

## **Title**

Understanding Compliance Dynamics in Community Justice Settings: The Relevance of Bourdieu's Habitus, Field and Capital

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## **ABSTRACT**

This article seeks to expand the existing literature on compliance in community justice settings by highlighting the importance of service user participation in efforts to achieve compliance. The article's central argument is that although co-productive strategies can enhance service user participation, the degree to which co-production is achievable in penal supervision is perhaps uncertain, and has received insufficient theoretical or empirical attention. To address the gap in knowledge, the article draws on the data generated from a study of compliance in Wales, United Kingdom and employs the Bourdieusian concepts of habitus, field and capital to argue that the convergence of two key factors undermine the viability of co-productive strategies in penal settings. One factor is the service users' habitus of powerlessness which may breed passivity rather than active participation. The second also relates to the power dynamics in penal supervision contexts. Within these contexts, practitioners are statutorily empowered to implement and enforce the requirements of community orders. In the current target-focused policy climate in England and Wales, practitioners may prioritise measurable compliance over forms of compliance that stem from service user participation and engagement but are not readily amenable to quantification.

## **Introduction**

In England and Wales, compliance is a key prong of the government's agenda for community-based supervision. In 2010, the National Offender Management Service introduced the

Offender Engagement Programme (OEP). The OEP was a three-year programme that explored how best to promote one to one supervision practices that could enhance service user participation and engagement<sup>1</sup> and in doing so, reduce reoffending (Copsey 2010). Nevertheless, studies in England and Wales consistently reveal high rates of attrition from interventions delivered in the community (see for example, Hatcher, McGuire, Bilby, Palmer & Hollin, 2012). There is also evidence that attrition is linked to higher rates of reconviction (McMurrin & Theodosi, 2007; Hatcher, 2009).

In addition, official statistics in England and Wales have shown that in community justice settings<sup>2</sup>, high rates of enforcement action (for non-compliance) contribute quite significantly to the sustained rise in the prison population (Gyateng, McSweeney & Hough, 2010). Furthermore official statistics also suggest that there is a link between enforcement action and reoffending (Wood et al., 2015). These findings indicate that it is important to explore compliance dynamics in community justice settings. As such, this article seeks to expand the literature on service user compliance by exploring a much-neglected issue which is the degree to which co-productive practice that could encourage service user participation and engagement is achievable in community justice settings. Co-productive practice relies on the participation of co-producers such as practitioners and service users in co-designing and/or co-delivering services (Weaver, 2014). This article's key contention is that the feasibility of co-production in penal supervision contexts (within community justice settings) deserves theoretical and empirical scrutiny. Although the article draws on a study of compliance in community justice settings in Wales, United Kingdom, the article's objective is to provide a primarily theoretical account of the socio-structural and contextual factors that impair participatory practice such as co-production during penal supervision.

The article employs concepts derived from Bourdieu's theory of social practice to analyse these factors (Bourdieu, 1990; Bourdieu and Wacquant, 1992). Three Bourdieusian concepts are utilised, namely habitus, capital, and field. These concepts can be used to demonstrate how the power dynamics of social arenas or fields (for sample, penal supervision contexts) interact with the deeply engrained dispositions (habitus) of social actors to shape their perceptions and actions.

In its application of the Bourdieusian concepts, the article seeks to demonstrate that two interrelated dimensions of the power differential in supervisory relationships within penal supervision settings can help us understand the limits of co-production. One of the dimensions is the service users' subordinate position in the penal supervision field where practitioners occupy the position of power and authority. This creates a power differential that could foment or reinforce a habitus of limited capability and powerlessness among the service users. The article argues that this habitus can breed service user passivity rather than the active participation that underpins co-production.

The article also contends that another key dimension of the power differential in supervisory relationships (within the penal supervision field) that could impair co-production is the ability of practitioners to prioritise non-participatory target-focused practices that produce measurable compliance (Robinson, 2013; McCulloch, 2013). Within the current target-focused policy climate in England and Wales, services under pressure to attain set targets might prioritise such practices. It follows that dynamics activated by the power differential in penal supervision contexts may cumulatively impair the degree of co-production attainable in penal supervision contexts.

### **Conceptualising Compliance**

Compliance is a nebulous and multi-dimensional concept but Robinson and McNeill (2008) offer a useful theoretical framework for understanding compliance in community justice settings. In their theoretical analysis of the nature of compliance in these settings, Robinson and McNeill (2008) highlight distinctions between two forms of compliance namely, substantive compliance and formal compliance. In community justice settings, attending statutory appointments without concomitant commitment to the overall aims of the order exemplifies formal compliance (Robinson & McNeill, 2008). Unlike formal compliance, substantive compliance is more sustainable; it is characterized by service user engagement, and a commitment to long-term change goals (Robinson & McNeill, 2008). It can as such, outlast the order.

### **The Relevance of Service User Participation**

Studies of supervision in community justice settings suggest that service user participation in the planning and delivery of a community order is vital for substantive compliance (Hughes, 2012; Rex, 1999; Weaver & Barry, 2014). Rex's (1999) study of the impact of probation supervision on desistance interviewed 21 officers and 60 service users in England. The service users who reported that they had actively participated in implementing the order were more likely to report that they found supervision useful. Hughes' (2012) study of service user engagement during sentence planning in a probation setting in England found that the opportunity to participate in the intervention by for example, contributing to sentence planning, also contributes to engagement. Weaver and Barry (2014) explored the views of service users undertaking community-based orders. They identified the consequences of limited participation in decision making as: confusion; undermined legitimacy; and disengagement.

Studies of interactions between practitioners and service users in other criminal justice contexts have also identified service user participation in decision making as vital for compliance. For example, in a large-scale longitudinal study of compliance in court settings and during interactions with the police in Chicago, Tyler (1990, 2006) identified procedural justice (perceived fairness of decision making processes during encounters with legal authorities) as an important antecedent of perceived legitimacy and voluntary compliance. Tyler (1990, 2006) dimensionalises procedural justice to include *inter alia*: enabling the service user to participate in decision-making, or giving the service user a voice. Other studies across the United Kingdom have revealed that procedural justice can encourage compliance in probation settings (Rex, 1999; Ugwudike, 2010) during encounters with the police (Hough & Maffei, 2013) and in court settings (McIvor, 2009).

