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Co-producing justice sanctions? Citizen perspectives

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Title

Co-producing justice sanctions? Citizen perspectives

Abstract

This paper is about the place of those sentenced in criminal justice sanctions. Specifically, it reports on the findings of a co-productive qualitative inquiry that sought to explore the place and possibility of service user coproduction within justice sanctions, drawing on the experience of people with convictions. The conclusion of the paper is that participation and co-production matters in justice sanctions. The detail and implications of this conclusion are discussed.

Key words: co-production, participation, service user, citizen, justice sanction, punishment

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Biography

Trish McCulloch is a senior lecturer in social work at the University of Dundee. Her research practice is united by an interest in criminal justice sanctions and by a particular interest in participatory, community-based and progressive approaches and practices.

¹ See: <http://www.positiveprison.org/>

Co-producing justice sanctions? Citizen perspectives

Introduction

Criminal justice services, across most liberal democracies, increasingly operate amidst the push and pull forces of party politics, global trends and crises, media sensationalism, shifting social attitudes to crime control and the now near permanent reform of public services. The impact of these alternating forces on the form, identity and function of criminal justice services and sanctions continues to be profound, multi-layered and complex.

In recent decades we have seen the rise and spread of punitive, managerial, marketised, risk-averse and exclusionary regimes for criminal justice services and sanctions (Young, 1999; Garland, 2002). In part, these developments have prompted the displacement and/or reorientation of more 'traditional' justice ideals - including a longstanding focus on the individual 'offender' and his or her constructive punishment, rehabilitation and reintegration - replacing these with purportedly more modern and expedient priorities in the form of punishment, correction, compliance and control (Feeley and Simon, 1992; Tata, 2010). Accompanying these new priorities is a raft of new technologies of punishment which, again, pose to significantly alter the place and contribution of those sentenced in justice processes. In new discourses of punishment (*vis a vis* offender management) the person sentenced is rarely constructed as a collaborative actor, albeit one always operating within a context of constraint and coercion, rather, he/ she has become the object upon which justice is done and his or her role in that transaction, typically, is to comply and conform (or face the consequences of failing to do so) (Raynor, 2014). The impact of these developing regimes and technologies on criminal justice policy,

practice and outcomes is of course complex and nuanced (see, for example, recent Scottish writing on the impact of global policy shifts on Scottish penal policy and practice, McCara, 2008; Tata 2010; Grant, 2015). Nonetheless, across many jurisdictions, burgeoning imprisonment rates, system churn, public fear and disillusionment and soaring system costs continue to call into question the merits and effects of evolving cultures of punishment and control. Further, there is evidence to suggest rising levels of disenfranchisement and disaffection amongst the people that justice sanctions remain tasked to engage and 'transform' (Farrall, 2002; McCulloch, 2010; Kirby, Jacobson and Hunter, 2014).

Running alongside this evolution, across the broader sphere of public service provision, is a connecting and arguably counter (r)evolution under the banners of personalisation, participation and co-production (Pestoff, Bransden and Verschuere, 2012; Bovaird 2007). Though these concepts are by no means synonymous, expressing as they do differing degrees and practices of power sharing, together they have contributed to a refreshed rhetoric of involving and empowering service users and communities, towards supporting their substantive participation in and co-production of public services and the personalised outcomes to which they aspire. The social, cultural and political drivers behind these developments are broad and invite critique (Ferguson, 2007). However, central to these developments is a renewed understanding that the progression of meaningful and effective outcomes, in any sector, depends on an exchange of dialogue, effort and activity between service users, traditional providers, groups and communities. This maturing discourse has significant implications for the developing direction and reform of criminal justice services. While it may be tempting to side-step these developments on the grounds that they are too risky or incongruous to the observed trajectory and priorities of late modern criminal justice policy and practice, it is arguably within these tensions that the potential and appeal of co-production resides. Further, as I have argued elsewhere (McCulloch, 2015),

the value of these maturing concepts does not reside in their ready fit with dominant public sector ideology, policy and practice, it lies in their potential to re-orientate and reconfigure debate around the what, why, how and who of public sector vis-à-vis criminal justice services (see also Weaver, 2013).

This paper starts from the questions and opportunities that arise from the co-occurring developments outlined. Specifically, it seeks to advance engagement with co-production as an emerging concept in the criminal justice context. We begin by providing a brief review of existing inquiry on co-production (and related concepts) in criminal justice sanctions and services. We then report, partially, on the findings of a co-productive qualitative inquiry that sought to explore the meaning, place and possibility of co-production in criminal justice sanctions and services, drawing on the experience of people with convictions. The conclusion of this paper is that participation and co-production matters in justice sanctions. The detail and implications of this conclusion are discussed.

