



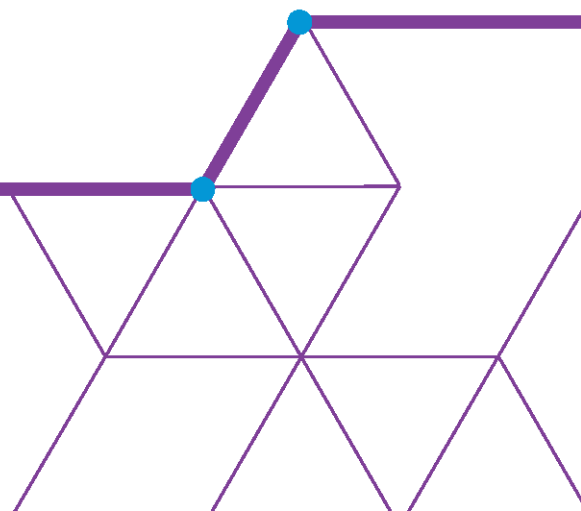
HM Prison &  
Probation Service

# Evaluating ‘Rehabilitative Adjudications’ in four English prisons

**Flora Fitzalan Howard and Helen Wakeling**  
Her Majesty’s Prison and Probation Service

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Preventing victims by changing lives



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# 1. Summary

Responding effectively to rule-breaking in prison is critical for maintaining safety, stability and order. Prisons in England and Wales use the Prisoner Discipline Procedures (Adjudications) to manage and respond to prisoner rule-breaking (HMPPS, 2018a). This study explored possible differences between traditional adjudications and rehabilitative adjudications (RAs). The concept of RAs takes the traditional adjudications process, the same policy, paperwork and decision options, but explicitly integrates two evidence-based practices within the hearings. The first practice is 'rehabilitative skills', which are a group of skills that, when used by prison and probation staff, help people to reflect on, learn from and change their behaviour. Examples include the active use of pro-social or anti-criminal modelling, effective reinforcement, structured skill building and problem-solving. The second practice is 'procedural justice (PJ) principles', which evidence shows help to foster respect for authority and willing cooperation and compliance with rules. These principles include demonstrating trustworthy motives, making neutral and unbiased decisions with a clear rationale and explanation, treating people with respect, and ensuring they have a voice in the process. Further details can be found in section 2.2.

Four prisons, three for men and one holding women, in the North West of England took part in the pilot. The study looked for possible differences between traditional adjudications and RAs on procedural justice perceptions, intent to comply with prison rules, cooperate with staff and engage in rehabilitative activity, self-reported learning, and custodial conduct for prisoners who experienced adjudications over a six-month period. During the first three months, traditional disciplinary adjudications were delivered, and in the second three months RAs were delivered. Adjudicators at the four prisons received a day of training in RAs at the middle point, and outcomes were compared between the two phases of the pilot. The study also examined the experiences of the adjudicators through semi-structured interviews.

There are a number of limitations that should be borne in mind when interpreting the findings and therefore they should be considered indicative. The methodological issues are detailed in full in the main body of the report (section 3.8). The most notable limitations are that the study design does not allow for conclusions about causal impact to be drawn, there were fewer questionnaires completed than hoped for, and there are challenges in controlling for other variables that may independently influence behaviour and perceptions. It also should be noted that the findings from interviews with staff may not represent the views of all staff.

## **Key results**

Statistically significant improvements in prisoner perceptions of procedural justice, and intention to comply with rules and regulations, were observed during the RA phase compared with the traditional adjudication phase. The free-text responses from prisoners similarly showed an increase in their commitment to comply, and a reduction in the proportion of negative perceptions of the process and wider regime during RAs, in comparison to traditional adjudications. For the most part no significant difference in proven adjudications was observed between the two phases of the pilot. This may be because rule-breaking behaviour is complex and so the impact of one process/event may not be sufficient to alter this on its own, especially as the adjudication process is typically used for more serious types of rule-breaking, and people who behave this way may therefore require more intensive intervention to set a different course.

The experiences of the ten interviewed adjudicators revealed commitment to RAs within the context of developing and supporting a rehabilitative prison culture. RAs were perceived to be more constructive, productive and meaningful, although to have varying in degrees of effect at varying times, as would be expected. Even when not witnessing meaningful engagement, reflection or learning by prisoners as a result of the RA approach, the adoption of this method was perceived by adjudicators to be worthwhile as it modelled a commitment to rehabilitation and fairness by the prison and the senior management staff, and this event may, when used alongside other rehabilitative processes in prison, contribute to better relationships, conduct and outcomes in the longer-term. A number of logistical challenges were identified by those interviewed that could impede the delivery of RAs and a number of practical suggestions were made in relation to these difficulties. Overall, the training was perceived to have been effective at reinforcing existing skills and principles, prompting greater use of these in the context of adjudications specifically, developing confidence and commitment to RAs, and assisting in the development of some skills for some people. Helpful recommendations were made for improving the training, but most notably was the need to include more prison staff of all grades in understanding the concept and rationale for RAs.

In conclusion, findings suggest that improvements in PJ perceptions and intent to comply with rules and regulations associated with RAs is reason to continue with this approach. Including greater focus on the use and value of rehabilitative skills and PJ principles in training and policy for disciplinary adjudications is recommended. Whilst RAs may not on their own be sufficient to divert or decrease more serious rule-breaking behaviour, such an approach forms one part of a wider culture and organisational response to misconduct, that is aiming to use evidence to bring about better outcomes.

## 2. Introduction

### 2.1 Rule-breaking in prison

Rule-breaking in prisons can bring instability, a lack of safety and considerable distress for people who live and work there; respect for, and compliance and cooperation with, rules is therefore essential. Rising levels of violence in prisons in England and Wales is a particular cause for concern. In 2018 there were 34,223 assault incidents, representing an increase of 16% from the previous year (Ministry of Justice, 2019a). This figure represents a record high for Her Majesty's Prison and Probation Service (HMPPS), although the trend in the last quarter of the year indicated a drop in recorded incidents. Eleven percent of the annual assault incidents were classed as serious - an increase of two percent on the previous year. Illicit drug use is also concerning. HMPPS' Random Mandatory Drug Testing (RMDT) programme is a measure of the level of drug misuse in prisons.<sup>1</sup> In the 12 months ending March 2019, not including new psychoactive substances, 10 percent of RMDTs were positive. This is similar to the previous year, and while it represents a halt to a steady rise over the preceding three years it is nonetheless the second highest annual rate since 2005/06 (Ministry of Justice, 2019b). Including the positive results for new psychoactive substances (PS) brings the total percentage of positive results from RMDT to 18 percent - just over half of which presented with evidence of PS.

### 2.2 Responses to rule-breaking

Punishment on its own has not been found to be particularly successful at discouraging a person from repeating criminal acts, and on some occasions may actually worsen people's outcomes. This evidence comes from studies of longer, and harsher sentences, interventions aiming to reduce reoffending, and prison conditions (for example see Barnett & Fitzalan Howard, 2018; Bierie, 2012; Lipsey & Cullen, 2007; Mackenzie & Farrington, 2015; Villettaz, Gillieron, & Killas, 2015). In recent years in HMPPS there has been a renewed emphasis on making prisons more rehabilitative. A 'rehabilitative culture', as described in HMPPS, is one where all the aspects of the prison support rehabilitation, contribute to the prison being safe, decent, hopeful and supportive of change, to progression and to help people desist from crime (HMPPS, 2018b; Mann, Fitzalan Howard, & Tew, 2018). Rehabilitative culture focusses on enabling change – rather than creating or maintaining stability. It is an ambition for prisons that goes beyond being safe, decent and secure (Mann, 2019). This type of culture includes making daily interactions rehabilitative by staff using

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<sup>1</sup> The aim of RMDT is to test a random sample of 5% or 10% of prisoners in each prison (depending on the prison's capacity) every month, to monitor and deter drug-misuse.



skills that research shows are associated with reduced recidivism (Dowden & Andrews, 2004; Smith & Schweitzer, 2012). “Core correctional practices” have been described as the relationship and structuring skills that, when used by prison and probation staff, are associated with reduced recidivism. These include relationships that are respectful, caring, enthusiastic, collaborative, and value personal autonomy, and the active use of pro-social or anti-criminal modelling, effective reinforcement and disapproval, cognitive restructuring, structured skill building, problem-solving, effective use of authority, open and respectful communication, advocacy/brokerage and motivational interviewing. Evidence for these practices suggests that the quality and nature of formal and informal interactions between prisoners and those in authority have the potential to impact positively on rehabilitation, even if the contact lasts for only a short time. HMPPS’ Public Sector Prisons Five Minute Intervention (FMI) project was developed from this concept. This trained custodial staff to use everyday conversations as opportunities to employ some of the skills and practices listed previously, and in doing so take every opportunity to bring about, or reinforce, rehabilitative change (Tate, Blagden, & Mann, 2017; Webster & Kenny, 2015). The FMI training is now undertaken by every prison officer in England and Wales. More recently, the introduction of the Offender Management in Custody (OMiC) model (Ministry of Justice, 2016), which provides a dedicated key worker for every prisoner in all but category D open prisons, aims to support better relationships and culture within prisons.

In addition to the evidence for what helps people to learn how to think and behave differently, research on procedural justice (PJ) identifies this as important in garnering people’s respect for and cooperation with authorities, and with their acceptance of and adherence to rules. PJ theory maintains that experiencing fair and just procedures (how people in authority make decisions and apply policies) contributes to greater compliance with the law and commitment to obey the rules, as well as perceptions of the law and authority figures as more legitimate (Lind & Tyler, 1988; Tyler, 1990). There are four principles of PJ: voice, neutrality, respect and trustworthiness (Tyler, 2008). People need to have the chance to tell their side of the story and feel listened to. They need to see authority figures as neutral and principled decision-makers, who apply rules consistently and without bias. People need to feel respected and treated courteously, believe that their rights are considered equal to those of others and that their issues will be taken seriously. Finally, people need to see authority figures as having trustworthy motives, who are sincere and authentic, and who are trying to bring about better outcomes for everyone. In prison settings the benefits of PJ have been demonstrated and the evidence-base continues to grow; in addition to better perceptions of PJ predicting improved mental health and future reoffending outcomes for prisoners (Beijersbergen, Dirkzwager, Eichelsheim, Van der Lann, & Nieuwebeerta, 2014;

Beijersbergen, Dirkzwager, & Nieuwbeerta, 2016), studies from England, Slovenia, North America and the Netherlands have consistently indicated a relationship between perceptions of procedurally unfair and unjust treatment and many types of misconduct and violence in custody (Beijersbergen, Dirkzwager, Eichelsheim, & Van der Lann, 2015; Bierie, 2013; Butler & Maruna, 2009; Day, Brauer, & Butler, 2015; Fitzalan Howard & Wakeling, 2019; Reisig & Mesko, 2009; Steiner & Wooldredge, 2018). Procedural justice is closely linked to legitimacy, in that if people feel they are being treated in a procedurally just way, then they view those in authority as more legitimate and they are therefore more likely to comply with laws and decisions (Sparks & Bottoms, 1995). Legitimacy has been described as fluid and dynamic (McNeill & Robinson, 2011; Bottoms & Tankebe, 2012), and in prison research comparing those places that are perceived to be more or less legitimate, differences in legitimacy have been primarily located in the nature of the relationships between staff and prisoners (Liebling, 2011). How power is used by staff - how legitimate this is perceived to be – amongst other factors, shapes people’s experience of prison, their frustration, pain and well-being (Liebling, 2011).