#### *Insights from Key Models of Supervision*

Key models of supervision emphasise the important role of service user agency and participation in community justice settings, in achieving change. Some sections of the desistance literature for example, stress that service user agency is a vital element of the change process (Bottoms, 2013; Farrall et al., 2014; Maruna, 2001). Agency in this context refers to the personal

decision to activate and commit to the change process. As Maruna (2015, p. 322) observes: ‘in leading theories of desistance "personal agency looms large" (Laub & Sampson, 2003, p. 180) and desisters are framed as "active participants in constructing their lives’ (181). McNeill (2012, p. 10) remarks that service users: ‘also have strengths and resources that they can use to overcome obstacles to desistance... supervision needs to support and develop these capacities’.

Advocates of the Good Lives Model similarly argue that change processes should involve the active participation and contribution of the service user. According to Ward and Fortune (2013, p. 31): ‘...the Good Lives Model is a strengths-oriented rehabilitation theory responsive to offenders’ particular interests, abilities, and aspirations’. Therefore, Ward and Fortune (2013) argue that intervention plans should be designed and implemented collaboratively, with the service user playing a meaningful role. Similarly, proponents of the Risk-Need-Responsivity (RNR) model<sup>3</sup> draw attention to practice skills that can encourage service user participation and engagement; an example is problem solving that involves the collaborative identification and resolution of problems (Andrews & Kiessling, 1980; Dowden & Andrews, 2008).

### **Co-production as a Mechanism of Service User Participation and Engagement**

The co-production of outcomes has been identified as a relational approach that can enable service-user participation by mobilizing their strengths and capabilities as agents of change (McCulloch, 2013; Weaver, 2014).

Co-production involves:

The provision of services through regular, long-term relationships between professionalised service providers (in any sector) and service users or other members of the community, where all parties make substantial resource contributions (Bovaird, 2007: 847).

Co-production therefore facilitates service user participation. Added to the studies of compliance cited earlier, evidence from sectors within and beyond the criminal justice system, and from key

models of supervision, reveal that service users are more motivated to engage with services if they have participated in setting the goals of those services (Greene & Hibbard, 2013; McMurrin & Ward, 2011; Maruna & LeBel, 2010; Smith et al., 2012). However, the extent to which co-production is achievable in penal supervision contexts has received insufficient attention. Consequently, in these contexts there is limited insight into the factors that impact upon the co-production of outcomes such as substantive compliance. This article argues that Bourdieu's concepts of habitus, field, and capital can help us understand these factors. Most applications of Bourdieusian field theory in community justice contexts have focused on practitioners' views and experiences (Robinson et al., 2014; Grant, 2015; Phillips, 2015). Deviating from this trend, this article draws on a study of compliance that explored *inter alia* service users' perceptions and experiences. The article analyses these using the Bourdieusian concepts cited above. There is also an exploration of relevant policy dynamics, and the strategies that can promote the co-production of sustainable compliance.

### **The Study**

Although this article seeks to provide a primarily theoretical account of factors that impair the co-production of sustainable compliance (for example, substantive compliance) in community justice settings, it also draws on insights from a study of compliance with community-based sanctions in Wales, United Kingdom. The study utilized Straussian Grounded Theory Methodology (SGTM) (Strauss & Corbin, 1998). SGTM is theoretically rooted in the interactionist tradition, and it describes the interpretations or meanings with which social actors make sense of their interactions and encounters in the social world, as the basis of social action (Strauss & Corbin, 1998). This is an ontological position that leads interactionists to assert that social reality, including human social behaviour, is socially constructed. It is constructed through the interpretations social actors apply to their interactions and encounters.

Given this ontological stance, insights that emerge from a study that employs SGTM should be grounded in the definitions or interpretations with which research participants make sense of

their experiences, and interactions with others in the social world. Interactionists maintain that these definitions or interpretations inform self-concept and behaviour. Thus, they constitute valid sources of knowledge. This epistemological stance on what constitutes appropriate knowledge of social reality necessitates the use of social research methods that can help us understand the interpretive processes that shape self-concept and social action. Qualitative methods such as semi-structured interviews are useful for generating data on the in-depth views of research participants regarding how they, as social actors, interpret their world and how their interpretations inform their perceptions and actions.

This article draws on the data from semi-structured interviews with 25 service users (15 male and 10 female service users) who were undertaking community-based orders under the supervision of the probation service in a location in Wales. The interviews were one-to-one interviews and they were conducted in probation offices. The study focused on exploring compliance with the main community orders that require service users to fulfill specified requirements under the supervision of a probation practitioner. Therefore, the study did not include those serving the Suspended Sentence Order (SSO) because some SSOs do not incorporate reporting or other supervision requirements.

Probation officers within the probation area recruited the service users they were supervising to participate in the research. The initial sample was a convenience sample, and theoretical sampling<sup>4</sup> which is central to SGTM, informed subsequent sampling (Strauss and Corbin, 1998). Table 1 below outlines the stages at which the interviews were conducted.

(Insert Table 1 about here)

Most of the 25 service users were serving their orders for offences of violence linked to substance misuse. The overrepresentation of service users in this category of offending is consistent with the general characteristics of service users supervised in the probation area sampled.

(Insert Table 2 about here)

Furthermore, the interviews revealed that more than half of the 25 service users sampled, were unemployed, reliant on social security benefits, and experiencing a range of additional socioeconomic problems including accommodation problems. Two became homeless as the study progressed. The service users' circumstances are similar to the adverse socioeconomic circumstances of many service users who are undertaking penal orders in England and Wales (Wood et al., 2015).