A note re terms

Noting the elasticity of meaning that surrounds the concept of co-production (Beresford, 2012; Ewert and Evers, 2012), it is necessary to provide some comment on this term and what we mean in using it. Most commentators agree that the concept of coproduction spread from Ostrom's work in the 1970s. Reviewing urban reform in the United States, Ostrom and colleagues concluded that public services are not delivered by a single public authority, but rather by several different actors, both public and private. Further, they observed that many public services depend heavily on the contribution of time and effort by the same people who consume these services, that is, clients and citizens. Ostrom thus coined the term co-production to describe the potential relationships that could exist between 'regular producers'

and their 'clients' (Pestoff et al., 2012). In the intervening years, co-production has become a global and elastic concept and is now used broadly to describe and analyse citizen participation in the provision of publicly financed services (Pestoff, 2012:17). The elasticity associated with co-production mostly reflects the differing degrees of citizen participation and the different forms in which it occurs. For example, commentators have long distinguished between low, medium and high levels of participation (Arnstein, 1969) and between individual, group and collective forms (Bovaird and Loeffler, 2008). In addition, co-production can be used to describe third sector participation in the provision of publicly financed services, as seen, for example, in the rise of third sector involvement in the delivery of community and custodial sentences (Hucklesby and Corcoran, 2016). If we add into this conceptual soup the multiple individuals and groups that collect under the terms citizen and third sector, the growth of new and different ways to involve citizens as co-producers of their own and/or others services (Pestoff, 2012), and the diverse contexts in which co-production occurs, we can begin to see why co-production has become a fluid and elastic concept. As some commentators observe, in the absence of definitional clarification, co-production runs the risk of meaning everything and nothing at the same time.

In this paper our focus is on the meaning, place and possibility of co-production within the particular context of criminal justice sanctions. Specifically, we are interested in exploring the opportunities that exist for those sentenced to play an active and collaborative role in setting and progressing shared outcomes for justice sanctions. With regard to the particular forms of co-production being considered, it would be premature to prescribe these here. As outlined, key to this paper is a concern to explore this developing concept and practice from the perspective of those who have 'lived' justice sanctions.

Notwithstanding, noting our focus, it is expected that emphasis will be given to *individual* forms of co-production, that is to co-productive relationships that produce outcomes that benefit the individuals involved (Bovaird and Loeffler, 2008). In respect of outcomes, it is expected that emphasis will be given to justice outcomes that require active collaboration and exchange between actors, so including, for example, outcomes of individual progression, recovery, desistance and change (Perrin, 2013; Weaver, 2013).

The above framing draws on Bovaird's (2007: 847) work in this area which defines user and community co-production as:

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

Notably, Bovaird's more recent writing in this area sees a shift in emphasis from services to outcomes and does not require a long-term relationship between co-producing actors (Bovaird and Loffler, 2012: 36).

Offenders, service users, people and citizens

For good reasons, talking and writing about people with convictions has become increasingly complex (Roberts, 2010). To refer to these people as offenders is to reinforce and make central the negative aspects of their former or developing identity, a practice we consider to be at odds with the expressed ideals and outcomes of liberal democratic justice. Yet, use of more inclusive terms such as citizen or person can fail to provide the definitional clarity sometimes required for productive discussion and

analysis. With this in mind, in this paper we mostly use the terms 'people with convictions' to refer to people who are or have been involved in the criminal justice system. In using these terms, we acknowledge their limitations and our use of it should not detract from the fact that these people are first citizens, with the rights and responsibilities attendant to that status.

Coproduction in criminal justice: The story so far²

There exist very few studies that speak to the theme of co-production in criminal justice sanctions and services, fewer still that explore this theme from the perspective of people with convictions.

There is a small but growing body of work around the themes of crime, justice and democracy reflecting sustained and renewed interest in criminal justice policy, practice and inquiry as a democratic endeavour (Christie, 1977; Sparks and Loader, 2010; Garland, 2015). In the main, this work considers the proper role of citizens and/or 'the public' in criminal justice systems and debate and, broadly, advances a more democratic and participatory justice practice. Significantly, with one or two exceptions, people with convictions remain on the margins of this analysis, with constructions of citizens and/or 'the public' typically constrained to law abiding citizens, victims and/or communities. However, though not speaking directly to the value of involving people with convictions in justice processes, much of this work foregrounds the longstanding rationales which underpin democratic, participatory and co-productive practice, across sectors and peoples. Dzur (2012), citing Kaufman (1969), highlights three functions of participatory democracy and responsibility in public life. The first speaks to the ways in

² Though for some concepts participation and co-production are conceptually distinct there is considerable overlap between these terms and practices within the developing criminological literature on this subject. For these reasons, this section considers studies that engage with these connecting concepts and seeks to draw conclusions from it.

which participation helps all those involved become better in some way: more respectful of others, more competent at public decision making, more reflective about larger society, and more aware of their own self-interests and better able to effectuate them. The second speaks to the need to extend opportunities for participation and collective decision making into domains commonly thought apolitical, i.e. workplaces, families and institutions, that is, into the spaces in which human and social development takes place. The third and final element speaks to the process of acquiring responsibility. As Kaufman (1969:184) observes:

[it is] only when men acquire direct responsibility for a certain range of decisions that social imagination breaks through its parochial barriers and envisages larger possibilities ... responsibility for self, others and the common public world is the primary normative orientation of participatory democracy.

This body of work also foregrounds the important relationship between social and criminal justice and the inequalities, and costs, associated with and perpetuated by non-participatory regimes. As Zehr (2002:35), observes: participatory institutions and practices aim to reduce the social distance between 'offenders', victims and communities ... they promote a vision of civic capacity building that stresses our interconnectedness, the web of relationships that link us together and the practices that generate and regenerate our public world. When this 'web is disrupted' writes Zehr (2002:35) 'we are all affected'. This argument connects with recent UK developments around the 'Big Society', with inquiry around legitimacy and procedural justice (see below), and with global debates regarding the inter-relationships between equality, economics and wellbeing (Wilkinson and Pickett, 2010). As Dzur (2012: 121) notes, participation is not triggered then by 'a happy-go-lucky impulse for self-development or aimless do-gooding', but by recognition of the value and the specific harms, dangers and injustices produced when

participation is restricted to and between conventional institutions and actors. As these studies conclude: these themes are not irrelevant to effective criminal justice practice and outcomes but fundamental.