## 2.3 Disciplinary adjudications

Disciplinary adjudications are a formal, and primarily punitive, process used in response to incidents of more serious rule-breaking (HMPPS, 2018a). Rule-breaking is defined as a commission of a disciplinary offence listed in Rule 51 Prison Rules 1999 or Rule 55 of the Young Offender Institution Rules 2000. For reporting purposes, the types of rule breaking can be categorised as: violence, wilful damage, disobedience and disrespect, escape and abscond, unauthorised transactions, and ‘other’ forms of indiscipline such as endangering health and safety. After a prisoner is charged with a disciplinary offence, a court-like adjudication hearing held within that prison allows for an inquiry into the charge, the presentation of evidence, the right to a defence and legal advice. If the prisoner is found guilty, they can be issued with a punishment, either singular or in combination. Sanctions range in severity and may include, for example, days added to the custodial element of a person’s sentence, a period of time confined to cell or forfeiture of privileges and loss of earnings. The adjudicator is typically a prison governor,<sup>2</sup> who determines both guilt and punishment. Adjudicators are guided on the proportionate punishment for different types of rule-breaking, and each prison has local guidelines, although staff retain some discretion. Punishments can be activated immediately or suspended (if the adjudicator offers the

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<sup>2</sup> Where rule-breaking is so serious as to potentially warrant days being added to the person’s prison sentence, the case is referred to an independent adjudicator, who is a district or deputy district judge. Prison adjudicators do not have the authority to issue this specific punishment.

prisoner a chance to change their behaviour, and if successful, they can avoid the sanction; similarly additional days can be remitted for good behaviour).

There were 204,715 adjudications recorded across the adult secure estate in England and Wales in 2018, a rise of 7% from the previous year (Ministry of Justice, 2019c). Sixty-five percent of these charges were proven. Violence offences accounted for around 18,800 (9%) of the proven charges, the highest figure since 2015. In the same year, there were approximately 221,000 punishments awarded, which was a six percent increase from 2017.

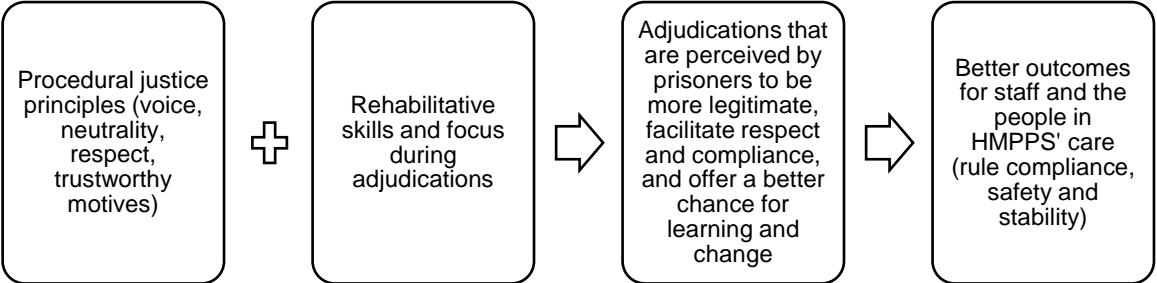
Very little attention has so far been paid to whether adjudications achieve their intended outcomes. Prison Service Instruction 05/2018 (HMPPS, 2018a) identifies the key outcomes of adjudications to be that authority is used proportionately, lawfully and fairly, that a safe, ordered and decent prison is maintained, and that prisoners understand the consequences of and address negative behaviour. There has been no evaluation of whether these aims are achieved by this process, however. Little attention has been given to how the conduct or outcome of adjudications are experienced, or whether they promote compliance with rules and reduce the frequency or severity of rule-breaking.

Two recent studies have investigated adjudication practice but neither included an evaluation of behavioural impact. In Northern Irish prisons, Butler and Maruna (2015) reported that prisoners involved in the study saw adjudications as lacking in legitimacy, as inevitably resulting in a guilty verdict, and feeling that they were not listened to or treated with respect during these procedures. Adjudications were derided as “kangaroo courts” (p. 7) lacking the basic elements of PJ. More recently, in English and Welsh prisons Fitzalan Howard (2017) explored whether a greater focus on rehabilitation might be possible in disciplinary adjudications, with the aim of better helping those charged with rule-breaking to learn and change their behaviour. The author observed and concluded that adjudicators can, and some do, use skills that facilitate or support rehabilitative change, despite adjudications being a primarily punishment-focussed process by design. The actual application of rehabilitative skills, however, was inconsistent across adjudicators, with some people using many more than others, and some skills being used more often than others. The author concluded that if adjudications can be delivered in a way that supports and facilitates rehabilitative change (by using rehabilitative skills in a process perceived as just), this could bring significant benefits for everyone who works or lives in prison, and contribute to a rehabilitative prison climate or environment.

## 2.4 Rehabilitative adjudications

The concept of rehabilitative adjudications (RAs) brings together the aforementioned research on rehabilitative skills (or core correctional practices), Fitzalan Howard's (2017) proposal of the rehabilitative potential of adjudications to help people to learn and change their behaviour, and the robust evidence-base for the critical influence of PJ on respect and compliance with rules in custody. The researchers propose that bringing together these concepts provides an evidence-informed approach to adjudications, which has the potential to bring about improved outcomes. Figure 1 shows the component parts and theory of change, implemented within the existing adjudication and decision-making process. The focus is on the process of the adjudication, what interactions occur, what is said and how, and the quality of the decision-making process. It is not focussed on the actual decisions made. The model does not presume that rehabilitative skills and PJ principles are absent in the current practice of adjudicators in HMPPS. Fitzalan Howard's study clearly shows that some critical skills and principles are currently used by some staff. The RA approach aims to make these more explicitly, frequently and consistently used in order to improve the potential and effectiveness of disciplinary adjudications.

**Figure 1: Model of Rehabilitative Adjudications**



Whilst the component parts of the model are evidence-based, making the effectiveness of RAs plausible, this should be tempered with the recognition that adjudications are only one part of life in prison, and only one process by which staff respond to rule-breaking. It is likely, considering the many and various causes of misconduct in prison (Bosma, van Ginneken, Sentse, & Palmen, 2019; McGuire, 2018; Steiner, Butler & Ellison, 2013), that the magnitude of positive changes in behaviour wholly attributable to more rehabilitative adjudications will be relatively small. Further it could be expected that possibly less tangible benefits through developing practice more consistent with, and contributing to a rehabilitative prison climate or environment, in turn may bring dividends in meeting the goals of reducing reoffending and protecting the public (Mann et al., 2018). The effects of RAs are likely to be greater, and

more durable, if they form one component of a broader focus of rehabilitation throughout a prison.

## **2.5 Aims and hypotheses**

The primary aim of this study is to examine the differences in prisoners' perceptions and behaviour according to their experience of traditional adjudications or RAs. The primary hypotheses are that people who experience RAs, in comparison to those who experience the traditional model of adjudications, will show improvements in their:

1. subsequent custodial conduct (fewer future proven adjudications),
2. perceptions of PJ,
3. intent to comply with prison rules,
4. intent to cooperate with prison staff,
5. intent to engage in the rehabilitative process, and
6. self-reported learning.

Further, the study aimed to examine the experience of adjudicators delivering this rehabilitative approach, including their views and engagement with the concept and its place within a wider rehabilitative culture, and their orientation towards the treatment and punishment of prisoners.

## **3. Method**

### **3.1 Design**

This is a mixed methods study, comparing traditional adjudications and those delivered in a rehabilitative way, focussing on perceptions and behavioural outcomes for prisoners, and the experience of RAs for those delivering them. This was a six month pilot, with the first three months comprising traditional adjudications phase (pre), and the following three months comprising the RA phase (post). Data gathered in the two phases were compared. Details of training and procedure can be found in later sections.

### **3.2 Prisons**

Four prisons from the North West region of England took part in the study. This region was approached because a senior manager there had previously expressed interest in taking part. Six prisons volunteered to be part of the pilot following a call for expressions of interest. One women's and three men's prisons were selected based on examination of a number of criteria including average monthly adjudication completion rates, the movement of prisoners in and out of the establishments, whether the prisons were running or planning any other specific schemes to tackle misconduct, and whether they felt able to accommodate the resource requirement of taking part. The four prisons ranged in operational capacity from 286 to 664 residents. The men's prisons were all category C prisons.<sup>3</sup> A women's prison was purposefully included to enable some exploration of possible gender differences in the responses to RAs. Details on monitoring and local oversight of the pilot at the prisons is detailed in Appendix A.

### **3.3 Description of the training**

The training was seven hours in length. Three separate events were held over the course of a week. The training consisted of presentation of key information around rehabilitative skills and PJ, discussions, and skills practices. Each skill was described, discussed, and examples of how each could be demonstrated and real life examples of these during a RA were given attendees were then asked to demonstrate them, were observed in doing so, and feedback was provided. Full details of the skills and principles covered can be found in Appendix B. The training also included a 'missed opportunity' exercise, which required attendees to think through real scenarios and identify where rehabilitative skills could have

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<sup>3</sup> Category C prisons are training or resettlement prisons for adult prisoners. They provide prisoners with the opportunity to develop their own skills so they can find work and resettle back into the community on release.

been used, but had been missed. The training event ended with a section on planning, and discussion around strategic problem-solving for the implementation of the pilot.