Of the 25 service users sampled, the case records held in respect of 15 service users were analysed. The 15 service users were selected because they had served their orders for at least six months and it was envisaged that information about their compliance patterns would be available. An analysis of the 15 case records revealed demographics that were consistent with the information provided by the other service users - in terms of their offence type and socioeconomic circumstances. Most of the 15, were serving their orders for offences of violence linked to substance misuse. Most were experiencing adverse socioeconomic problems including accommodation problems. Further analysis of the 15 case records revealed the risk classifications set out in Table 3.

(Insert Table 3 about here)

As Table 3 indicates, 12 of the 15 service users whose records were assessed were classed as posing a 'low risk of reoffending' or a 'medium risk of reoffending'. The 15 service users' offending profile is set out in Table 4.

(Insert Table 4 about here)

The study utilised a semi-structured interview schedule that comprised interview questions about compliance mechanisms. The questions were derived from the extant literature on compliance, including the commonly cited theoretical frameworks on compliance (Bottoms, 2001; Robinson & McNeill, 2008). Once theoretical sampling commenced, the interview schedules were reconstructed to include questions that would inform the development of the concepts and categories that were emerging from the data.



Data analysis consisted of coding the initial data into concepts. Groups of concepts pointing to the same phenomena were synthesized into categories<sup>7</sup>. The latter explain what a group of concepts denote. A category that emerged from the interviews with service users is: Service Users' Descriptions of Compliance Dynamics or Probationer Defined Mechanisms of Compliance. The dimensions (underpinning concepts) of this category were 'the practitioner's relative capabilities', and 'the practitioner's therapeutic role' and welfarist role' both of which operated as instrumental mechanisms of compliance. According to Bottoms (2001; 2013), instrumental mechanisms of compliance are incentives or benefits that motivate compliance, or disincentives associated with non-compliance. 'Prioritizing measurable compliance' was also another underpinning concept. The category, Service Users' Descriptions of Compliance Dynamics, and its dimensions or underpinning concepts, depicted the service users' descriptions of compliance mechanisms. They illuminated the dynamics of service user participation in the effort to achieve compliance.

Probation officers within the probation area in Wales recruited the service users. Therefore, similar to other studies that employ this sampling method, there is a risk of selection effects; the selected service users might have been more committed than others, or might have possessed other attributes that made them different from other service users. The possibility of selectivity, the use of a small convenience sample and the reliance on theoretical sampling techniques are some of the key factors that pose implications for the generalizability of the study. Another factor is the small sample size. However, the study was a qualitative study that aimed for theoretical, not empirical generalizability. The main objective was to develop insights that may be theoretically generalisable to other sites of human interaction where the objective of interaction is to produce compliance.

### **Setting the Scene: A Description of Bourdieusian Habitus, Capital, and Field**

This article employs concepts from Bourdieu's (1990; 1994) field theory to analyse the interview data generated from the service users. Here, a description of these concepts is provided. According to Bourdieu (1990, p. 53; 1994) habitus constitutes: 'systems of durable, transposable dispositions, structured structures predisposed to function as structuring structures'. The notion of

‘structured structures’ implies that habitus represents longstanding and deep-rooted dispositions that are ‘structured’ or produced by the social world. These dispositions are transposable from one social context to another. They influence a social actor’s beliefs, perceptions, interpretations and so forth. The dispositions are transmitted and consolidated through the internalization of social norms (including the normative power structures) that prevail in diverse social contexts. The term ‘structuring structures’ depicts habitus as generative; its underlying dispositions also serve as the tools with which social actors structure or shape the social world through their actions and practices (Bourdieu, 1990, p. 53; 1994).

In Bourdieu’s conceptual framework, fields or social fields represent different networks or connections of social practice in which social actors occupy specific positions. Penal supervision in community justice settings can be described as a field of social practice. According to Bourdieu, social fields: ‘externally constrain perception and action’ (Wacquant, 2013, p. 275). Therefore the features of a social field (for example, the power differential that characterizes the penal supervision field) can impact on the dispositions or habitus of social actors, with implications for their actions within that field.

Bourdieu's concept of capital illustrates how differences in social, cultural, and economic status determine an individual’s position in any social field and frame their habitus (Bourdieu & Wacquant, 1992). Those who occupy positions of power in a social field possess greater economic (wealth), cultural (‘educational qualifications’, knowledge, taste, etc.), social (social ties or ‘connections’) capital (Bourdieu, 1986, p. 47) (footnote). They also possess high levels of symbolic (status) capital, which bestows on them the prestige accorded to the three forms of capital<sup>5</sup> in that social field. Social actors internalise and unconsciously legitimise the hierarchical structures created by these forms of capital. They automatically assume positions and allocate positions to others based on the hierarchical structures (Bourdieu, 1990). Thus, social actors who lack sufficient capital occupy relatively subordinate positions in the field. They internalise and view the norms that govern power relations within that field as common sense or what Bourdieu refers to as *doxa*

(Bourdieu, 1989). The latter, according to Bourdieu is constructed by social actors with sufficient symbolic capital to impose their will on others and can be described as symbolic violence (see also Fleetwood, 2016). Given their capital deficit and concurrent subordinate position, the norms entrench in the social actors on the lower rungs of the hierarchical ladder, dispositions of powerlessness that coalesce to form their habitus. Similar to habitus, capital is also transposable across diverse social fields.

In most contexts of public sector service delivery involving service users who are mandated to undertake interventions (for example in criminal justice contexts and some social work settings), the practitioners typically occupy more powerful positions given their statutory status, level of education, and other attributes (Calder, 1995). By contrast, service users are statutorily subject to the authority of the practitioners. Most service users also possess relatively low levels of capital compared with the practitioners. Shapland and colleagues (2014, p. 41) note that: ‘service users undertaking penal orders tend, on average, to have low human<sup>5</sup> and social capital...’. Official statistics reveal that many service users undertaking community and custodial orders also lack cultural and economic capital; for example, they are affected by low educational attainment, poverty, unemployment, and other adverse socio-structural circumstances (Wood et al., 2015).