Discussion in this area also highlights the challenge of progressing citizen participation in the criminal justice context. Identified barriers for lay people include: time, conflicts with domestic and work commitments, tokenism and a sense that sharing responsibility for crime control and prevention is not 'easy to fulfil' (Crawford, 2002). Further, Lacey (2007) cautions that the progression of a more democratic justice practice does not necessarily equate with the progression of participatory, inclusive or restorative justice practices. Mapping the recent global crisis of penal welfarism, the rise of cultures of control and our increasing exclusionary turn, Lacey observes the ways in which western democratic governments (albeit to varying degrees) have been all too willing to sacrifice liberal democratic justice ideals to the play of popularity politics. As is now evident, in an agitated, insecure and intensely mediated world, democratic responsiveness and social inclusion do not necessarily go hand in hand. Indeed, public participation can exacerbate the social distance that exists between justice actors as public citizens are reconfigured as 'partners against crime' and, by extension, those who commit it (Maruna and King, 2008).

Connecting with the above, Carlen's (2012) work cautions against adopting an idealist or 'imaginary' view of participation in justice without engaging with the gross inequalities that characterise modern democratic societies and that play out in the social positions, stigmas and exclusions experienced by different groups, and by people with convictions in particular. For Carlen, this means drawing a distinction between discriminatory justice practices and empowering and enabling ones. The former, she argues, are about the state keeping risky others in their place while acting to fix the

person/problem. The latter involves societies and justice systems taking collective responsibility for creating opportunities for all citizens to share responsibility and make good. As Carlen observes, advancing the latter requires more than procedural efforts towards participation, it requires that notions of criminal justice be subsumed within an overarching state and social commitment to social justice. In this alternative 'penal imaginary' values of citizenship, democracy and inequality reduction are given primacy.

More recently, issues of participation, co-operation and co-production have resurfaced within inquiry around compliance, legitimacy and effectiveness in justice sanctions, as research indicates that if we wish to improve the outcomes of justice sanctions we need to better understand the subjective experience and motivations of those completing sanctions (Bottoms, 2001). This work points to the importance of attending to issues of procedural justice, that is the exercise of fair procedures in justice processes (Tyler, 1990; McIvor, 2009), to the relational element of interventions (McNeill and Robinson, 2013), to the inter-relationship between criminal and social justice (McCulloch, 2010; Farrall, 2002), and to the importance of co-operative and co-productive approaches (McCulloch, 2015; Morgenstern and Robinson, 2014). These insights are significant and have done much to reassert the pivotal place of the person sentenced in justice sanctions. However, to date, the impact of this new thinking appears constrained by the instrumental and managerial lenses through which these messages are being heard and applied; that is, from a starting point of: 'how can we get offenders to do what we want'. As I argue elsewhere (McCulloch, 2015), the problem with this particular lens and praxis is that it does not appear to work and, for a significant number of those sentenced, it does not appear to matter.

Last, there is a very small sample of studies that speak directly to the themes of service user / citizen³ participation and co-production in justice sanctions and services. The consistent message arising from this literature is that accounts of user/ citizen participation in criminal justice provision, far less co-production, are few and far between, particularly in community-based settings. Further, there exists little systematic or comparable research evidence relating to the value of these practices for justice policy and practice. As Weaver and McCulloch (2012:8) observe, this mostly reflects the fact that, in the criminal justice context, the concept and practice of user engagement has been scarcely advanced, rarely analysed and almost never made subject to robust evaluation. Notwithstanding these limitations, some studies do exist which attend variously to the meaning, methods, rationales for and impact of user participation and co-production in justice sanctions and services. Existing studies highlight the multiple forms on which user/ citizen participation occurs, a tendency towards individualised forms and a pattern of mostly shallow forms of participation (Weaver and McCulloch, 2012). Notwithstanding the above, it is clear from the literature that user/ citizen participation and coproduction in justice are not new phenomena, indeed some practices, for example the use of prison listeners and councils, have been established for some time (Clinks, 2011).

Presenting rationales for user/ citizen participation and co-production broadly converge and oscillate around two key themes. Rights/citizenship based rationales start from the foundation that people who offend are citizens and thus, in addition to being held to account for their behaviour, must *also* be afforded the rights and responsibilities of citizenship. This rationale is frequently positioned within a broader social justice framework which advocates a need to acknowledge the broader social factors that

³ The terms 'service user/ citizen' are used here to include those completing a sentence and those contributing post sentence.

can impact on individual decisions to offend and desist. Evidence-based rationales draw on research that suggests that involving and collaborating with people with convictions in the development and/or delivery of justice interventions can enhance the meaning, legitimacy, credibility and effectiveness of those interventions. Importantly, recent work in this area suggests that this is about more than creating opportunities for participation within justice sanctions, it is about reconstructing relationships, within and beyond justice sanctions, as a co-productive endeavour (McCulloch, 2015; Weaver, 2013; McNeill, 2006; Maruna, 2006).

