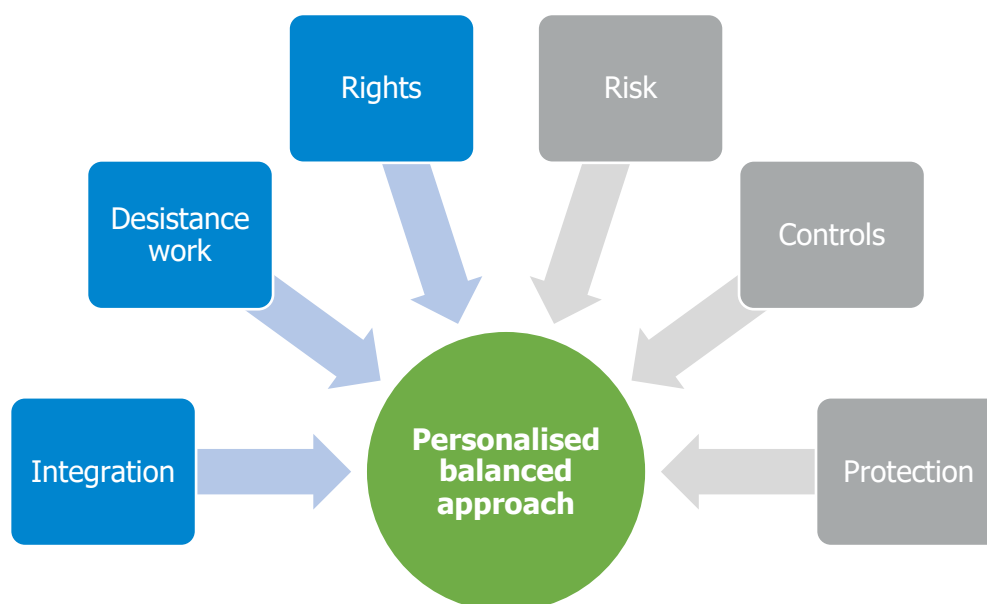
Fatalism has also been associated with risk, and failure to self-regulate risk (Denney, 2005; Kemshall, 2008). A practitioner focus on agency and efficacy is thus helpful to risk management. Enhancing coping and resilience to failure is also important (Fougere and Daffern, 2011), and given the challenges of the self-risk management and desistance journey, practitioners should give this considerable attention. Practical skill building and the enhancement of recovery capital can assist individuals to successfully manage situations of adversity without reoffending and recovery capital can promote resilience (Fougere, Daffern, and Thomas, 2012; Gomm, 2015; Hodgkinson et al., 2020).

3. Conclusion: Reconciling risk and desistance within a safety culture

Desistance and risk management can be understood as two sides of the same coin, and can work in tandem to achieve both non-offending and public safety. However, the overarching aim is public safety, and this provides a context for all work with service users (Kemshall, 2017b). This does not mean an automatic default to over-precaution and an uncritical pursuit of safety, but it does mean that critical questions have to be applied to practice decisions. For example:

- Asking whether something can be done safely (e.g. the service user joining a group, becoming a volunteer), and assessing and evidencing the answer to this question.
- Asking what could be put into place to make it safer and thereby potentially acceptable.
- If concluding that it is not safe, clearly articulating and recording the grounds and evidence base for this conclusion. And considering what alternatives might be better.
- Actions must be proportionate with a level that is commensurate with public safety; you can be precautionary up to a point, but this must be evidenced, reasonable, and justified.
- Remembering that all decisions potentially come under public scrutiny, including legal challenge. So be prepared, be explicit, and record well.

All risk work is ultimately a balance between risk and rights, protection and integration, desistance supportive work and control, with the appropriate balance tailored to the individual service user. The art of professional practice is the skill to weigh up such balancing acts in a transparent, defensible and evidential way.



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