Therefore, many service users lack symbolic capital, and this is exacerbated by the social stigma associated with the label of ‘offender’ that is attached to them. Consequently, they are likely to internalise structures of power and dominance that foment their habitus which as noted earlier is likely to be one of powerlessness. As transposable attributes, this entrenched habitus and the accompanying capital deficit could structure their experiences, perceptions and actions in several social fields, particularly in the fields where they occupy subordinate positions.

Notwithstanding the power imbalance within the penal supervision field, there is evidence that many probation practitioners embody a humanistic, professional habitus of welfarism rather than a habitus of punitiveness and control (Annison, Eadie & Knight, 2008; Grant, 2015; Robinson et al., 2014). Studies suggest that many practitioners would prefer to engage in participatory

practices that produce outcomes such as substantive compliance and longer-term change, in the contexts of good working relationships (see also Phillips, 2011; Robinson et al., 2014; Ugwudike, 2010). That said, this article argues that the dimensions of the aforementioned power inequality that characterises the field of penal supervision, cumulatively undermine the potential for participatory co-productive practices.

### **Service Users' Descriptions of Compliance Dynamics**

What follows below is an elaboration of the key themes that emerged from the semi-structured interviews with service users who participated in the study of compliance. The themes reflect the participants' descriptions of their role in achieving compliance, and the type of compliance that was typically achieved. Insights from Bourdieu's field theory serve as useful heuristic devices for interpreting the service users' accounts.

#### *Prioritising the Practitioner's Relative Capabilities*

An analysis of how the service users perceived their position in the penal supervision field in relation to the practitioners, revealed that most perceived the practitioners to be the more sensible agents (compared with the service users) with greater capability to accomplish supervision goals. Below, a female service user who was interviewed midway through her order, describes her supervising officer's capability:

He's [my probation officer's] the sensible one, he's the one with this job who's talking to me, this is his job and he knows all that don't he? He knows what to do and stuff. P18F

**Here, the service user alludes to the practitioner's superior capability; she depicts the practitioner as more sensible and knowledgeable with a professional status that equips him with the capability required for achieving supervision goals. From a Bourdieusian perspective, it could be argued that this service user has subconsciously internalised the intersection of capital and the hierarchical structure that governs the penal supervision field. As such, he believes that the officer's professional status acquired through educational qualifications which imbues him with relatively greater cultural and symbolic capital,**

**automatically locates him in a position of comparatively greater capability. This is evident in the service user's reference to the practitioner as the 'sensible one' with a professional status (or 'job') that equips him with relevant knowledge and renders him the more knowledgeable and capable agent. Most of the service users espoused this view.**

**We can recall Bourdieu's (2000) assertion that internalising the relationship between the forms of capital and one's hierarchical position in the field structures the habitus. The latter embodies the subjective representations of social actors, including their estimation of their capability. Therefore, it could be argued that the service users' habitus appeared to be one of inferior capability. To illustrate this further, in the extract above, P18F's description of the practitioner's superior capability reveals that her (PF18's) habitus embodies a comparatively low estimation of her personal capabilities. Thus, by depicting the practitioner as the more sensible change agent P18F reveals a degree of self-stigmatisation. Similarly, by referring to the practitioner as the more capable agent, the service user exhibits low self-efficacy. Most of the service users revealed a similar orientation towards self-stigmatisation and low self-efficacy. Below another service user who was also interviewed midway through his order remarks that:**

They [probation officers] know best really don't they? I've gotta do what they tell me to do, do you know what I mean? So maybe some things I'll be thinking what's the point what's the point of me doing this? But at the end of the day you know, I've committed the crime, so it's understandable like. P19M

**Viewed through the lens of Bourdieusian analyses, this service user's remarks also indicate that he has internalised the hierarchical structure of the penal supervision field and this has shaped his habitus of relative powerlessness. It is a habitus that orientates him towards submissiveness; he implies that given his stigmatised status as an 'offender' who has 'committed [a] crime,' his submissiveness or deference to the practitioner's directives, even when he sometimes questions the directives, is 'understandable'. He also believes that the**

**practitioners ‘know best’, implying that they are better equipped to implement the order whilst he, the service user, lacks similar capability.**

Below, yet another service user explains why the practitioner possesses relatively superior capability:

They are the probation officers and that’s their job. And they know better you know?

Because they have been trained as a probation officer. P5F

This service user who was interviewed midway through her order, **also alludes to the practitioner’s relatively superior position and capability in the penal supervision field.** The foregoing extracts from the interviews with service users reflect Bourdieu's (1990) contention that the features of a social field (in this instance, the status differential between the practitioners and service users) are objective structures that impact upon the subjectivities (perceptions and interpretations) embodied in habitus of the social actors within that field. Reflecting this, the extracts indicate that within the normative hierarchical structure that governs the penal supervision field, the practitioners are allocated a higher status position and ascribed greater capability by service users, not least because of the practitioners' professional status. Most of the service users internalized this hierarchical structure with implications for their habitus. The latter orientated them towards attributing superior capability to the practitioners, and their remarks that the practitioners ‘know best’ or ‘know better’ demonstrates this.