Notably, few studies engage with the possible moral and philosophical tensions of advancing co-production in this particular context (though see McNeill, 2006). Is it possible, reasonable or moral for justice professionals to co-opt, or expect the co-operation of, people with convictions in practices of punishment? To what extent might this differ across prison and community based sanctions? Do we, as Carlen (2012) suggests, need to draw a distinction between practices designed to punish and those designed to help and support? And, if so can we promote and advance co-production in one and not the other? We return to these questions in the discussion that follows. For now, we might observe that, to the extent that prison and community based sanctions include reduced re-offending, desistance, rehabilitation, reintegration and individual change amongst their core outcomes, then these expectations of 'punishment', and those sentenced to it, are already written into justice sanctions (Scottish Prison Service, 2014; Scottish Government, 2010; Ministry of Justice, 2015). The extent to which these expectations are reasonable or just needs to be explored.

In respect of impact, almost all studies point to positive 'early indicators' with many schemes showing very positive results. However, most reviews note a lack of systematic evidence and conclude that further and systematic evaluation is needed to better understand the dynamics, impact, outcomes and

efficacy of existing approaches in the justice context. Existing studies also highlight various obstacles to advancing user/ citizen participation and co-production in justice services, citing ideological tensions, a mixed message policy framework, lack of operational guidance, professional resistance and apprehension, attitudinal and cultural barriers, and the 'complexities' of application - including issues of time, money, support and security (Clinks, 2008). Relatedly, though there exist promising examples of user/ citizen involvement there is a distinct lack of strategy with many initiatives appearing to be short lived and dependent on the commitment of individual 'champions' (Clinks 2011).

Again, within this body of work, little attention is given to the participation of those sentenced in the progression of their *own* sanction, with existing studies focussing mostly on the participation of 'reformed' or 'ex-offenders'. Exceptions exist (Kirby et al, 2014; Wing-lin Lee and Man-yung Charm, 2002; User Voice, 2009) though they suggest that there is much to do if this arguably pivotal aspect of co-production is to become normative. Further, discussion in this area tends to be dominated by the voices of academics and/ or professionals and there exist few studies that explore co-production from the perspectives of people with convictions, fewer still that employ a co-productive method in exploring this phenomena.

The above review suggests that questions of democracy, participation and co-production are not new to criminal justice inquiry or practice. Moreover, there is broad agreement regarding the value of participatory and co-productive practices in justice, for all of the actors involved. Despite this, there is a distinct lack of strategy and issues of participation and co-production in justice sanctions remain significantly under-explored. Further, existing conceptualisations tend to privilege the involvement of

non-offending or 'reformed' citizens over, and sometimes to the exclusion of, those completing a sentence. Relatedly, research in this area is dominated by academic and/or professional voices and no studies have sought to directly explore the meaning, relevance and possibility of co-production from the perspectives of those sentenced. These conclusions, and the questions they give rise to, provided the impetus and frame for the research study that follows.

The research study and method

This paper reports on the findings of a qualitative study that sought to explore the meaning, value and possibility of co-production in the criminal justice context, drawing on the expertise of people with convictions. In addition, the study sought to develop a research practice that was relevant, participatory and progressive for all involved. Specifically, the study sought to understand:

- (i) participant experiences of co-production on completing a justice sentence,
- (ii) participant experiences of co-production post-sentence.

For reasons of space, the focus of this paper is on the findings as they relate to the first of these two areas.

The study employed a co-productive research design and was designed, conducted and reviewed by myself and three members of Positive Prison? Positive Futures (PP?PF). PP?PF is a community of

interest which draws upon the shared lived experiences of people who are or have been subject to punishment⁴.

The study employed a purposive approach to recruiting co-researchers and participants, reflecting the study aims. In respect of the researchers, three were female and one was male, ranging in age from 39 to 51. Three of the researchers were White British and one was Scottish-Iranian. Each was educated to degree level or above and all were involved in co-production in a paid or voluntary capacity. In respect of the participants, three were female and three were male; all were White British and aged between 32 and 50. All participants had attained qualifications and four of the six were in employment, though employment status shifted through the duration of the study. Most participants were active members of PP?PF and enjoyed meaningful/ recovered family relationships. Four of the six participants described experiences of mental ill health. All of the female participants described experiences of domestic violence and/or abuse. Three participants described significant difficulties with alcohol and/or drugs. Reflecting these experiences, three participants had considerable experience of using other health, care and protection services. In respect of offending history, three participants had one conviction; two described themselves as having been 'persistent'. Offence types and sanctions completed varied.

Data collection involved six in-depth loosely structured research conversations and drew on Fontana and Frey's (2005) conceptualisation of the interview as negotiated text. Research conversations lasted between 2.5 and 3.5 hours and took place between March and May 2013. Research conversations were recorded digitally, transcribed in full, and analysed using thematic narrative analysis. Emphasis was

⁴ See: <http://www.positiveprison.org/>

placed on giving voice to participants' experience and insight, in context and on their terms (Alcoff, 1991; Riessman, 2008).

Findings

The research design produced rich and in-depth findings. These were interpreted and presented in six individual narratives within which participant experiences of co-production, or not, were understood. It is not possible to replicate this representational approach here however the strength and significance of the narratives assert the importance of narrative work with people with convictions – both for the narrator and the reader. Here, the findings are presented across three themes which attend broadly to participant perspectives on the 'what', 'why' and 'how' of co-production within justice sanctions⁵. These themes served as a loose structure for the research conversations and resulting narratives.

What? Defining co-production

Noting the recent political push for co-production (Bovaird, 2007), alongside the relatively uncharted nature of co-production in the criminal justice context (Weaver and McCulloch, 2012), a key aim of the inquiry was to explore participant perspectives on the meaning and relevance of co-production in this sphere.

⁵ In the discussion of findings each participant is assigned a letter between A and F and is referred to using this coding.