### **3.4 Adjudicator sample**

The plan was to provide training to 36 adjudicators across the four prisons. Of these, 30 attended the full day training, and a further one member of staff attended a half day training (covering the theory but not the practice). This meant that 31 adjudicators received full or partial training, and 5 did not receive training. Twenty of the staff sample provided some demographic information with their consent forms. The mean age of those who provided information was 48 years, with a range of 28-58. All reported their ethnicity to be white, and included 13 men and seven women. On average, those included in the sample had worked for HMPPS for 23 years (range of 10-35 years), had worked at their current prison for an average of five years (range of 0-21 years), and had conducted adjudications for an average of nine years (range of 0-20 years).

Ten staff were interviewed at the end of the pilot (October 2018), two or three from each prison depending on availability. The interview sample was opportunistic; that is, the interviewees were chosen by their nominated single points of contact (SPOCs) based on their availability, ensuring that they had conducted adjudications since the training, and their willingness to be interviewed. No-one approached for interview declined to take part. Interview length ranged between 21 and 42 minutes, with an average of 33 minutes. The interviews were recorded on a Dictaphone and transcribed verbatim for analysis.

### **3.5 Adjudication and prisoner samples**

A total of 1,612 adjudication entries made up the initial adjudications data trawl. Data were sent to the research team from each of the prisons, following a request to send details on all adjudications which reached completion during the six month pilot period, 26th March – 26th September 2018.<sup>4</sup> Cases where an adjudication was referred to an independent adjudicator or to the police, or were not proceeded with, should not have been included in this trawl. Of the 1,612 cases, 259 (16%) were deleted from the database for a range of reasons including: not being able to find the individuals on NOMIS,<sup>5</sup> where the person's unique prison identification number and name did not match other sources, cases where the record was incomplete, cases which were adjourned or the charge was not proceeded with or it was

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<sup>4</sup> Either found guilty, or dismissed because they are found not guilty. This does not include those that are adjourned, referred to the independent adjudicator or Police, or not proceeded with.

<sup>5</sup> An operational database used in prisons for the management of prisoners.

referred to the independent adjudicator, and cases where there was a duplicate entry. This generated a sample of 1,353. A further 86 entries were deleted, as the adjudications were delivered by staff who had not attended the RA training. The final baseline sample comprised 1,267 adjudication events (some prisoners were in the sample more than once).

Of the 1,267 entries in the final adjudication sample, 391 (30.9%) were from Prison A, 318 (25.1%) from Prison B, 386 (30.5%) from Prison C, and 172 (13.6%) from Prison D; 514 adjudications took place in the pre-training phase, and 753 took place in the post-training phase. The most frequent adjudication charge was disobedience/disrespect (n=411, 32.4%), followed by unauthorised transactions (n= 330, 26.0%), wilful damage (n=144, 11.4%), violence (n=125, 9.9%), and escape/abscond (n=6, 0.5%). Almost 20% of adjudications were in the ‘other’ category (n=248, 19.6%). A total of 140 of the adjudications were related to drug use (11.0%). The majority of the adjudication sample were in prison for the full three month follow up period (n=1,025, 80.9%). The average number of proven adjudications in the three month follow up period for the adjudication sample was 2.31 (SD=3.13, range 0-23).

A total of 732 individuals made up the prisoner sample. A proportion of these (33.5%) received more than one adjudication during the pilot period, bringing the tally to 1,267 adjudications. Seventy-six individuals were included in both the pre and post phases of the pilot (10.4%). Demographic and offence characteristics of the prisoner sample are shown in Table 1. The largest proportion of the sample came from Prison A (35.1%) and fewest came from Prison D, also representing the number of women in the sample (n=126, 17.2%). There were more individuals in the post phase of the pilot compared to the pre phase (462 compared with 270).<sup>6</sup> The average age of the prisoner sample was 29.6 years (range 18-62), and the average sentence length was 47 months (equating to 3.9 years, range 1-169 months), based on those with determinate sentences only (n=554).

**Table 1: Demographic and Offence Characteristics of the Prisoner Sample (N=732)**

		N	%	Mean	SD
<b>Prison</b>	<b>Prison A</b>	257	35.1		
	<b>Prison B</b>	141	19.3		
	<b>Prison C</b>	208	28.4		
	<b>Prison D</b>	126	17.2		

<sup>6</sup> One reason for this difference was because one of the prisons did not provide the necessary data for the early stages of the pilot.



		<b>N</b>	<b>%</b>	<b>Mean</b>	<b>SD</b>
<b>Pilot phase</b>	<b>Pre</b>	270	36.9		
	<b>Post</b>	462	63.1		
<b>Age at time of adjudication (years)</b>				29.60	8.50
<b>Sentence length (months)</b>				79.23	195.51
<b>Ethnicity</b>	<b>White</b>	632	86.3		
	<b>Mixed</b>	31	4.2		
	<b>Asian</b>	37	5.1		
	<b>Black</b>	28	3.8		
	<b>Other</b>	2	0.3		
	<b>Missing</b>	2	0.3		
<b>Conviction category</b>	<b>Violence</b>	310	42.3		
	<b>Drugs</b>	124	16.9		
	<b>Acquisitive</b>	141	19.3		
	<b>Other</b>	28	3.8		
	<b>Missing</b>	129	17.6		
<b>Sentence type</b>	<b>Life</b>	13	1.8		
	<b>Determinate</b>	556	76.0		
	<b>IPP</b>	7	1.0		
	<b>Recall</b>	140	19.1		
	<b>Other</b>	6	0.8		
	<b>Missing</b>	10	1.4		

There were no statistically significant differences between the pre- and post-pilot phase samples in terms of their age, sentence length, ethnicity, conviction category, or sentence type.<sup>7</sup> That is, the pre and post-pilot phase samples were similar in makeup.

The number of questionnaires completed, allowing for the generation of scores for PJ and intentions were relatively small (n=137, 10.8% for the whole pilot).<sup>8</sup> More responses were received in the pre-phase (18.9% of hearings included a completed questionnaire), compared with the post-phase ((5.5% of the hearings included a completed questionnaire). To examine the representativeness of the sample who completed questionnaires against the full adjudication sample, the two groups were compared on their demographic characteristics. The two samples did not differ significantly on any characteristic,<sup>9</sup> suggesting that the subgroup who completed the questionnaires were broadly similar to the whole sample.

<sup>7</sup> Age (t(1261) = 1.35, p = .87), sentence length (t(1228) = 1.27, p = .77), ethnicity ( $\chi^2$  (4,1) = 2.91, p = .57), conviction category ( $\chi^2$  (3,1) = 1.33, p = .72), sentence type ( $\chi^2$  (4,1) = 8.83, p = .07), adjudication charge ( $\chi^2$  (5,1) = 2.54, p = .77).

<sup>8</sup> A true response rate cannot be calculated, as it is not possible to confidently say that every prisoner was offered a questionnaire by the prison, in line with the intended study design.

<sup>9</sup> Age (t(87.51) = -.12, p = .91, equal variances not assumed), sentence length (t(709) = .274, p = .78), ethnicity ( $\chi^2$  (4,1) = .787, p = .94), conviction category ( $\chi^2$  (3,1) = 1.726, p = .63), sentence type ( $\chi^2$  (4,1) = 1.09, p = .90), adjudication charge ( $\chi^2$  (5,1) = 8.159, p = .15).

### 3.6 Measures

**Adjudication data.** Each prison site provided a spreadsheet containing information about every completed and recorded adjudication which took place in the six month pilot period. Information gathered included the person's name and Prison-NOMIS<sup>10</sup> number, the date and charge of the adjudication, and the hearing outcome.

**NOMIS data.** Prison-NOMIS was used to determine the number of proven adjudications following the original (index) adjudication, which was used as the primary marker of custodial conduct. This enabled a count of further proven adjudications each person had received in the three months since their index adjudication to be generated. Demographic information was also gathered from Prison-NOMIS if it was missing from the data sent from each prison, and to verify or check conflicting information.

**HMPPS Hub data.** This is a centralised place for collecting and reporting prison and probation data. The Hub reports officially recorded figures of assault and disorder within each prison, along with a range of other metrics made available to all HMPPS staff. Those data used for the present research included the crowding rate, Incentives and Earned Privileges<sup>11</sup> (IEP) levels and the staff-prisoner ratios at each of the four prisons. Staff-prisoner ratios<sup>12</sup> were calculated using official staff and prisoner population figures from the six-month timeframe of the research. These were used to check and ensure the consistency of rates across the six months of the pilot.

**Prisoner questionnaire.** A questionnaire was developed for the purpose of this research, which was distributed to prisoners<sup>13</sup> following their adjudications throughout the six months. This contained eight items relating to perceptions of PJ specifically relating to their adjudication. The eight items were developed to tap into the four components of PJ (neutrality, respect, trustworthy motives and voice), with two items targeting each component. This 8-item PJ scale had good internal consistency (Chronbach's alpha = .94).

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<sup>10</sup> Data was sent to from each of the prisons, and should have included all adjudications which reached completion during the six month period, 26 March – 26 September 2018.

<sup>11</sup> The Incentives and Earned Privileges scheme was the system through which prisoners could earn additional privileges by demonstrating a commitment towards their rehabilitation, engaging in purposeful activity, reducing their risk of reoffending, behaving well and helping other prisoners and staff. The higher the level the person is on, the greater the privileges received. Poor behaviour can lead to a prisoner moving to a lower level, and losing privileges as a result. In January 2020 the IEP scheme was replaced by the Incentives Policy Framework, which aims to better incentivise positive behaviour and gives governors greater flexibility to tailor incentives to local needs and challenges.

<sup>12</sup> Staff-prisoner ratios are based on FTE (full time equivalent) staff numbers.

<sup>13</sup> All prisoners should have been given a questionnaire, however, it is difficult to know how reliably this was managed. If prisoners were not consistently offered this, this may explain the low numbers received.

The questionnaire also contained one question on intention to comply with prison rules, a question on intention to cooperate with staff, and a question on intention to engage with rehabilitative process. All questions were answered on a 1-7 Likert scale. Finally, the questionnaire contained three questions with free text response boxes which aimed to capture prisoners' self-reported learning from the adjudication process.

**Interview Schedule.** An interview schedule was developed for the adjudicator interviews conducted at the end of the pilot. This was semi-structured, conducted face to face and consisted of a series of prompts around the training staff received, rehabilitative skills, conducting RAs, and the wider rehabilitative orientation and culture of the prisons in which they worked.