Bourdieu's analysis of the habitus also suggests that the service users' habitus of inferior capability would have already been deeply entrenched given that their capital deficit is likely to constrain them to a concurrent position of powerlessness in many other social fields, particularly in formalised or institutional settings. Recall that Bourdieu describes habitus as deep-rooted dispositions that are transmitted and consolidated through the social actor's experiences in various social fields (Bourdieu & Wacquant, 1992). Thus, the habitus is structured by past experiences and is transposable across diverse social fields. Therefore, in

**the penal supervision field, the service users' relatively low status position compared with the practitioners, is likely to exacerbate their pre-existing habitus of powerlessness. Following on from this, it is clear that Bourdieusian analysis of the nexus between field, capital and habitus also draws attention to the reproduction of power structures in social fields. His analysis illuminates the way in which the normative power structures of the penal supervision field are internalised by the service users who then reproduce these structures through their habitus. The latter embodies dispositions that orientate them towards the perception or belief that the practitioners possess superior capability.**

**Where service users believe that the practitioners are the more capable change agents, they are unlikely to possess the levels of self-efficacy required for participating actively and engaging with supervision objectives and achieving substantive compliance. It is however not possible to conclude from the service users' accounts that the practitioners were authoritarian or domineering. Rather, what their accounts denote is how the service users interpreted the practitioners' capabilities. Viewed from a Bourdieusian perspective, the features of the penal supervision field (the service users' relatively low status position) structured their subjective habitus which embodies their perceptions or interpretations.**

Below, we explore the service users' descriptions of how they complied with their orders to assess whether as Bourdieu (2000) would propose, their habitus operated as a 'structuring structure' that fuelled their actions. We also examine the implications of the service users' actions for the extent of co-production attainable in the penal supervision field.

#### *Compliance Strategies: The Practitioner's Therapeutic and Welfarist Roles*

**As noted earlier, studies and models of supervision reveal that service user participation is vital for substantive compliance. By contrast, formal compliance is short-term compliance with the minimum requirements of an order, and attending supervision appointments is its clearest manifestation (Robinson & McNeill, 2008). The study found that for most of the service users, compliance consisted mainly of fulfilling the minimum requirements of**

the order (attendance) and was motivated by instrumental considerations to do with the practitioner's actions in helping to address needs. Thus, most service users engaged in formal compliance (attendance) and instrumental compliance (attendance to access help). Below, a female service user explains how and why she complies with her order:

I enjoy *coming into* probation, it's like having somebody *sensible and straight* to *talk to*. Somebody that I know I can trust as well, I can tell them whatever I need to tell them and I know [my probation officer] will try and *help* me as well...

P17F

**For this service user who was interviewed towards the end of her order, compliance consisted of 'coming into probation' (attendance) and the primary motivating factor was the opportunity to 'talk to' the practitioner and possibly access some 'help'. A Bourdieusian interpretation of P17F's comments would indicate that her perception of the officer as sensible, trustworthy, and capable of providing 'help' to her, reflects P17F's habitus. The latter embodies her perception of her officer's status or position in the penal supervision field. It is a habitus that leads her to attribute superior qualities and capabilities to the practitioners. Her description of the officer as 'someone sensible and straight' further demonstrates this. It is therefore a habitus that would render the service user more likely to rely on the practitioners' actions, rather than her personal capabilities, to produce compliance. Indeed most service users implied that the practitioners' actions in listening to their problems and in doing so, providing therapeutic relief, motivated the compliance that was achieved (mainly attendance). In the extract below, a user exemplifies this by describing how and why he complies with his order:**

**I can come here and know that I walk away from here feeling a lot better. I know that when I talk about the things I need to talk about I can walk away from here and feel brilliant and feel whoa! That's better now! and I'm happy again, and that's important.**



**I'd rather be at the appointment because there are things I probably need to talk about, things I need to get out of my system. P1M**

Echoing this, in the extract below a service user similarly remarks that her compliance amounts to attending appointments (formal compliance) to access therapeutic and welfarist help (instrumental compliance), rather than active participation and engagement with supervision goals (substantive compliance):

If I've got a problem and I need to talk about it, I can always talk to [my probation officer] about it. I can't always talk to my mum about it, it's stuff I need to get off my chest and if I've got any problems then perhaps [my probation officer] can help me with that. That's what makes me come in. I look forward to coming in. [My probation officer] is there to help. I had a few problems with some debt and everything like that and she [my probation officer] did make some phone calls for me and she did get things sorted out. Like emm I was behind on my fines and she managed to get them taken off my benefits which was a hell of a weight off my shoulders, it really was.

And emm I was a bit behind on my rent, she sorted that out for me yeah. P6F

**This service user was interviewed midway through her order and her remarks indicate that for her, compliance was a matter of attending appointments to access therapeutic benefits or relieve mental stress by talking to her supervising officer in order to get 'stuff off [her] chest'. She also revealed that her compliance involved accessing welfarist help and she described how her supervising officer provided this help by addressing her socioeconomic problems. Thus, the service user implied that her position in the field was one of dependency; she relied on the practitioner's actions in providing therapeutic and welfarist help. Indeed, the practitioner's actions in providing this help motivated her to 'come in' (attend appointments).**

These reflections concerning the practitioner's ability to provide therapeutic and other 'help,' and the service user's position of dependency, encapsulate the views of most of the service users. They appeared to overlook their personal attributes, including their capabilities as agents of

change, to participate and actively engage with the effort to achieve compliance and other change goals. Instead, they appeared to place greater emphasis on external factors, namely the practitioners' capabilities and actions in producing compliance.

If we analyse these findings in the light of the Bourdieusian concepts of field, capital, habitus, it could be argued that in the penal supervision field studied, most of the service users possessed a habitus that fuelled their perception that the practitioners were more capable of providing the help needed to address their needs. In turn, their perception of the practitioners' ability to help them, motivated passive compliance in the form of attending appointments (formal compliance) to access that help (Robinson & McNeill, 2008). Thus the compliance achieved appeared to stem more from the service users' perceptions of the practitioners' capabilities and the practitioners' actions in providing help, than the service users' participation and engagement as capable agents.