For most of the participants, the term co-production meant very little. The concept however was familiar and connected mostly with participant experiences outside of the justice system. In this broader context co-production was a relatively straightforward and valued concept and practice. It was about 'people working together in a respectful and even-handed way', it was about 'equality' and 'sharing power', it was about 'participation', 'reciprocity' and 'interdependence' between actors, and it was about relationships orientated towards 'progression' and 'change'. Importantly, participants connected co-production, and their experiences of that, to both individual level outcomes, in the form of progression, recovery, desistance and change, and to broader social and collective outcomes, in the form of justice reform, social solidarity and social change.

Considered in the context of statutory justice relationships, co-production was 'complicated'. As C explains speaking from his experience of completing a prison sentence:

To me there is a big disconnect between theory and practice. Theoretically co-production means to co-plan, co-do, co-evaluate, in the system there's not much opportunity for planning or getting involved in your sentence, in fact the exact opposite is the case, ... you are on the bottom rung. In prison the purpose of the sentence is to put you in your place, as an offender.

For most, there was an immediate and obvious tension between the meaning and aspirations of co-production and the lived experience of statutory sentences. This tension revolved principally around issues of power, in terms of who has it and how it is used; around the perceived purpose and priorities of justice services - as C asserts: 'one it's security, two is politics, three it's public opinion'; and around the cultures, regimes, failures and 'series of disconnects' that follow from these priorities. Accordingly, participants expressed concern that the emergence of co-production in the criminal justice system was

or would become another ‘top down, ‘tick box process’, or as D put it, more of the ‘bullshit bingo’ considered common in public service policy, practice and reform.

In the broader criminal justice context, co-production was experienced as an emergent phenomenon, experienced occasionally within but mostly beyond the confines of a justice sanction. Across these fields participants described six distinct but overlapping forms of co-production (diagram 1), though placed particular emphasis on co-productive relationships post-sentence, i.e. between ‘ex-offenders’ and others:

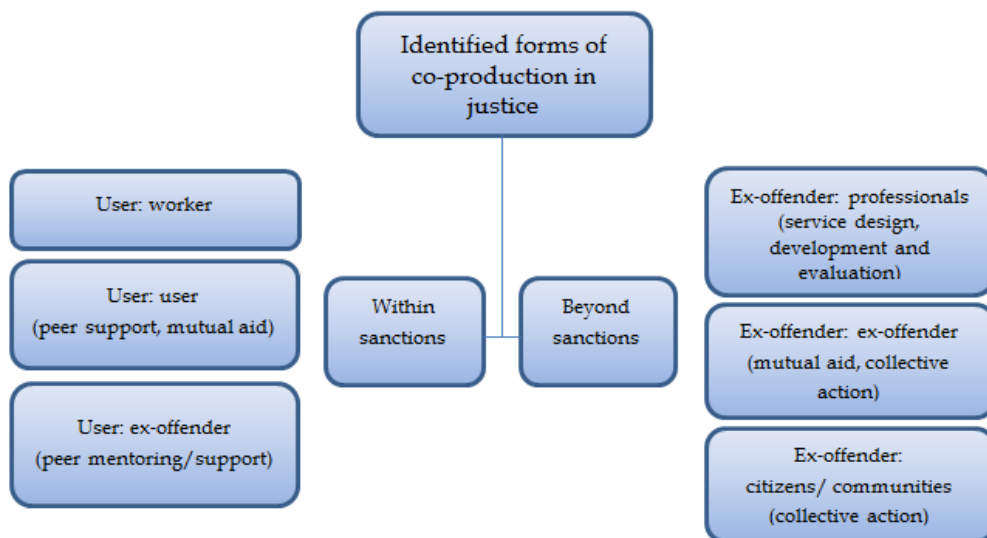


Figure 1: Identified forms of co-production in justice.

Across the above areas and forms co-production emerged as:

- a multi-dimensional and elastic concept and practice,

- a diverse and fluid experience, with pros and cons,
- a moral, ambitious and challenging project, and
- a constrained and qualified opportunity.

In summary, participants advanced a version of co-production that connects clearly with individual, group and collective constructions developing across the public sector (Boyle and Harris, 2009, Ewert and Evers, 2012), and a vision of co-production grounded in the challenge of progressing that in the criminal justice context.

What? Experiences of co-production

None of the participants identified their statutory justice experience as a co-productive one. For many, the idea that their sentence might be constructed in this way was, initially, surprising and confusing. Relatedly, five of the six participants struggled to recognise a progressive purpose to their sentence. Rather, the predominant experience described was one of punishment, judgement, humiliation, depersonalisation and a 'total imbalance of power'. For most this was a distancing, disenfranchising and disorientating experience that, for some, directly impeded their capacity to cope far less co-produce.

Within this dominating narrative of punishment and control there emerged counter experiences where co-production was at least emergent in the relationships described. B, for example, described what emerges as a 'qualified' form of co-production in her prison and community justice experience, an experience characterised by humane, reciprocal and productive relationships, orientated towards individual progression, recovery and desistance, located within clearly defined roles and boundaries. Relatedly, three of the participants described significant and transformative co-productive experiences

that occurred alongside but *beyond* justice sanctions. Here co-productive relationships occurred, or were triggered, in the context of voluntary social work relationships, in a voluntary relationship with a solicitor, in the form of mutual aid through Alcoholics Anonymous, and in the context of voluntary and residential drug rehabilitation services. Again, in each of these examples, co-production was orientated towards supporting individual agency, progression, recovery and/or desistance, processes and outcomes which occurred iteratively as people developed the capacity, motivation and hope required to recognise and respond to the opportunities and outcomes available.