### 3.7 Analysis plan

The number of proven adjudications in the three months pre- and the three months post-training were compared using independent samples t-tests,<sup>14</sup> correcting for chance statistical associations using Bonferonni corrections. Responses from the prisoner questionnaires relating to PJ were also compared pre- and post-training using independent samples t-tests (using Bonferonni corrections), and intention to comply, intentions to cooperate and intention to engage (due to the fact that they are conceptually related) were compared using MANOVAs.<sup>15</sup> Effect sizes are also reported. The free text responses from the prisoner questionnaires were subject to content analysis, to generate a series of categories within a coding frame using a deductive and inductive approach. The researchers separately determined coding frames, which were then compared and a single frame produced collaboratively. Each researcher then independently coded every response, which was followed by discussion and agreement for any inconsistent coding. The adjudicator interview data was subject to thematic analysis (Braun & Clarke, 2006). An inductive semantic approach was taken; themes that were identified were data-driven, and described and summarised the data produced from the interviews. The transcribed interviews generated 130 pages of data (font 12, single spaced). Initially all transcripts were read and reread for familiarity. Initial codes were generated from identifying features of the data (a line or part of a line) that were meaningful. Initial codes were clustered into broader level themes and a thematic table generated. Interviewees were given pseudonyms to protect their anonymity.

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<sup>14</sup> While some adjudication events related to the same people in both the pre and post samples, the overlap was by no means complete meaning the assumptions of the related sample t-test were not met and independent t-tests were applied for this analysis.

<sup>15</sup> MANOVAs were used to analyse multiple outcome variables of interest.

### 3.8 Limitations

There were a number of limitations which need mentioning, which need to be borne in mind when interpreting the findings. The number of prisoners who completed the questionnaires was much lower than expected (details in the results section). The smaller subsample who completed questionnaires were reasonably similar to the whole sample on key demographic and sentence variables, and thus can be considered representative. However, there may be differences in unmeasured variables (such as attitudes) between the groups, that could potentially influence outcomes. It is not possible to calculate accurate response rates, because it is not certain that all people had the opportunity to complete the questionnaire as the research design intended. The smaller questionnaire sample meant that analyses for some subgroups could not be performed as the sample sizes were too small. Further, differences in outcomes for those with single or repeated adjudications were not examined.

There may be differences in how much the training altered practice in the four sites, and therefore the outcome of the pilot. For example, staff in women's prisons felt RAs were consistent with current practice, and although validation of current good practice is a valuable component of training, alongside developing additional skills, it makes it more complicated evaluating impact. The researchers also discovered at the end of the pilot that a senior manager at one of the prisons shared rehabilitative adjudication training materials with the senior management team at that prison several months before the start of the pilot. This meant that some of the adjudicators at that prison had been introduced to the concept of RAs before the pilot (although had not received training), which may have impacted on the results. This may be a reflection of the prison's particular commitment to rehabilitation, as could all four sites volunteering to be in the pilot. This could also be the case with the ten individuals who agreed to be interviewed. This commitment is likely to be reflected in other parts of prison regime and management, which has implications for the generalisability of the pilot findings. There were some differences in engagement with the pilot, by site. The researchers tried to monitor fidelity, but were unable to fully determine how much each site conformed to the research requirements.

Proven adjudication are a relatively crude measure of misconduct, not accounting for rule-breaking not observed by staff, or dealt with using other measures. The design cannot determine causal effects. A randomised controlled trial methodology would have been a stronger design and ensure fully independent samples. However, this was decided against due to potential contamination effects of trained staff speaking and working alongside non-trained staff, and potential perceptions of unfair treatment by prisoners receiving different approaches in the same prison at the same time. The follow-up period was also short in

length, and the design did not enable the analysis to take into account all of the many features of people, the population in each site, the staffing or the environment that can impact on prison behaviour (Bosma, et al., 2019; McGuire, 2018; Steiner, et al., 2013).

## 4. Results

### 4.1 Context

To estimate the potential impact of factors extraneous to this study, each site was asked to describe other initiatives occurring or starting at the prison at the same time as this pilot. At all sites, there was some implementation of the OMiC programme, the aim of which is to provide a keyworker and case manager for everyone in custody. This is a significant programme with potential to have an impact on staff-prisoner relationships as well as custodial behaviour (Ministry of Justice, 2016). However, since this was introduced to some extent across all four sites, impact was expected to be fairly consistent. It is more likely that the impact was greater towards the end of the pilot, at which point the OMiC programme was more established. Other small changes were noted at some sites, for example FMI training (Tate, Blagden, & Mann, 2017; Webster & Kenny, 2015) was ongoing at one of the sites, and at another they had introduced a range of services including, for example, a new wage system, a new independent living area on one of the units, and a programme aimed to improve purposeful activity within the most difficult-to-reach men.

It was possible that the four prisons differed in terms of how they make decisions regarding punitive sanctions awarded for proven rule-breaking. This was examined by scrutinising the local manuals used at each site to check for consistency in decision-making and to examine the minimum and maximum number of days awarded for each punishment for different types of rule-breaking. Although the guidance used at the four sites varied in the level of detail to guide decision-making, there was no apparent trend for any of the prisons to be more punitive than others. As such, whilst it is acknowledged that each prison will vary in the way they make decisions about awards, there does not appear to be any prison which stands out as consistently different from others.

To explore whether any of the differences in outcomes examined could be due to other factors at the prisons, monthly rates of crowding, hours spent in activity, staff-prisoner ratios and the rate of people on each IEP level were examined. Figures were retrieved for each prison for the six months during which the pilot was running, and the subsequent three months (to allow for the follow-up period of people adjudicated towards the end of the pilot phase). No obvious elevations or dips within each of the prisons, or overall, were found for the population sizes, staffing figures, activity hours, or the number of people on standard or enhanced IEP levels. That is, these appeared to be fairly consistent, and therefore are unlikely to be having an impact on the results. Crowding figures appeared reasonably stable for the six months of the pilot in the prisons, but began to rise in two of them during the final

three months of follow-up. The number of people on basic IEP level was largely stable also, with the exception of one prison where this reduced markedly at month five, then rose and reduced again during the follow-up period.

### 4.2 Proven adjudications and perceptions

Table 2 shows the mean number of proven adjudications in the three months post-index adjudication for both the traditional model of adjudications (pre-training) and the RA phase (post-training). It also shows the mean PJ score, the mean intent to comply score, the mean intent to cooperate score and mean score for intent to engage with rehabilitative processes in both phases of the pilot.

**Table 2: Traditional vs Rehabilitative Adjudication volumes for Proven Adjudications in follow-up period, Perceptions of PJ and Intentions**

	Traditional adjudications			Rehabilitative adjudications		
	N	Mean	SD	N	Mean	SD
<b>Proven adjudications</b>	509	2.10	2.52	751	2.46	3.48
<b>PJ</b>	96	5.55	1.53	41	6.13	1.20
<b>Intent to comply</b>	95	5.72	1.83	41	6.34	1.26
<b>Intent to cooperate</b>	96	5.79	1.64	41	6.34	1.37
<b>Intent to engage with rehabilitative process</b>	94	5.48	1.99	41	6.10	1.58

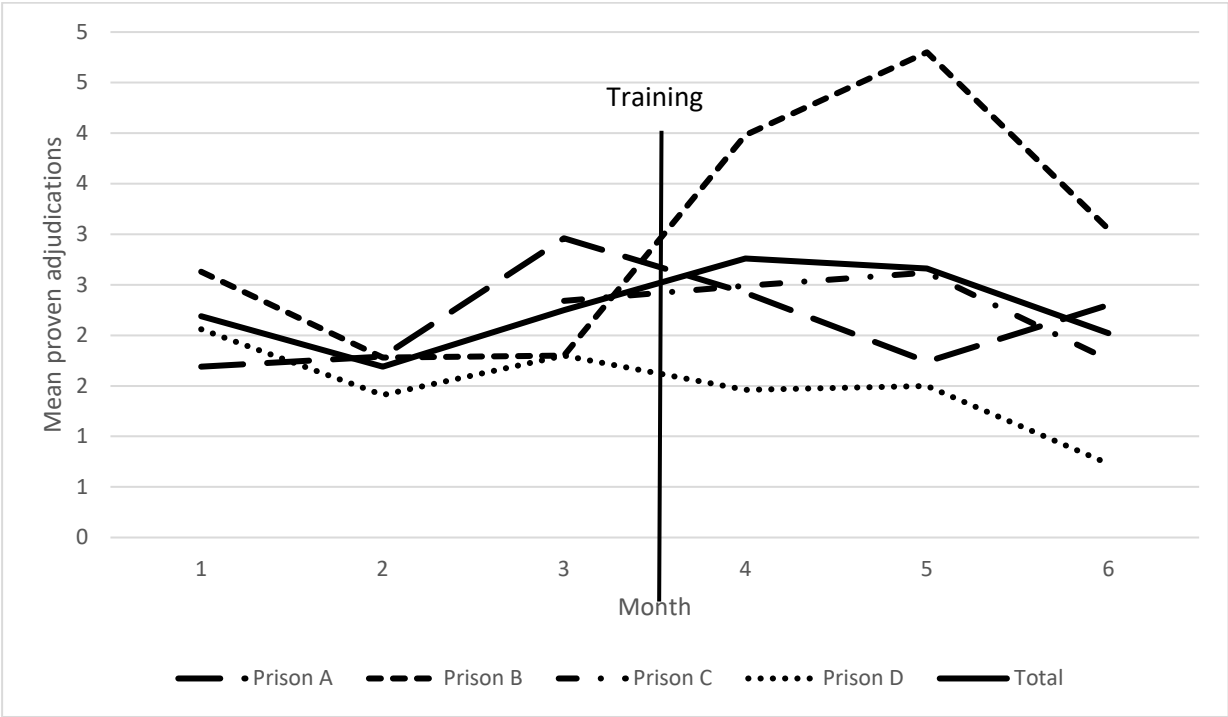
### Changes in number of proven adjudications

To examine whether people who experienced RAs showed improvements in their custodial conduct, comparisons were made for subsequent proven adjudications between those who received index adjudications in the first three months of the pilot (traditional adjudications) and those who received index adjudications in the second three months of the pilot (RAs). An independent samples t-test found no difference between the groups in terms of their subsequent custodial conduct ( $t(1252.29) = -2.12, p = .03$ , equal variances not assumed,  $d = .10$ ),<sup>16</sup> thus not supporting hypothesis one. That is, the number of proven subsequent adjudications was no different in the RA phase of the pilot compared with the traditional adjudications phase. The findings remained the same when the analysis was repeated for only those people who remained in custody for the full three-month follow up ( $n=1025$ , 80.9%).