**This is not to suggest that all service users with a habitus of powerlessness are always deterministically propelled by their habitus towards dependency. Bourdieu's (1990) conceptualisation of the habitus does recognise that for some service users, their habitus of powerlessness can generate other possible forms of action. This according to Bourdieu (1990, p. 53; 1994 p. 170) is because as a 'structuring structure', the habitus is generative. Social actors are conditioned by its underlying dispositions but they are also the dispositions with which social actors may exercise their agency and formulate their actions and practices in social fields (Bourdieu, 1990, p. 53; 1994). By defining habitus as a 'structuring structure', Bourdieu (1990, p. 53) is able to integrate human agency into his account of the structures that influence perception and action. In doing so, he seeks to avert the risk of deterministically attributing all human action to the militating impact of structural forces.**

**Nevertheless, some critics aver that he did not pay sufficient attention to human agency (see for example, McNay, 2001). They argue that instead, he placed greater emphasis on the constraining impact of social fields on the habitus. Bourdieu (1990) did certainly**

**emphasize that the concept of habitus as a ‘structured structure’ serves as a useful conceptual device for understanding how the objective structures of a social field such as a social actor’s position or status in that field, might reinforce deeply embedded dispositions and inform his or her perceptions:**

**The representations of agents vary with their position [in social space] ... and with their habitus as schemes of perception and appreciation of practices, cognitive and evaluative structures which are acquired through lasting experience of a social position (Bourdieu 1989, p. 19).**

**However, as noted earlier, by describing the habitus as a 'structuring structure', Bourdieu (1990: 53; 1994) did also acknowledge that the habitus does not pre-determine action; it might trigger action but it does not necessarily determine or control action (Bourdieu, 1990; Fleetwood, 2016).** Therefore, some service users with a habitus of powerlessness might play a passive role, not because their habitus disposes them towards reliance or dependency, but because they *choose* to adopt motivational postures of defiance that are also associated with formal compliance. These postures manifest across a behavioural spectrum that ranges from ‘capitulation’, ‘resistance’, to ‘disengagement’ and ‘game playing’ (see Robinson & McNeill, 2008, p. 437). In terms of the latter, Bourdieu does refer to the social field as a site where social actors struggle to access the resources (capital) that confers advantage in the game playing that occurs in the field, as the interacting actors strive to elevate their position (Bourdieu & Wacquant, 1992; Robinson et al., 2014). Further research is required to explore the extent to which game playing occurs in penal supervision settings, the form it takes, and its outcome. Meanwhile, regardless of the motivational posture that fuels passivity in some service users, their passivity or lack of participation and engagement would nevertheless, undermine the degree of co-production attainable.

**Power Inequality in a Performance-Focused Policy Climate: Implications for Service User Participation**

So far, we have seen that the service users' habitus can trigger passive reliance or dependency and as such, undermine their participation and engagement. What follows below is an exploration of how policy dynamics might interact with the powers vested in the practitioners to further erode opportunities for service user participation.

Encouraging service user participation and engagement represent key objectives of the penal framework that governs the supervision of community orders in England and Wales (National Offender Management Service, 2015). That said, practitioners operate within a performance-focused policy climate that places demands on them to pursue target-driven outcomes. Key examples of these outcomes are measurable proxies for compliance (for example, attendance and completion) which do not require service user participation and engagement (Phillips, 2015; McCulloch, 2013; Robinson, 2013; Robinson et al., 2014; Robinson and Ugwudike, 2012). Some have argued that in the current penal policy climate, compliance issues are now embedded in the managerialist imperatives of efficient and cost-effective offender management. Compliance targets now form part of a repertoire of targets that are in place to monitor how efficiently services manage 'risky' populations (Robinson & Ugwudike, 2011; Robinson, 2013).

Nevertheless, studies consistently show that despite the demands of the performance-focused climate, the 'professional habitus' of most practitioners in England and Wales remains firmly rooted in the longstanding rehabilitative, humanistic ideals traditionally associated with probation culture (Grant, 2015; Phillips, 2015; Robinson et al., 2014, p. 136; Worrall & Mawby, 2014). These studies reveal that several practitioners sometimes employ their discretion to pursue relational strategies that encourage service user participation and engagement, and to also resist punitive and target-driven policy provisions. Thus, their habitus becomes a 'structuring structure' with which they strive to alter the field of penal supervision so they can provide a welfarist rather than punitive service. There is limited research on the socio-structural norms and experiences that structure the practitioners' professional habitus. But, Grant (2015) speculates that a longstanding commitment to social justice principles might underscore their habitus.

Meanwhile, Bourdieu (1990) argues that a social actor's entrenched habitus can be resilient but not irreversible, and would generally tend to adapt to the peculiarities of a social field. Recent studies of supervision practice reinforce this. There is now evidence that the professional habitus of many practitioners has to a degree, adapted to the demands of the target-focused policy climate in the penal supervision field (Robinson, 2013; Robinson et al., 2014; Phillips, 2011; 2015). Studies suggest that some practitioners under pressure to attain set targets, now prioritise non-participatory practices that produce measurable forms of compliance (primarily attendance) (Robinson, 2013; McCulloch, 2013). Practitioners are statutorily empowered to implement and enforce the requirements of orders, and they therefore have the capability to pursue non-participatory practices that generate measurable compliance. Phillips's (2011: 2015) study of compliance in England, found that the demands on practitioners to attain completion targets meant that they focused mainly on employing breach avoidance techniques and prioritising attendance rather than service user participation and engagement (substantive compliance) with change-focused goals. One practitioner remarked that in some cases:

...all the officer is doing for the order is chasing them round and seeking to get them in and doing the basics and getting them through – actually effecting change in that circumstance is not possible (Phillips, 2015).

Therefore, the officers' primary objective was to “get people through” their orders’.

#### *Prioritising Measurable Compliance: Key Implications*

Pursuing measurable compliance (for example, attendance and completion) can instil in the service users, the perception that attendance is the most important form of compliance (Ugwudike, 2010). This would in turn, encourage formal compliance rather than substantive compliance, which relies on participation and engagement. Indeed, as already noted, most of the service users in the study reported here, offered a one-dimensional definition of compliance; they defined compliance as attending statutory appointments, which as mentioned earlier, has been described as the clearest manifestation of formal compliance (Robinson & McNeill, 2008). Below, a service user who was

interviewed towards the end of his order espouses the one-dimensional conceptualisation of compliance as he describes how he complies with the order:

I turn up. I stick to all my time and dates I know when and what time I am supposed to turn up. If I can't make it then I ring in advance and let (my probation officer) or whoever happens to be here know... P13M

In the extract below, P13M goes on to express his belief that he is eligible to have his order terminated early for good compliance because in his view, he has complied fully with his order, primarily by meeting reporting requirements:

I think they will half it for the simple reason is I haven't breached, I've always turned up, If I had been breached for not turning up then I can understand for them to keep the full 18 months but I think it would be rather unfair for them to keep the 18 months on me considering I've been here every time. P13M

Some of the service users might have recognised that compliance also comprises other dimensions beyond attending statutory appointments. But, most did not identify additional dimensions. Moreover, other studies of compliance in community justice settings have also found that compliance is often defined as meeting reporting (primarily attendance) requirements (see generally, Farrall, 2002b).