Co-production also emerged in people's activity as a 'provider' of support while completing their sentence. Here co-production occurred mostly within the prison: in activity as a peer tutor, as a prison librarian, and in an array of other formal and informal acts of getting alongside and supporting (often at the request of a justice professional) a fellow prisoner. In this form, co-production emerged as an insightful, progressive and transformative experience, as B's account of the process shows:

I felt that it, it helped me to realise that I wasn't a waste of space. I could give something back. I could do something to help people. And even just helping somebody do a shop sheet or write a letter, you were like, do you know what, you *can* help. Your first pass is helping them but you are helping yourself as well in a funny sort of way. ...It was little things.

Noting the significance of these experiences for those involved, this would appear to be an important opportunity for both individual and group co-production – and progression – within a sentence (see also Devilly, Sorbello, Eccleston and Ward, 2005; Dhaliwal and Harrower, 2009). However, as Perrin (2013) notes, it is one that is mostly overlooked within existing policy and practice.

While then participants were clear about the meaning, value and potential of co-production for the criminal justice context, they were deeply ambivalent about the possibility of co-production between those sentenced and those supervising. Though there emerged some diversity in the experiences described, within sanctions co-production emerged as the exception rather than the rule and appeared to depend on the atypicality of the people involved.

Why co-produce?

For many, the idea of co-production in the criminal justice context is a peculiar and perplexing one. Certainly there exist an array of obstacles in the culture, priorities and practices that define the contemporary justice experience. As one reviewer questioned responding to an early paper on this subject: why co-produce a process of punishment? In this inquiry we wanted to understand participant perspectives on the relevance, or otherwise, of co-production for justice sanctions.

For each of the participants, co-production (as defined and discussed above) emerged as a deeply relevant concept and process. It was deemed a foundational feature of their particular and ongoing journeys of progression, desistance and recovery and, for these reasons, was considered a foundational feature of *progressive* and *productive* justice sanctions. Specifically, within and beyond a sentence, co-production was identified as an important means of discovering or recovering voice, worth, agency, responsibility and citizenship, outcomes felt to be critical to sustained journeys of desistance.

Participant narratives in this area were powerful and are not easily condensed. Some of these processes and outcomes are captured in D's account of her co-productive journey. In particular, the following excerpt highlights the transformative potential of both professional and peer relationships (even

temporary and transient ones) in which the service user is engaged, affirmed and mobilised as a person and actor in the change process:

The only person ever ever tae engage, which I thought was the start o' it, the start of the thought process in my head, something started to happen and it was a lawyer I was seeing. And I was in the cells this weekend, as I usually was, and at this point there had been quite a hefty [police] assault and I had a lot of bruising all over me and I had a black eye. ... And I had shouted for this lawyer that I had never seen before, and he came down and he sat and he said to me - he actually looked at me as a person for once. Everybody else, you know - again I don't like to be [critical] because everybody does a job, everybody has a part to play - the psychiatrist, doctors, who we would look about in co-production, had very much labelled me as a drunk, as an addict, as an unfit mother. All these big bubbles had been placed round about me.

This man had come down and looked at me and asked how I was. And I was quite taken aback by him. And he said: 'when did all this start to happen? Because I see that you were a professional, you're a mother', and aw these different things about who I was. Something clicked at that point. ... He focussed on me as a person and I hadn't seen that for years. As far as I was concerned I was non-existent. So he then kind of brought me into that way of thinking: of, well, you'll be alright and everything will be fine as long as you seek to get better. And then ... it was AA [alcoholics anonymous] and NA [narcotics anonymous] ... but that's when the whole process started. Before that ... I was very much just labelled ... I had all sorts of different terms, all within this big big system. ... all that really did was just anonymise me ..., you go into hiding. You need to discover worth.

Broader reasons for co-producing (or not) within a sentence connect closely with the identified aids and obstacles to co-production (discussed below). Significantly, individual motivation and will to co-produce within a sentence (that is, develop active, collaborative and outcome-focussed relationships) emerged less as conscious or moral choice and more as a normative response to the opportunities, relationships and/or environment the person found themselves in. As C reflected: 'I don't think that I deliberately chose not to enter into the co-production arena, it was just that no opportunities really existed within [the prison] for that to truly happen'. Broadly, participants co-produced when they:

- possessed *capacity* for co-production, or experienced opportunity to develop capacity
- experienced relevant and recognisable *opportunity* for co-production
- recognised the *rewards* of co-producing

We return to these 'aids' below but for now these findings suggest that the obstacles to co-production in justice sanctions may lie less in the will or motivations of the service user group and more in the will, motivation and capacity of justice services to recognise and respond to these normative (albeit fragile) motivations. These findings are consistent with existing studies in this area though they need to be tested more widely and explored in greater depth. For example, to what extent might opportunities for co-production, and the relational processes associated with it, be prized in justice sanctions because they are so rare? Is it possible that the moral quandaries and questions that circle co-production in 'punishment' might become more pronounced as people develop their experience and expectations of it? There were enough hints in the narratives to suggest that this might be the case. Further research is needed to take these questions forward.

How? Aids and obstacles

Co-production favours the capable?