<sup>16</sup> A common interpretation of Cohen's d (1988) effect sizes are as small ( $d = .2$ ), medium ( $d = .5$ ) and large ( $d = .8$ ).

To examine these outcomes by prison, separate independent t-tests for each prison were conducted. Prison B was the only prison at which there was a statistically significant difference in the two phases of the pilot ( $t(191.00) = -4.12, p = .00$ , equal variances not assumed,  $d = .48$ ). At this prison, the number of proven adjudications was significantly *greater* in the RA phase ( $M=4.02, SD=5.07$ ) compared to the traditional adjudication phase ( $M=2.13, SD=2.34$ ), and the effect was medium in size. At the other three prisons the differences were not statistically significant (prison A:  $t(385) = 0.20, p = .84, d = .02$ ; prison C:  $t(384) = 0.28, p = .78, d = .03$ ; prison D:  $t(156.84) = 1.54, p = .13$ , equal variances not assumed,  $d = .24$ ), although at all of these three prisons the observed frequency was lower in the RA phase. These results are shown in Figure 2 below, illustrating the pronounced increase in the number of adjudications (particularly) in months 4 and 5 for prison B. It therefore appears to be the case that prison B may be skewing the data. This was explored further, revealing that there were a number of people with very high numbers of proven adjudications at prison B. It may be that there were some particularly prolific rule-breakers at that prison in the latter half of the pilot, who contributed to this elevated rate of proven adjudications at this prison. It should also be noted that prison C did not provide any data for months 1 and 2 of the research, which is why the line for prison C only starts at month 3.

**Figure 2: Average number of Proven Adjudications following Index Adjudication across the six months.<sup>17</sup>**



<sup>17</sup> Data retrieved from P-NOMIS records.

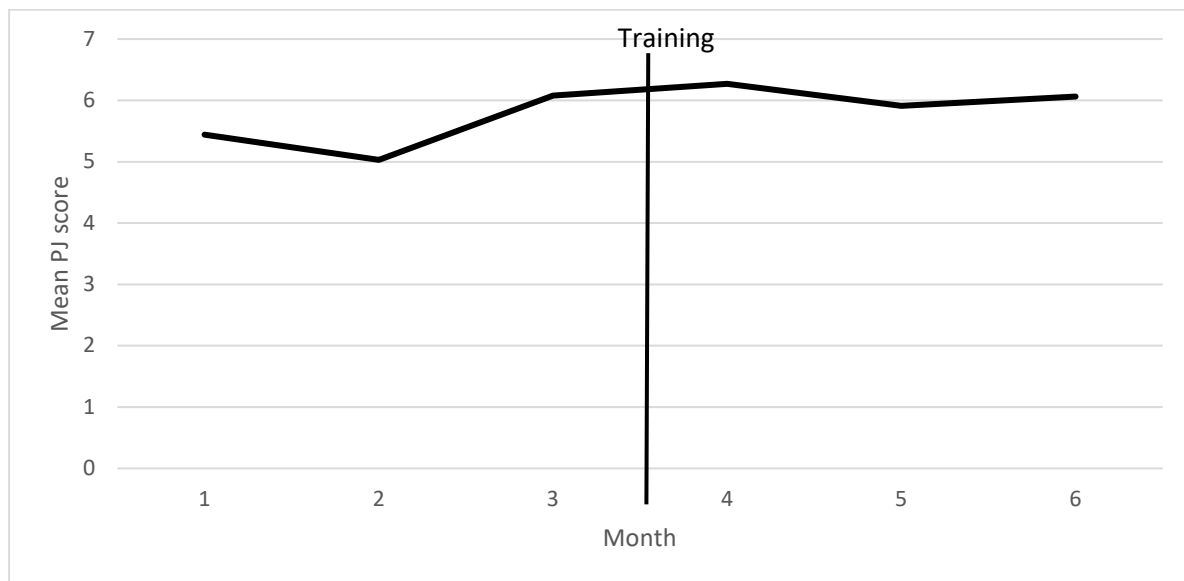


## Procedural justice (PJ)

For the whole sample, PJ perceptions, measured via a questionnaire, were significantly better in the RA phase of the pilot in comparison to the traditional adjudication phase ( $t(95.28) = -2.38, p = .02$ , equal variances not assumed,  $d = .43$ ), supporting hypothesis two, and indicating a medium size effect. In the traditional adjudication phase the average PJ score was 5.54 (SD=1.52), and in the rehabilitation adjudication phase the average PJ score was 6.12 (SD=1.20).<sup>18</sup> Figure 3 below shows the scores in PJ perceptions by month. This shows the increase in PJ perceptions, as hypothesised, in the latter half of the pilot (RA phase) compared to the first half (traditional adjudication phase).

Only for Prison A were there sufficient data for an analysis of the questionnaire responses. For prison A, there were no differences in PJ perceptions in the two phases of the pilot (PJ:  $t(77) = -.65, p = .52, d = .16$ ).

**Figure 3: Average Procedural Justice scores by month across six month pilot<sup>19</sup>**



## Intentions

A MANOVA was conducted to examine differences in intentions measured via questionnaires in the pre and post phases of the pilot. The model was significant ( $F = 570.83, p = .00$ ), with statistically significant differences pre and post pilot on intention to comply with prison rules ( $F = 4.27, p = .04, d = .41$ ), which was significantly more positive in

<sup>18</sup> PJ scores could range from 1 to 7, with higher numbers indicating more positive perceptions. The scores reported here indicate quite positive perceptions in the pre-phase, and statistically significantly more so in the post-phase, almost reaching maximum score.

<sup>19</sup> Data retrieved from questionnaires.

the RA phase in comparison with the traditional phase, supporting hypothesis three. The effect size was small to medium. Although intention to cooperate with prison staff and intention to engage with the rehabilitative process were observed to increase from the traditional adjudication phase to the RA phase of the pilot, neither of these differences were significant (intent to cooperate:  $F = 9.86$ ,  $p = .05$ ,  $d = .39$ ; intent to engage:  $F = 11.10$ ,  $p = .08$ ,  $d = .350$ ), thus not supporting hypotheses four and five.

For prison A, none of the differences in these outcomes were statistically significantly different in the two phases of the pilot.

### Other subgroup analyses

As some types of rule-breaking could potentially be impacted differently, and different motivations for rule-breaking may be more or less susceptible to RAs, the differences in number of proven adjudications, PJ perceptions and intentions by rule-breaking category were examined.<sup>20</sup> There were no statistically significant differences across charge type on the number of subsequent proven adjudications or ratings of PJ. For those charged with 'other' (such as endangering health and safety), there were significant differences in both intent to cooperate ( $F = 4.66$ ,  $p = .04$ ,  $d = .96$ ) and intent to engage ( $F = 4.18$ ,  $p = .05$ ,  $d = .88$ , equal variances not assumed), both greater in the RA phase (mean of 6.80 compared to 5.55 in the traditional adjudication phase for intent to cooperate; and mean of 6.50 in the RA phase compared to 5.00 in the traditional phase for intent to engage). The size of the effects were large. However the sample size was small ( $n=30$ ), so the finding must be interpreted with caution.

Differences for those who had been charged with rule-breaking relating to drug use specifically were examined. This type of rule-breaking was singled out for examination given the serious concerns with drug use in English and Welsh prisons. To identify the charges relating to drug use, the researchers reviewed the charges and made systematic decisions about which to include. A total of 138 charges were deemed to be related to drug use of some kind. There were no differences in the number of proven adjudications between the two phases of the pilot for this group, and there were also no differences between perceptions of PJ or intentions to comply. However, those who had been charged with rule-

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<sup>20</sup> Across the whole sample, the sample sizes for different rule-breaking were: disobedience/disrespect,  $n=411$ ; unauthorised transaction,  $n=330$ ; violence,  $n=125$ ; wilful damage,  $n=144$ ; other,  $n=248$ . To examine differences in PJ perceptions, intention to comply, to cooperate and to engage, smaller sub samples were used (those who completed the questionnaires). These samples sizes were: disobedience/disrespect,  $n=43$ ; unauthorised transaction,  $n=37$ ; other,  $n=30$ . For other charge categories the groups were too small to analyse meaningfully.

breaking relating to drug use had greater intentions to cooperate ( $F = 5.64, p = .03, d = 1.01$ ) and greater intentions to engage with rehabilitative process ( $F = 4.59, p = .04, d = .90$ ) in the RA phase (mean of 6.82 and 6.55 respectively) compared with the traditional adjudication phase (mean of 5.56 and 5.00 respectively). Again, the size of these effects were large. However the sample size was again small ( $n=27$ ) when exploring these differences, which must be borne in mind when interpreting this finding.

Finally, differences by conviction type were examined,<sup>21</sup> which revealed that those who had been convicted of acquisitive offences seemed particularly to benefit across most measures from the RA approach (adjudications:  $t(254.26) = -3.49, p = .001$ , equal variances not assumed,  $d = .74$ ; intent to comply:  $F = 7.02, p = .01, d = .98$ ; intent to cooperate:  $F = 5.31, p = .03, d = .85$ ; intent to engage:  $F = 13.85, p = .001$ , equal variances not assumed,  $d = 1.03$ ). That is, intention to comply, to cooperate and to engage all increased pre- to post-pilot. Differences in perceptions of PJ did not statistically significantly change, and number of adjudications increased pre- to post-pilot.

### Self-reported learning

In total, of the 137 completed questionnaires, 131 included the completion of the free-text response component, comprising 376 responses in total (268 pre and 108 post). Although a relatively small sample size, these reported experiences are important as they offer further insight and enable triangulation of data related to RAs from a self-selecting sample. Individual responses were coded and categorised, resulting in five broad themes. The first theme 'commitment to comply with rules and regime' included statements about intending to obey rules or listen to staff, and benefits of compliance. The second theme 'positive perceptions of the process and wider system' related to perceiving the system, staff or adjudication process to be fair, understanding the adjudication process, feeling listened to and respected, positive perceptions of staff and believing the prison was committed to rehabilitation. 'Skills to cope or behave differently' was the most common theme, comprising behavioural, cognitive, emotional and interpersonal skills. For example, working to resist negative peer influence, listening to and communicating with staff, managing impulsivity and difficult emotions, perspective taking and consequential thinking, planning for the future, self-reflection, trusting others, and taking responsibility. The theme 'no change' comprised predominantly of brief 'no' responses to questions about learning from the hearing, how to

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<sup>21</sup> Sample sizes for each conviction category for the overall sample can be found in Table 1. Smaller subsamples were used for examination of PJ perceptions, intention to comply, cooperate and engage (those who completed the questionnaires): violence,  $n=60$ ; drugs,  $n=28$ ; acquisitive,  $n=34$ . For other conviction categories the groups were too small to analyse meaningfully.

act or behave differently in future. The final theme, 'negative perceptions of process and wider system', included statements about the system being biased or discriminatory, punishments being excessive, inconsistencies in treatment, insufficient support or treatment available, mistrust of staff and the prison, and feeling that staff do not care or listen.