### **Discussion: Delabelling and Co-Production to Enhance Service User Participation**

What might be required is a recalibration of the field of penal supervision to facilitate participatory practices such as co-production. As we have seen, in that field, a key factor that can impair co-production is some of the service users' habitus which manifests as an inclination to view their supervising practitioners as the more sensible and capable agents of change. Thus, their habitus denotes a degree of self-stigmatization and low self-efficacy. There is indeed substantial evidence of self-stigmatisation among service users (see for example, Schneider & McKim, 2003). Furthermore, the desistance literature highlights the importance of self-efficacy but points out that many service users appear to lack requisite levels (McNeill, 2014). A recent systematic review of

service users' views about the causes of disengagement and attrition from RNR programmes, identified: 'a perceived lack of self-efficacy' as a key factor (Sturgess et al., 2015). A habitus that is characterised by self-stigmatisation and low self-efficacy is more likely to foster dependency rather than active participation and engagement.

Although Bourdieu (1990, p. 53) describes habitus as 'durable and transposable dispositions', as already noted, there is nothing to suggest that an individual's habitus is irreversible. Indeed Bourdieu alludes to the concept of secondary habitus (Bourdieu & Passeron, 1977). The latter is acquirable through learning processes that can reorientate an individual's habitus towards new or alternative dispositions (Bourdieu & Passeron, 1977). The 'delabeling' strategies some desistance scholars identify as useful for helping service users reverse defeatist self-perceptions to achieve desistance, could serve as useful reorientation mechanisms (Maruna & Lebel, 2010). Encouraging service users to replace self-condemnatory and defeatist narratives with self-affirming alternatives is an example of a 'delabeling' strategy that can help alter negative self-perceptions (McNeill, 2006). Indeed, a transformed identity or a 'subjective reconstruction of self' is described as vital for secondary (permanent) desistance (Sampson & Laub, 2005). The desistance literature, particularly the 'criminal careers' strand which explores trajectories of desistance across the developmental phases individuals are said to undergo, refers to the process through which prospective desisters divest themselves of their criminal history and identity as they attain turning points in their lives (for example, maturation) and transition from involvement in criminality towards developing a prosocial lifestyle and a corresponding identity (Sampson & Laub, 2005, p. 37).

According to Maruna and Lebel (2010, p. 76), the practitioner's recognition and explicit acknowledgement of positive behavioural and attitudinal changes, represent additional delabelling strategies. These strategies could help reverse the service users' stigmatised status as 'offenders' and empower them to view themselves as capable agents of change. As mentioned earlier, this stigmatised status undermines their symbolic capital which is already limited given that they

possess relatively low levels of the other forms of capital. Indeed, some have argued that it is important to work with service users to develop the different forms of capital, particularly their social capital and their human capital<sup>6</sup> (their strengths, competencies, capabilities and other similar attributes) so they feel able to recognise and act upon their role as capable agents of change (McNeill, 2012; Shapland et al., 2014).

Added to delabeling strategies, enabling service user participation through the co-production of supervision outcomes can empower them. By enabling service user participation, practitioners demonstrate that they respect and believe in the service users' capabilities. Maruna and Lebel (2010, p. 76) argue quite persuasively that: 'the high expectations of others can lead to greater self-belief (and subsequent performance) in individuals'. They note that the expectations of others can stimulate a Pygmalion effect as individuals adapt their self-identity and behaviour accordingly; performing highly if others expect them to do so, and vice versa. Therefore, facilitating service user participation can help elevate service users from their subordinate position in the field, and help positively reshape their habitus. This is a goal worth pursuing given that as we have seen, the service users' habitus of powerlessness can frame or inform their actions. This habitus is undesirable not least because as we have seen, it could embody the belief that the practitioners possess superior capabilities, and can provide therapeutic and welfarist help. Therefore, it could trigger a form of compliance that involves attending appointments to access this help rather than actively participating in implementing supervision goals. Other studies of supervision in England and Wales have similarly found that many service users cite the opportunity to access therapeutic support by talking to supervising officers 'to get things off their chest' (Mair & May, 1997; Mair & Mills, 2009) as the most important aspect of supervision. In addition, studies similarly reveal that the prospect of receiving welfarist support can motivate compliance (mainly attendance) (see for example Rowe & Soppitt, 2014).

It could be argued that some service users who rely on the welfarist and other forms of help provided by practitioners are self-motivated and keen to take advantage of the help available, to



make the changes in their lives that can progress them towards long-term positive change. But, reliance on external factors (for example, the practitioner's actions) is more likely to fuel passivity and dependency rather than active participation. Besides as Robinson and McNeill (2008) observe, compliance that stems primarily from external factors (for example, the practitioner's actions), is best described as formal compliance. This is a form of compliance that is potentially unsustainable. It is unlikely to persist when the order ends and the help provided by the practitioners is no longer available. Therefore, compliance that is motivated by external factors is limited by its:

... externality; someone or something else needs to keep on constraining, threatening or rewarding. By contrast, the efficiency and effectiveness of internalized controls rests in their (eventual) self-perpetuation (Robinson & McNeill 2008, p. 441).