The research narratives indicate that co-production in justice sanctions is significantly aided when the person completing a sentence possesses the basic capital required to co-produce, capital that connects closely with a person's life experience and opportunity. In sum, co-production is aided and made easier when a person is physically and mentally well, when they feel safe and secure, when they are not drug or alcohol dependent, when they are not dealing with a history of abuse, when they are literate and educated, when they possess basic life skills, when they have access to purposeful activity or employment, and when they have support from family or friends. We might observe then that co-production is aided when participants are 'lucky' enough not to share the life histories, traits and associated problems common to most persistent offenders (Social Exclusion Unit, 2002). As E reflects:

When I came out, [my partner] said I was good evidence of how prison is a middle class process, a middle class construct. Because that's the only way I could have survived it because I was so relentlessly middle class. It ticked all the right boxes for me, in lots of ways. And because I could recognise opportunities, and was willing to make a decision to take them that meant that I was operating at the level prison was supposed to work at.

This finding was echoed across the narratives and raises the question of 'who' justice sanctions are designed for? In this study, justice sanctions seemed to work best (that is, support agency, progression, desistance and change) and sometimes only, for people who least resembled the profile of persistent offenders (though see Maruna, 2000).

However, this is not the whole story. C, for example, possessed much of the capital outlined above yet found himself unable to co-produce in prison because of the absence of opportunity. Similarly, A, D and F's journeys made clear that there is much more to co-production than one's life experience or capital. In these narratives co-production was *also* closely connected to the interplay between capacity and opportunity, including opportunities to *develop* capacity for co-production. As noted, in the context of a person's sentence, these opportunities were rare, though when they did occur it was a refreshing and productive experience. Observed aids to co-production emerged mostly then from participant experiences of co-production beyond justice sanctions, though there emerged no discernible difference regarding what mattered across these fields.

Co-production, relationship and empowerment

Consistently, opportunity for co-production, and/or the development of co-productive capital, occurred in the context of human relationships. Specifically, co-production was aided by individual and group relationships characterised by respect, choice and participation. It was aided by relationships that were affirming, that provided an experience of equality, and that were characterised by humility and empathy on the part of the helper. Co-production was also aided by voluntary, non-punishing, educative, therapeutic, nurturing and reciprocal relationships, and by relationships that provided opportunity for the discovery or recovery of worth, confidence, capacity and hope. Equally, co-production was aided by peer relationships, and by realistic and resource-rich relationships. The message here is not simply that co-production occurs in relationship, though this is an important point, it is that co-production is aided and made possible in particular types of relationship. Repeatedly, participants described co-productive relationships as those that involved the tangible sharing of power. They were, consistently, *empowering* relationships through which the formerly disempowered, disenfranchised or 'non-existent' person was

allowed and enabled to discover or recover a positive and productive identity. Across the narratives the process of empowerment involved being recognised as a person and not a number, it involved being recognised as a person with worth, capacity, voice, choice, responsibility and potential, and it involved the provision of opportunities that allow people to discover and demonstrate that for themselves.

The consistency of the above messages, here and elsewhere, compels us to look closely at the relationship between power, empowerment and progression in justice relationships. In this study all but one of the participants described justice relationships that were profoundly disempowering. Such experiences appear commonplace in statutory justice relationships and are rarely questioned (McCulloch, 2010, Liebling, 2004). This needs to change. If we wish to make meaningful the progressive ambitions and outcomes of justice sanctions, in the form of individual progression, desistance and change, then we need to begin by addressing the fundamental relational processes that make these outcomes possible.

Co-production and environment

Relatedly, the research narratives suggest that co-production in justice sanctions is aided when a person's internal and external environments are conducive to that. That is, when people feel physically and psychologically safe, when they have opportunity for emotional and psychological growth, when they experience the support of family or friends, and when they have opportunity for purposeful activity, training or employment. Notwithstanding the above, it is worth noting that co-production was often triggered amidst crisis. D and F, for example, discovered opportunity for co-production, or at least the threads of that, at points of deep crisis. Similarly, B and E found opportunity for co-production, again in a qualified form, amidst the shock and trauma of incarceration. In these instances, crisis appeared to present an opportunity for agency or, at least, for a reassessment of one's life course.

Importantly however, in each of these instances, co-production - in this case exerting agency within the punishment process - *only* becomes possible when the person finds a safe and secure 'space' within the crisis. These findings raise important questions about spaces of punishment and the extent to which justice environments can provide space for agency, participation and co-production, and by extension progression, recovery and change. Encouragingly, these questions sit at the heart of current Scottish debate regarding the future of the female custodial estate, as well as broader debates concerning the incarceration and care of young people who offend. It seems that we know that place and space matter in journeys of progression and desistance, for all who experience punishment, it remains to be seen whether we have the courage to act on this knowledge.

Obstacles to co-production

Identified obstacles to co-production in justice sanctions emerged, broadly, as the inverse of the above. In completing a justice sanction the obstacles to co-production were deemed to be 'everywhere'. They exist in 'the stuff' that a person brings into the justice system, in the status and stigma of 'being an offender', and in the antagonism and prejudice encountered as a result of that status. They exist in the politics and priorities that define the contemporary justice experience, and in the humiliating, distancing and disempowering regimes and relationships that flow from that. And they exist, significantly, in the 'clash' and interplay of these realities as each party – the punisher and the punished - seeks to resist, control and survive the other. The interactive and typically regressive effect of a person's life experience and the regime they were required to inhabit was expressed poignantly across the narratives. It finds particular expression in E's account of the atypicality of his experience and opportunity:

You have to remember that I was in the enhanced wing of the short-term part of [x] prison.