Table 3 presents the frequencies for each theme. To account for the difference in how many questionnaires were completed in the two time frames, percentages for each theme within each time period are also included.

**Table 3: Frequency of questionnaire free-text response themes**

Theme	Pre (traditional adjudications)	Post (RAs)	Total
<b>Commitment to comply with rules and regime</b>	52 (19.4%)	29 (26.9%)	81
<b>Positive perceptions of process and wider system</b>	14 (5.2%)	7 (6.5%)	21
<b>Skills to cope/behave differently</b>	97 (36.2%)	40 (37.0%)	137
<b>No change</b>	48 (17.9%)	28 (25.9%)	76
<b>Negative perceptions of process and wider system</b>	57 (21.3%)	4 (3.7%)	61
<b>Total</b>	268 (100.0%)	108 (100.0%)	376

Reviewing these figures, it appears that a greater proportion of statements indicating commitment to comply, and a smaller proportion of negative perceptions, were reported in the RA period compared with the previous phase of the pilot, which is promising. However, a greater proportion of 'no change' responses were seen compared with when traditional adjudications were delivered. The proportion of positive statements, and those relating to skills for coping differently, appear reasonably similar in the two time periods. Overall, therefore, hypothesis six was partly supported.

### 4.3 Rehabilitative adjudicator experience

The thematic analysis of interviews with adjudicators aimed to understand their experience of delivering RAs, their perceptions of the training, their confidence and competence in using rehabilitative skills and PJ principles in adjudication hearings, their views on the practicalities and ease of using this approach, challenges and barriers, and how RAs contribute to the wider prison culture. Seven overarching themes were identified; these are presented in Table 4.

**Table 4: Experience of Rehabilitative Adjudicator themes**

1. Positive experience of training	5. Barriers to RA implementation
2. Enhanced skills, confidence and commitment	6. RAs within a wider cultural approach
3. Beneficial and feasible nature of RAs	7. Future implementation and good practice
4. Variable impact of RAs	

**1. Positive experience of training.** Among the 10 adjudicators who participated in the interviews, their accounts of the training were consistently positive; each of them believed they had developed or improved skills and their application as a result. From their perspectives, the training prompted greater and deeper reflection on their practice; *“a lot of things we do we kind of take for granted, and you probably think you’re doing something and you’re maybe not...or maybe not doing it as well as you thought (Jim)”*. The training appeared to focus attention on specific skills, encouraged them to think about the transferability of existing skills to hearings, prompted them to use skills more frequently and with greater deliberation (*“it refreshed the knowledge and sort of sharpened it up ready for that specific purpose” (Simon)*), and helped them to reflect on their existing practice and identify new practices to enhance the rehabilitative potential of adjudications.

*“I think using praise and reinforcement, the training’s helped me with that. I never previously did that much at all.” (Simon)*

*“...I focussed more on welcoming, settling in, introductions and what’s going to happen without launching straight into the procedures. [The training] reminded me to do a bit more of that.” (Claire)*

Half of the interviewees commented specifically on the training delivery, that this was relaxed, fun and informative, a good length, included a balance of presentation, discussion and skills practice, had a clear purpose and provided a convincing narrative (with evidence) for the concept. Further, the adjudicators talked about the training offering them a shared experience with colleagues, which they appreciated. Adjudicators operate alone for the most part, which can feel isolating for some people at times; coming together for the training event allowed them to share practice ideas, observe and learn from each other, and simply spend time together in relaxed surroundings (*“the most important thing was that there was an open kind of forum and discussion between lots of people with different ideas and thoughts” (William)*).

**2. Enhanced skills, confidence and commitment.** All of the adjudicators who took part in the interviews talked about their use of PJ principles and rehabilitative skills in their adjudication practice since the training; there was a general belief that they were confidently using more skills, more often (*"I'm more confident now. I feel more conscious of [using skills and principles]"* (Ed)). Examples of skills mentioned include greater use of Socratic questioning, a more relaxed and collaborative style, offering prisoners opportunity for voice earlier in the hearing and allowing more time for them to speak, listening more attentively (*"giving them an opportunity to have a voice"* (William)), following up on actions sooner, facilitating discussions about actions and consequences, and using more praise and reinforcement for positive behaviour (*"I tried to look for little things that they had done well"* (William)).

There was a consensus that individual adjudicators and the senior management teams in general were committed to RAs. They communicated a deeply held belief that behaviour change is possible, and they had faith in the value of rehabilitative efforts. Almost all reported believing that RAs contributed to better outcomes; the two who were less certain about the impact still expressed commitment to the approach as they believed this had a place in the wider work to develop rehabilitative culture in prisons (see later theme 'RAs within a wider cultural approach'). Several adjudicators talked of their personal satisfaction and enjoyment when their work helps people in prison to think and behave differently, which was more likely in rehabilitative interactions. These accounts all suggest that RAs were experienced as a collaborative, rehabilitative and reciprocal experience.

*"So I am a big fan and it makes adjudications more enjoyable and it makes you feel like you're getting something useful out of it in a way that I probably didn't before."* (Claire)

The adjudicators' self-reported confidence and degree of skill use revealed occasional disparity. All of the adjudicators spoke of feeling very confident in their use of skills (*"I use them anyway"* (Simon)), but whilst at times they talked of these being developed through training, at other times they reported that they had all of these skills prior to the training. This may be because the training acted as a refresher, rather than 'teaching' something new (which is plausible given the experience of the attendees), but this discrepancy between reports of consistent and inconsistent skill use (for the same skills), was similarly observed during the training day ad hoc conversations. A few of the interviewees, unprompted, reflected that people's self-assessment of the use of PJ principles and rehabilitative skills may be positively biased.

*“What struck me on the training was that everybody thinks they’re really good already. We all think we’re already doing it, don’t we, and we can’t be” (Claire)*

**3. Beneficial and feasible nature of RAs.** Every adjudicator who participated in the interviews identified multiple benefits, from their personal experience, stemming from the RA approach. For example, in the short-term, they believed RAs helped prisoners to feel listened to and cared about, and to reflect on their behaviour, the consequences and alternatives. It enabled greater transparency and fostered better relationships, built respect and perceptions of fairness, prompted apologies (from prisoners to staff for misconduct), and that prisoners on the whole responded reasonably, and trusted the process more (which led to fewer adjourned adjudications).<sup>22</sup>

*“It is about giving a prisoner an opportunity to kind of rehearse a future situation that they might encounter. ...asking what they would do differently next time, getting them to think about options in the calm, before anything actually happens so they’re kind of aware of other ways of dealing with things” (William)*

*“...[in] 90% of cases, the prisoner actually came back from being very argumentative and being defensive to apologetic, so I think it kind of made the prisoner think as well” (Ed)*

In the longer-term adjudicators perceived benefits, such as focussing on developing skills and thinking to change behaviour rather than just respond to it, developing greater trust in relationships between staff and prisoners more generally, which ultimately could contribute to a safer and more stable prison environment. The consideration of and rehearsal of alternative behaviours feels particularly rehabilitative and collaborative.

*“I’m starting to get positive feedback from individuals around; I think they’re coming to my adjudications expecting fairness so they’re more inclined to talk. ...I think they’re a little bit more forthcoming and a little bit less confrontational. I think the tone has softened, it’s less hostile.” (Claire)*

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<sup>22</sup> Hearings can be paused and rescheduled for a number of reasons, including the prisoner asking for legal advice. In this study, adjudicators believed that greater trust in the process and in the adjudicators meant that prisoners were more comfortable to continue without delay.

*“...the better relationships are, the more improved safety is. We’ve got safety measures but none of them will ever be as effective as staff-prisoner relationships” (Jeff)*

It was interesting to note that although many had initially expressed concern that there was no time available in everyday adjudication practice to implement more RA principles and skills, the majority reflected in interview that these additions had not impacted as they had feared – they found that many of the skills and principles could be implemented in quick and simple ways. Alternatively, when investing additional time was perceived to be necessary, the adjudicators generally felt that this was time well spent.

All of the adjudicators who participated in the interviews reported believing that traditional (by which they meant ‘primarily punitive’) adjudications did not effectively change people’s behaviour in custody. That approach was described as outdated and failing to teach people *how* to behave. They talked of their personal responsibility to affect change, and that RAs (in their mind) helped to break a ‘cycle’ of ineffective punishment in custody by doing something more transformative.

**4. Variable impact of RAs.** The adjudicators’ reported experiences highlighted the varying degree to which this approach was consistent with what was previously used, and the varying impact (in their view) of RAs for different prisoners and groups. For example, those working with women felt this approach to be reasonably similar to the general approach taken when working with this cohort. They also reflected (in comparison to their prior adjudication experience with men) that the women they worked with often more readily engaged and responded during adjudications, making the use of some skills easier.

The majority of the interviewees recognised that not all prisoners respond the same way, regardless of the use of skills and principles. Readiness to engage and change fluctuates, and can affect responses to questions, for example. This, as well as the different circumstances and detail of each hearing, influenced the opportunities for, and success of, different skills and principles in any given hearing.

*“It doesn’t work for everybody. Some people don’t want to discuss things. But it does for the majority.” (Jeff)*

*“It’s difficult to positively reinforce something when what you’re presented with is just a display of absolutely negative behaviour” (Mark)*



**5. Barriers to RA implementation.** The adjudicators interviewed identified a range of barriers to the implementation and success of RAs, broadly categorised as individual, cultural and practical. On an individual basis, the interviewees reflected that differing recall and confidence in using each skill and principles could impede their use, the response of the prisoner, as could the adjudicator's energy levels (as a morning of many adjudications progressed, people felt more tired and greater perseverance was needed).

Half of the 10 adjudicators interviewed identified feeling some 'conflict'. For example, some reported a tendency to assume guilt or deceit impeding the expression of faith and hope in the person's likelihood of change; others described struggling to remain truly impartial when they have a history with the person,<sup>23</sup> or issuing punishments in line with policy whilst personally believing this to be ineffective.