This is not to say that formal compliance is of no value. It is quite possible that where service users are motivated to attend appointments to benefit from the officer's therapeutic and welfarist roles, they could eventually commit to the order's objectives (substantively comply). Robinson and McNeill (2008) acknowledge that compliance is not static behaviour; service users can fluctuate between formal and substantive compliance as supervision progresses. Nevertheless we would argue that participation and engagement during supervision are more likely to trigger substantive compliance that can evolve into longer-term change or desistance.

That said, it is worth noting that the desistance literature also reveals that many people who engage in offending behaviour do eventually achieve desistance after a certain age (Maruna, 2001; Farrington, 1986). Paradoxically, this suggests that irrespective of the practitioners' input during supervision or the degree to which service user participation is successfully accomplished, many service users would eventually achieve desistance. The precise mechanism/s through which this occurs has been the subject of debate. But, Farrall and colleagues' (2014, p. 290) longitudinal study of the impact of probation supervision on desistance did find that probation practitioners can contribute to longer-term desistance by sowing 'seeds' of desistance that can germinate or 'be fully realized' long after the order ends.

It is therefore possible that although the practitioners' actions in providing therapeutic and welfarist support during supervision may sometimes produce short-term formal compliance, their actions may also contribute to desistance in the long-term. Similarly, studies have also found that service user participation and engagement during supervision (substantive compliance) is associated with long-term outcomes such as reductions in rates of reconviction (see for example, McMurrin & Ward, 2010). However, the current study identified the service users' habitus of inferior capability or powerlessness, as a factor that undermined their participation, and impaired co-production. Several studies of supervision practice have similarly found evidence of limited service user participation, as is evidenced by, for example, the service users contributing very little (or nothing at all) to the sentence planning process (Hughes, 2012; Weaver & Barry, 2014), or lacking the self efficacy to engage with, and implement, supervision goals (Sturgess et al., 2015).

As noted earlier, another factor that impairs co-production is the prevailing target-focused policy climate that can trigger the pursuit of measurable forms of compliance at the expense of substantive compliance that relies on participation and engagement with longer-term change goals. Alongside the constraining impact of policy priorities, co-production is dependent on the extent to which practitioners are willing to devolve power to other co-producers (for example, the service user). It is an approach to practice that necessarily relies on the willingness of practitioners to permit more equitable distribution of power among other co-producers.

In sum, co-production relies on dialogue, negotiation, mutual trust, and reciprocal respect between the practitioners, service users and other stakeholders<sup>7</sup> (Weaver, 2014). Importantly, it facilitates service user participation, which is linked to engagement with supervision goals (substantive compliance). Therefore, it is a goal worth pursuing.

## **Conclusion**

This article has sought to illuminate the relevance of service user participation, particularly its link to compliance. It has drawn on insights from a study of compliance that explored the views of service users in a probation supervision context. A Bourdieusian analysis of the service users'

interpretations of their role and experiences revealed that the dynamics of the penal supervision field is an important factor that can impair the co-production of substantive compliance. There was a generalised perception among most of the service users that the practitioners, given their professional status, possessed superior capability. This perception appeared to foment service user passivity and reliance on the practitioners' actions rather than active participation in the effort to achieve compliance. Indeed, from the service users' accounts, the compliance achieved was primarily motivated by the therapeutic and welfarist support provided by the practitioners.

There is nothing to suggest (from the study reported here) that the practitioners supervising the participating service users purposely set out to dominate the supervision process or assume sole responsibility for compliance. It is clear that providing therapeutic services by being a good listener, and offering a welfarist service by being responsive to socioeconomic and other obstacles to compliance, represent important aspects of a humanitarian approach to working with service users. But as the article has shown, there is evidence that participatory practice such as co-production that enables substantial input from the service users is a key dimension of substantive compliance.

There are however policy related developments that may impair co-productive practice. One key development is the demand on services to provide measurable outcomes such as increased attendance rates. The current study found that the compliance achieved was primarily attendance-focused, and the finding might be reflective of the quest for quantifiable outcomes such as high attendance rates. Practitioners empowered as they are to preside over an order and its implementation, might prioritise attendance. Indeed, studies have revealed this to be the case in some probation services (see for example, Robinson, 2013). Unfortunately, in itself, attendance though important is insufficient not least because it does not necessarily denote service user participation and engagement.

This article might usefully inform future analyses of how best to ensure that service users feel empowered to exercise their agency and contribute meaningfully to processes that aim to

enhance their lives. Some have argued that perhaps greater attention should now be paid to exploring how service user participation in supervision contexts can empower the service users and equip them with the human and social capital that can enhance their social participation as full citizens (McNeill & colleagues, 2012, p. 41). A co-productive model of supervision that empowers service users to participate as active agents, in the design and implementation of supervision goals that can enhance their lives, can help achieve these outcomes.

### **Notes**

1. Engagement in this context can be defined as:

The active engagement and co-operation of the offender with the requirements of his or her order. It is achieved when (for example) the offender subject to community service works hard and diligently; or when the offender on probation shows a genuine desire to tackle his or her problems (Robinson & McNeill, 2008, p. 434)

2. The term 'community justice' refers to crime reduction activities that operate within the community. This article focuses on the supervision of community-based orders.
3. Please refer to Andrews and Bonta (2010) for detailed description of the theory and evidence underpinning the RNR model of supervision.
4. Theoretical sampling is an iterative process that involves generating initial data, sampling/recruiting additional participants on the basis of the concepts and categories that emerge from the data, and going back to the field to generate even more data on the basis of the additional concepts and categories. It is a sampling technique that enables the researcher to generate the data required for developing emerging concepts and categories until theoretical saturation is achieved, that is, until no new information can be found to further dimensionalise the concepts and categories.
5. The forms of capital operate interactively (Bourdieu 1986).

6. Human capital refers to the agential dimension that emphasizes the agency and capabilities of the individual. It is a concept that derives from Bourdieu's (1986) work on the concept of *capital*.
7. The key stakeholders comprise policy makers, practitioners, service users, their families, and wider social networks in the community

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