The progression system went through from admission to progression to enhanced, and I missed the progression level. That was known inside as 'Fraggle Rock' because everyone in there had to be 'a muppet'. And it was ... like a battlefield: admission is a very tight regime, enhanced a very relaxed regime in comparison, and 'Fraggle Rock' - progression in the middle - was more like a zoo, a bigger space, a much more challenging space and a lot of people in it, who were all, it was as if it was one big street and the factions had the spaces to polarise.

The idea that co-production – and the progression, recovery and desistance associated with it – might flourish in this battlefield, amidst these factions, and in this polarised space seems fanciful. We need to consider that this is the 'opportunity' presented to most of those sentenced. It is no surprise that many do not respond in the ways that we wish and, increasingly, require.

Yet, the research narratives also point to opportunities for individual growth, progression, participation and co-production that exist, against the odds, within, across and beyond these spheres. In this study we found that a person's formative life experience (and/or 'mistakes') need not define them - though the opportunities made available to them frequently do. Similarly, we observed that opportunity for co-production was not wholly dictated by the existence of a dominant culture or regime (though this had a profound effect), but by the opportunities and spaces available within and beyond that regime. Consistently, co-production, progression, recovery and desistance - which emerged here as thoroughly inter-connected processes and outcomes - followed directly from relational opportunities for acceptance, respect and worth, and from relevant and resourced opportunities for insight, growth, empowerment and progression. In a landscape uneasy with the language of opportunity, growth and empowerment for people completing punishment these findings are sobering. They require us to

consider, in a realistic and joined up way, what we want and what we can expect from our existing justice systems, and they require us to consider what we want and what we can expect from the people we sentence to those systems. Only when we are willing to confront the gaps and disconnects that exists between our aspirations and realities can we meaningfully engage with the question of how to progress co-production, and justice more broadly, with people with convictions.

Conclusion

This paper reports on the findings of a co-productive study that sought to explore the 'what', 'why', and 'how' of service user co-production in the context of criminal justice sanctions. The findings suggest that, in this particular context, the idea of co-production is tricky. On the one hand it is a clear, diverse and deeply valued concept and practice, considered foundational to individual outcomes of progression, recovery and desistance. On the other it is a distant, even 'bullshit', ideal, resting as it does on notions of respect, collaboration, equality and empowerment. For some time these tensions have been allowed to justify a drift from humane, participatory and complex justice approaches and practices towards more politically portable promises of punishment. The findings from this study and others suggest that this is a dangerous drift.

Advancing co-production in justice sanctions, and the outcomes associated with it, requires that we revisit the basics of meaningful participation across prison and community settings, including attention to: what it is, why it matters, how it works and who it involves. At the same time, we need to take this conversation beyond justice sanctions into the places and spaces, both professional and public, in which justice can be done.

The 'why' of co-production in justice sanctions is perhaps more straightforward. The findings from this study connect with longstanding and recent rationales for participation and co-production in journeys of punishment, progression, recovery, desistance and change (Rogers, 1951; Bottoms and McWilliams, 1979; McNeill, 2006; Raynor, 2014). There exist then clear moral and empirical rationales for advancing a more participatory and co-productive justice practice. The challenge we face is what to do with this knowledge and evidence. As Carlen (2012) notes, progressing participation in western democratic justice systems requires much more than procedural efforts towards reform. Relatedly, Weaver (2011), observes that the challenge is not merely how to make justice co-productive, it is how to make co-production just. This is the question we must grapple with if we are serious about advancing participation and co-production in the criminal justice context, and if we are not serious then we should perhaps stop playing at these important practices and the 'penal imaginaries' associated with them.

Considering questions of 'how', the findings indicate that co-production is aided, and obstructed, by particular types of people, capital, relationships, opportunities, environments and rewards, variables that have significant implications for the future design, development and delivery of justice sanctions and services. However, taken together, and connecting with the above, the findings caution against constructing a 'how to' approach to participation or co-production for justice sanctions. Instead, they invite us to look at the bigger picture, that is at the workings, effects and disconnects of our existing social and criminal justice systems, and to boldly imagine something different. What this something different should look like is a matter for democratic engagement, discussion and action, extending across and beyond the usual boundaries and methods.⁶ It should almost certainly involve a more

⁶ Notably, some of this work has begun. In Scotland, for example, we are witnessing a new civic engagement with justice issues. See for example the transformative activity of Women for Independence:
http://www.womenforindependence.org/a_letter_to_michael_matheson_justice_minister.

explicit orientation towards social justice, whether as a key component of reconfigured justice services or as a policy/ service strand in its own right. It should see greater integration between justice and connecting service areas – including for example health, housing, education, equalities and social care - so countering the current trend of dividing public services along lines of care and control. It should involve the development of a citizen participation strategy for justice services, one that accords with citizen participation strategies developing across the public sector whilst also being tailored to the particularities of the various user and citizen groups who can help make justice work. Further, it should involve the development of a broader practice with people with convictions, one which extends beyond correctional approaches and spaces to include opportunities for voluntary, recovery-based, holistic, therapeutic, creative and co-operative engagement.

The above conclusions are, admittedly, ambitious. They extend beyond questions of how to progress co-production in the criminal justice context and connect closely with questions of what justice services and sanctions are for. This is to be expected. As we have argued, advancing participation and co-production in criminal justice is not about making our existing social systems work 'better', it is about making these systems just, for all of the people involved. The question we must answer, as actors in and beneficiaries of these social systems, is whether justice matters only for some or for all?

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