*"And I think what's happening as we've done [RAs] is the punishment bit has got more and more difficult for people, and we've become more lenient actually, because it gets more complex when you're having better conversations with people." (Claire)*

*"...it always feel like I'm the person who's trying to prove a case, so that undermines the [PJ] principles, doesn't it, because I'm not quite neutral, am I? I sort of know some of the background, he knows I'm the authority and the way the evidence gets presented, if the reporting officer is not there, I'm almost presenting the case. So it's not very neutral, but I try my best to be as neutral as I can" (Claire)*

Practically, the varying numbers of adjudication hearings listed in the prison, and the strict policy timeframes for completion, meant adjudicators often felt pressure to progress these as quickly as possible. Whilst most also said, at different moments in the interview, that use of skills does not need to add much time, the busier prisons still perceived there to be greater pressure, and whilst some RA skills might be used, perhaps not as many as they would want to use ideally.

Further, the interviewees believed the effective implementation of other processes in the prison influenced adjudication practice, specifically whether all of the hearings listed should

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<sup>23</sup> Adjudicators will often have some prior knowledge or, and have interacted with, the prisoner in the past, as part of their general day-to-day work.

have reached this formal process. For example, several commented that lower level misconduct should be dealt with by staff in other ways (informally or via the IEP scheme), but a lack of staff confidence and competence in challenging prisoners, or a lack of faith in the IEP scheme, could mean adjudications were being overused. This increased hearing numbers, adding to the pressure placed on adjudicators, both actual and perceived.

*“I think one of the problems is that we’ve had is that the IEP<sup>24</sup> policy has not really been fit for purpose and so a lot of adjudications are put on when really they’re not even adjudications, they should be dealt with in a different way.”*

(Pete)

*“...and sometimes it’s because the officer hasn’t got the confidence to deal with that person. The governor can be the bad guy here and he can deal with that.”*

(Jim)

The adjudicators acknowledged that different prisons have different cultures, in which staff adopt different styles when working with prisoners. For example, prisons with a more punitive, authoritarian and rigid approach would, they felt, find it more difficult to adopt RAs and develop their rehabilitative culture generally.

## **6. RAs within a wider cultural approach.**

*“...it really underpins the whole establishment’s rehabilitative culture approach, because it’s like the sharp end of it, isn’t it? If you can be positive and procedurally just on this, then you can in all the others because this is the most difficult one. It’s a really, really good symbol to the prisoners that [the prison is] putting its money where their mouth is about rehabilitative culture. ...it supports everything else we’re asking people to do further down the chain”* (Claire)

Every adjudicator who participated in the interviews reported that RAs were consistent with the wider rehabilitative culture drive that is occurring in English and Welsh prisons, and contribute to it; *“it’s part of rehabilitative culture...just another aspect of it”* (Simon). In fact, given the work on prison culture has been taking place for some time (Mann, et al., 2018),

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<sup>24</sup> In January 2020 the IEP scheme was replaced by the Incentives Policy Framework, which aims to better incentivise positive behaviour and gives governors greater flexibility to tailor incentives to local needs and challenges.

the present focus on rehabilitation in the context of adjudications was described by one person as being “*a bit late to the party*” (Jim).

There was a consensus view that punishment and rehabilitation can coexist, as they must in this specific approach. There was also a realism, however, that the adjudication process does not exist independently of other processes or everyday life in prison, and it makes up only a small part of a person’s life in custody. On their own, the effect of RAs was thought to be reasonably small, but when combined, or run alongside, other aspects of prison life that are also designed to be more rehabilitative, the approach was thought to hold greater potential. As such, adjudicators saw the value of RAs not just in whether they achieve immediate benefits, but whether they contribute to a wider cultural rehabilitative approach taken by HMPPS.

*“Whether it would change somebody’s behaviour long-term, I don’t know. But I think it gives people opportunity to reflect on what they’ve done. ...it chips away...”* (Simon)

**7. Future implementation and good practice.** The adjudicators interviewed, based on their experience of this pilot, as well as their considerable experience of working in prisons and in the development of rehabilitative culture, identified ideas for the future implementation of RAs. Firstly, they highlighted the need for all staff (not just adjudicators) to understand, support and ‘buy in’ to the concept. The wider staff group need to understand the purpose and evidence that underpins this approach in order to trust that this is intended to deal more effectively with misconduct, improve prisoners’ respect for and compliance with rules and change their behaviour, and in doing so to contribute to safety and stability for all in the prison community. This, and challenging the potential mistaken belief that this is ‘soft justice’, is crucial to ensure that staff have faith in the adjudication process. Further, it was pointed out that staff are crucial in helping to reinforce the learning and behaviour change begun during hearings, but only if they are brought into the process; “*if [staff are] on board, they’re the ones that reinforce more to prisoners than [adjudicators] would as such*” (Ed).

For the delivery of RAs, and to maximise the chances that these are effective, suggestions were made to ensure that the approach was implemented as intended, and for this to be maintained. These included, for example, the creation of ‘prompt sheets’ for skills and principles (“*a visual reminder...a piece of paper that gets stuck to a desk*” (Jeff)), refresher training and coaching, sharing practice in-house, observation, discussions about skills and

principle use being an agenda item during adjudication standards meetings,<sup>25</sup> and a commitment to self-reflection.

The administrative organisation of adjudications varied slightly across sites, and in interview two staff shared logistical ideas that they felt had improved the adjudication process at their prison, in the hopes that it may help other sites. These included more efficient administrative and paperwork issuing systems that were not the responsibility of busy wing staff, moving the location of hearings out of segregation or care and separation units and onto the residential wings, and training more staff as Adjudication Liaison Officers to ease the burden often placed on a small number of staff.

For the training itself, suggested improvements included more real-life examples of good practice, more realistic examples for discussion, greater variety in methods (such as the use of videos or demonstrations), and greater monitoring of skills practice to help people keep focussed.

Finally, and moving away from the *process* of adjudications (which is the focus of the RA concept), the majority of adjudicators wanted a review of paperwork, the process to be made less bureaucratic ("*stuff that's getting in the way is the bureaucracy of adjudications. ...this convoluted process that gets in the way of a real conversation about behaviour*" (Claire)) and the possible outcomes (i.e. punishments) that can be awarded. They believed this last point was the next step in improving the effectiveness of responses to custodial rule-breaking, and they talked of wanting to see more meaningful, tailored and restorative or rehabilitative awards being possible, rather than just punitive ones.

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<sup>25</sup> This is a regular meeting held in prisons to review the use of adjudications, rule-breaking and the local punishment guidelines.

## 5. Discussion

This study aimed to evaluate possible differences that RAs, in comparison to traditional adjudications, have on prisoners' perceptions of PJ, intention to comply, cooperate and engage, their self-reported learning and their custodial conduct. Further, the study examined the experience and perceptions of adjudicators delivering RAs.

### 5.1 Interpretation of findings in the wider context

Reported perceptions of PJ were statistically significantly more positive during the RA phase of the pilot with a medium effect size. The scores generated in the two phases of the pilot indicate that overall perceptions of PJ were positive (scores higher than 3.5 indicates a positive perception), but were more positive in the RA phase of the pilot compared with the traditional adjudication phase. Given that the wider literature shows that PJ is associated with a range of better outcomes in prison (Beijersbergen, et al., 2014; Beijersbergen, et al., 2015; Beijersbergen, et al., 2016; Bierie, 2013; Butler & Maruna, 2009; Day, et al., 2015; Fitzalan Howard & Wakeling, 2019; Reisig & Mesko, 2009; Steiner & Wooldredge, 2018) this is an encouraging finding. It also suggests that training adjudicators in PJ specifically, and encouraging the deliberate and explicit use of the four principles in an adjudication context may be effective approach to improving PJ practice and perceptions.

Further, scores for intention to comply with prison rules was significantly greater (small to medium effect), and the free text responses similarly showed an increase in prisoners' commitment to comply, during the RA phase. This is encouraging as adjudications are relied on to promote compliance in prisons; this may be a consequence of the improved PJ perceptions (although this was not directly tested in this study) (Beijersbergen, Dirkzwager, Eichelsheim, & Van der Lann, 2015; Bierie, 2013; Butler & Maruna, 2009; Day, Brauer, & Butler, 2015; Fitzalan Howard & Wakeling, 2019; Reisig & Mesko, 2009; Steiner & Wooldredge, 2018). The free text responses also indicated a reduction in the proportion of negative perceptions of the process and wider regime during RAs, in comparison to traditional adjudications, although no clear improvement in positive perceptions. This is heartening, as not viewing adjudications negatively is important for prisoners to engage in and trust this process. As this is a disciplinary process, perhaps hoping for positive experiences and perceptions is a little unrealistic, whereas a more realistic goal might be to aim for the limiting of negative experiences instead.

For the most part, however, no statistically significant difference in proven adjudications was observed. For three prisons although the direction of effect was promising, the differences

did not reach statistical significance, but in one prison (prison B) significantly poorer behaviour was seen during the RA phase. One plausible explanation for the null effects is that rule-breaking behaviour is complex, and the impact of one process/event is not sufficient to alter this alone. There are a number of background/person characteristics, institutional routines and experiences, and characteristics of prisons that influence misconduct (Bosma, et al., 2019; McGuire, 2018; Steiner, et al., 2013), many of which were not measured or likely to be affected by the approach in this pilot. It was perhaps from the start overly-optimistic to imagine that the study could establish an unequivocal impact on a range of rule-breaking behaviours which are dependent on a complex range of factors. Adjudications are typically used for more serious rule-breaking, whereas less serious rule-breaking and non-cooperation is generally responded to through informal conversations and the IEP scheme. A question that would be interesting to answer is how much exposure to RAs might it take to have the intended effect. Further, it is possible, although as yet untested, that lower-level misconduct might be more successfully influenced by experiencing a more rehabilitative and procedurally just adjudication process.

Interpreting the poorer adjudication outcome (in the one prison) is more difficult. Although this could suggest that RAs may have worsened behavioural outcomes, this would be at odds with the significant improvement in perceptions of PJ, which a large and robust evidence-base shows to have a significant positive influence on attitudes and behaviour. One more plausible hypothesis is that a small group of individuals had a disproportionate effect on the results. Looking more closely at the sample at prison B with significant post-index adjudication misconduct, it appeared that there was a small group of men with a substantial number of rule-breaking events in the RA phase, who elevated the adjudication rate. This could help to explain the negative findings from prison B, as RAs may not reasonably be expected to impact alone on such prolific rule-breaking behaviour. Intent to cooperate with staff and intent to engage in rehabilitative activities were also not significantly different in the two phases of the pilot. As before, it is possible that this single encounter with a modified process was insufficient to alter these outcomes when circumstance, opportunities and relationships outside the adjudication hearing play a part in influencing the behaviour of prison staff and residents.

Although some of the planned subgroup analysis was impeded by the sample size, what was possible pointed to a number of findings that are worthy of further consideration. For people charged with 'other' types of rule-breaking, intent to cooperate with staff or engage in rehabilitative activities was observed in the RA phase. Those charged with drug-related rule-breaking specifically are of particular interest, given the risks that substance misuse

poses in prisons, especially the use of synthetic psychoactive substances. For this group, RAs were associated with significantly greater intent to cooperate with staff and intent to engage in rehabilitative activities, suggesting that RAs may act as a gateway to engaging people in treatment or working more closely with staff for this group. The possibility of RAs helping to contribute to someone's recovery journey is an interesting area for further research (see Wakeling & Fitzalan Howard, 2019). Additionally, for those convicted of acquisitive offences, there were negative changes in the RA phase in terms of the number of proven adjudications, and positive changes in intentions to comply, cooperate and engage with rehabilitative services. It is not clear why this group may have responded differently to RAs than those from other conviction categories, and further, the sample size was relatively small, so caution is needed when interpreting this. It would be useful for future research to further explore any differences across convictions groups using larger sample sizes.

The experiences of the adjudicators revealed commitment to RAs within the context of a rehabilitative prison culture. This approach was perceived to be entirely consistent with the direction of travel being taken in English and Welsh prisons in recent years (Mann, et al., 2018; Mann, 2019), and was viewed as being more constructive, productive and meaningful (for both adjudicators and those being adjudicated) than a more traditional punitive approach. The specific use of rehabilitative skills and PJ principles were generally believed to have a positive effect, although to varying in degrees at varying times, as would be expected. Even when not witnessing meaningful engagement, reflection or learning by prisoners as a result of the RA approach, the adoption of this method was perceived to be worthwhile as it modelled a commitment to rehabilitation and fairness by the prison and the senior management staff, and this event may, when used alongside other rehabilitative processes in prison, contribute to better relationships, conduct and outcomes in the longer-term. The delivery of RAs could be impeded by logistical challenges that adjudicators faced: high case loads, the use or misuse of other processes available for staff to respond to rule-breaking, and the recall of skills and principles during hearings. A number of practical suggestions were made in relation to these difficulties.

The RA training was perceived to have reinforced existing skills and principles, prompted greater use in the context of adjudications specifically, developed confidence and commitment to RAs, and assisted in the development of some skills for some people. Helpful recommendations were made for improving the training, but most notably was the need to include a wider group of staff in understanding the concept and rationale for RAs. It was felt to be very important that staff of all grades are included in this idea, to help them 'buy in' to this approach, enlist their support via their interactions with prisoners before and

after hearings, and ensure they too have faith in RAs and feel supported by their senior management teams in dealing with misconduct.

## 5.2 Recommendations

For an organisation or prison looking to adopt a RA approach, the following suggestions are made:

- Training for adjudicators, and other staff involved in delivering them, focusing as much on the development and use of rehabilitative skills and PJ principles during hearings, as learning the legalistic, procedural, and technical aspects of the process.
- Training or knowledge development for prison staff who are not involved in hearings, focussing on the evidence supporting the use of rehabilitative skills and PJ principles in influencing respect for and compliance with rules, and supporting behaviour change, to explain why these feature in RAs. This should include how these features can co-exist with still having clear consequences for rule-breaking, and challenge any misconceptions around RAs being ‘soft justice’. Further, using this as an opportunity to explain that how staff respond to prisoners before and after adjudication hearings can help to reinforce efforts made to enhance trust, cooperation and behaviour change across the staffing group.
- Local management and delivery practices to ensure that staff perceive adjudications to be fair and trustworthy, such as enabling them to receive explanations as to how decisions related to rule-breaking were reached, especially if the outcome was not what the staff member hoped for.
- Prisoner forums and representatives to help with ongoing monitoring of perceptions of PJ and support for rehabilitative change, identify positive practice and areas for further consideration.
- Provision of ongoing support for adjudicators in their use of skills and principles, to share practice and learning, and receive feedback. Using existing meetings (such as the adjudication standards meetings) for reflection and discussion, or periodic peer-shadowing could be ways of facilitating this.
- Outside of hearings, activities aiming to improve prisoners’ understanding of prison rules, how the adjudications process works and why, and who they can direct questions to, such as through simple notices and information leaflets.



### 5.3 Future research

Further research would be helpful to test the longer-term impact of RAs, as this study adopted a relatively short follow-up period and included, for most of the sample, just one encounter with the RA approach. Larger samples, drawn from a wider range of prisons, would also enable more nuanced analysis to examine if the effect and experience of RAs is different for different groups, such as people of different ethnicities, genders, and for those breaking different types of rules. Future research with more robust design would also be of benefit to explore some of the differential effects we observed for different subgroups. Additional behavioural outcomes should be included in future evaluations; while the frequency of proven adjudications did not decrease, it is possible that the RA influence on less serious behaviour typically responded to outside of adjudications. Effort should also be made to measure and control for the impact of other features of prisons known to impact on rule-breaking, in order to better isolate the effects of RAs on behaviour and perceptions. This could also include measures of prison climate. It would be interesting to examine if RAs contribute to fewer adjourned adjudications, as suggested during the adjudicator interviews, as this has the potential to have an impact on the efficiency of the process and use of resources in the prison. Finally, the present study did not examine if outcomes influence prisoners' perceptions of fairness; this would be worthwhile studying further.

### 5.4 Conclusion

The significant improvements in PJ perceptions and intent to comply with rules and regulations associated with RAs are reasons to continue with this approach. Including greater focus on the use and value of rehabilitative skills and PJ principles in training and policy for disciplinary adjudications is recommended. Whilst this study has not demonstrated the hoped for effect of RAs on serious rule-breaking behaviour, it represents just one part of a wider culture and organisational response to misconduct in prison, that aims to use evidence to bring about better outcomes for prison residents and prison staff in every role. The impact of RAs is likely to be greater if other features of the prison environment and processes are also focussed on supporting and achieving rehabilitative change (Fitzalan Howard, 2017; Mann et al., 2018; Mann, 2019).

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## Appendix A

### Procedure of monitoring and oversight of the pilot

Each of the four prisons nominated a SPOC, who maintained contact with the researchers throughout the duration of the pilot via email and monthly telephone meetings. Each of the prisons kept details of the residents attending adjudications during the six-month pilot, including the outcome of the hearings. Staff were also asked to distribute an information sheet, consent form and questionnaire to all prison residents following completed adjudications. This information was sent to the researchers on a monthly basis.

After the initial three months of the pilot, the adjudicators attended a one day training event on RAs, and following this were asked to use the skills learned on the training within all of their adjudications in the following three months. They were asked to fill in reflection/check in sheets on a monthly basis following the training to determine adherence to RAs. Additionally, a member of the research team observed one person conducting adjudications at each of the prisons for a morning following the training. Again the purpose of this was to determine the level of adherence to RAs.

## Appendix B

# Ten Rehabilitative Skills and Four Procedural Justice Principles

### Building trust, confidence and rapport

- Using a respectful tone
- Making courteous introductions at the start of proceedings
- Saying please and thank you
- Showing an interest in the resident as a person rather than just as a 'rule-breaker'
- Taking residents' issues seriously and treating their rights as equal to the rights of others

### Active listening

- Giving people the chance to give their account (have a 'voice')
- Listening to people and taking on board what they have said
- Summarising, or paraphrasing, and asking further questions to clarify doubts or queries
- Maintaining eye contact at all times
- Not interrupting the speaker
- Speaking less

### Giving people choices and hope

- Help individuals understand the choices available to them
- Help individuals to identify which choices would be most suitable and why they might help
- Express hope in their ability to change, and in their future
- Identify positives from the interaction/discussion and highlight these to the individual
- Helping people see things in a more realistic way

### Socratic questioning

- Get people to think more deeply about an issue, and help them to analyse it and learn something new
- Help people to think for themselves, solve their own problems, come up with their own strategies, become more independent and able to cope
- Get people to come up with answers themselves rather than giving advice.

### Praise and reinforcement

- Think small and identify any behaviour that could be praised or reinforced
- Include a coaching element, where possible
- Make it personal, warm and encouraging
- Make it earned rather than vague or insincere

### Building commitment to change

- Direct people to support services
- Highlight the benefits of change by helping them to identify these benefits
- Acknowledge that change is hard, but that you believe they can do it
- Give people feedback to help them change
- Identify strengths and areas to keep working on

### Rolling with resistance

- Avoid arguing or giving your opinion
- Listen and show that you are listening (active listening)
- Give as much choice as possible
- Help people to think of their own solutions to the dilemma of change
- Praise, encouragement and provide thanks

### Being collaborative and transparent

- Explain the process
- Explain decisions
- Check people are clear on what is happening
- Be willing to take on board others' comments /suggestions

### Warmth and humour

- Body language – eye contact, nodding and smiling
- Use humour where appropriate

### Empathy and concern

- Take the time to mentally put yourself in their shoes
- Apologies for where you/the prisons has affected them
- Share appropriate personal stories
- Thoughtfulness and understanding



## Respect

- Using respectful tone and language
- Taking issues raised seriously, and taking time to discuss issues
- Being courteous, saying please and thank you, maintaining eye contact
- Using preferred names
- Communicating that the person and their rights are important
- Providing the right information at the right time

## Neutrality

- Consistent application of rules
- Consistent purpose of the process
- Explaining how rules are being applied and why
- Explaining how decisions have been reached
- Referring to rules and evidence rather than personal views

## Trustworthy motives

- Explaining the purpose of the process
- Explaining reasons for all decisions
- Listening to and discussing individuals' views
- Consciously being approachable and not intimidating
- Being sincere and caring, and offering support where/when appropriate
- Keeping personal beliefs and feelings out of decision making

## Voice

- Offering the chance to ask questions
- Giving the opportunity to tell their story before a decision is made
- Accounting for their story/views in the decision/action
- Active listening, undivided attention, summarising, paraphrasing
- Asking for an individual's view of the problem and how it could be handled
- Requesting feedback or suggestions for improvement