

“RISKED TO DEATH”:

A STUDY INTO PRACTITIONER PERCEPTION OF THE IMPLICATIONS OF SCOTLAND’S SEX OFFENDER MANAGEMENT SYSTEM ON THE REHABILITATION OF REGISTERED SEX OFFENDERS

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Abstract

Researchers have recently likened modern society to that of a “risk society”, a society preoccupied with risk prevention. It has been claimed that principles of justice are being jeopardised by an obsession with risk reduction, with punitive policies having little empirical basis. It is crucial that measures taken to combat sex offending are sensitive to coherent research into what evidences best practice and are not merely a panic, populist punitive response. At present, literature assessing the current system of management lacks the expert knowledge and professional experience of practitioners. This dissertation uses data collected from interviews with seven MAPPA professionals in order to enhance the understanding of the implications of Scotland’s system of management on the rehabilitation of Registered Sex Offenders. It is hoped that by doing this, a more coherent assessment of the management system can be made. The themes that are discussed are the importance of a holistic approach, problems with a misinformed public, the counter-productivity of the Scottish system of management and the assessment of MAPPA.

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Contents

	<u>Page no.</u>
Acronyms	1
Introduction	2
1.0 Literature Review	3
1.1 What is Sexual Offending in Scotland?	3
1.2 Perceptions of the Sex Offender	4
1.3 The Rise of Populist Punitiveness	5
1.4 Public Protection, Risk Management and Rehabilitation	6
1.5 Do Rehabilitative Programmes Work?	6
1.6 Risk-Needs-Responsivity v The Good Lives Model	7
1.7 Conclusion	8
2.0 Methodology	9
2.1 Rationale	9
2.2 Sample	9
2.3 The Interviews	10
2.4 Coding	10
2.5 Ethical Implications	11
3.0 Findings	12
3.1 Participant Background Information	12
3.2 The Importance of a Holistic Approach	13
3.3 Problems with a Misinformed Public	14
3.4 Counter-productivity of the Scottish System of Management	15
3.5 Assessment of MAPPA	16
4.0 Discussion	23
4.1 Similarities and Differences with Existing Literature	23
4.2 Implications	25
4.2.1 Rehabilitative programmes employed	25
4.2.2 The role of defensibility in counter-productivity	25
4.2.3 Measuring Success	26
4.2.4 Conflicting professional cultures	26
4.3 Recommendations	27
Concluding Remarks	28
References	29

Acronyms

GLM: Good Lives Model

MAPPA: Multi-Agency Public Protection Arrangement

MFMC: Moving Forward Making Changes

RNR: Risk-Needs-Responsivity model

SOPO: Sex Offender Prevention Order

SPS: Scottish Prison Service

Introduction

Sexual offences are not offences that the general public can easily comprehend. Unlike an offence such as shoplifting to support a family, sexual offences have no comfortable rationale behind them. This undoubtedly leads the public into viewing sex offenders as a different category of offender entirely (Rogers, & Ferguson 2011). This public revulsion is furthered by the deep and lasting effects that sexual offences have on a victim. Consequently, sex offenders tend to be among the most feared and hated of all criminals (Levenson et al 2007). As a result, the majority of the public condemn sex offenders, calling for increasingly punitive and restrictive methods of punishment (Rogers & Ferguson 2011, Viki et al 2012). Governments have recently responded to this plea, creating progressively restrictive policies (Hutton, 2005).

Kemshall (2012:4) describes some of these legislative responses as a possible “policy misunderstanding of what the public wants, in particular mistaking media clamour for public appetite”. Moreover, academics have established that condemnation of offenders can be counter-productive in their rehabilitation (Viki et al 2012; Kemshall et al 2012). Although the public would largely disagree, it is generally thought that, among academics, the most beneficial outcome for both society and the offender is rehabilitation (McAlinden 2007). It is crucial that measures taken to combat sex offending result from coherent research into what evidences best practice and are not merely a panic response. This will ensure the employment of the most successful management system possible. Therefore, research into the management of sex offenders has great interdisciplinary importance; including within the fields of both criminology and criminal justice (McNeill 2012:3).

Therein, this dissertation aims to further assess the successes and failures of Scotland’s sex offender management system, coherently addressing the following question:

What are the implications of Scotland’s system of management on the rehabilitation of Registered Sex offenders?

In order to satisfy this, the research aims to go beneath political and media clamour and directly consult practitioners who are involved in the delivery of these Government programmes. McNeill (2012:16) recognises an absence of expert knowledge in the business of rehabilitation from the professional experience of practitioners; this dissertation seeks to fill the gap. Semi-structured interviews were conducted with key professionals in order to enrich existing literature in this field.

This dissertation will firstly include a literature review describing what sexual offending is in Scotland, public perception of the sex offender, the rise of populist punitiveness and issues surrounding rehabilitation. The “methodology” chapter rationalises the use of semi-structured interviews and discusses the benefits and methodological limitations of the particular method employed. Ethical issues relevant to this study will also be touched upon in this section. The “findings” chapter discusses the views of participants under four central themes, namely the importance of a holistic approach in rehabilitation, the problems with a misinformed public, the counter-productivity of supervision and the evaluation of MAPPA. Finally, the discussion chapter deliberates how the findings interact with, and add to, existing literature. This section also highlights the

key issues exposed during the interviews in relation to the management system, making recommendations based on such criticisms thereafter.

1.0 Literature Review

1.1 What is Sexual Offending in Scotland?

According to the Sexual Offences (Scotland) Act 2009 a sexual offence can range from rape, sexual assault by penetration, sexual assault, sexual coercion, communicating indecently, sexual exposure, voyeurism and administering a substance for sexual purpose. It is detailed in the Act that the majority of offences are carried out for sexual gratification. However, motive is debatable, for as Loucks (2002:4) describes “research often suggests that sexual offending is motivated by a desire for power and control rather than from libido”. Given that the range of offences, some of which do not even entail physical contact, is great, as are possible motivations, this constructs quite a different image to that which is stereotypically pictured when thinking about sexual offences and offenders.

Before the Sexual Offences (Scotland) Act 2009 was introduced, Scotland had one of the narrowest definitions of rape in the world, resulting in low conviction rates (Mullholland 2010). However, since its introduction, conviction for rape has doubled (Mullholland 2010). Some convictions for sexual offences will carry notification requirements, which mean that the offender will then become a Registered Sex Offender (RSO) (Scottish Government 2010). Once on the register an offender must comply with certain requirements and restrictions. These will vary between offender and offence but can range from Police visits, tagging and the imposition of curfews, to other more extreme orders such as a Sexual Offence Prevention Order (SOPO) (Scottish Government 2010).

Since 2007, under Section 10 and 11 of The Management of Offenders etc. (Scotland) Act 2005, Scotland has employed a Multi-Agency Public Protection Arrangement (MAPPA) framework to manage RSOs in the community. This involves interagency work from Local Authorities, the Police, the Scottish Prison Service (SPS), Criminal Justice Social Work, voluntary organisations and the NHS, who together aim to assess and manage the risk posed to the public by sex offenders (The Scottish Government, 2013).

According to the Scottish Government (2013:86) “in 2012-13, there were over 3,300 RSOs in the community across Scotland, three per cent higher than the number in 2011-12 and the highest in the last six years”. In recent years, it has become widely accepted among both academics and practitioners that community based supervision is more productive than the majority of other approaches, specifically prison, in the rehabilitation of offenders (McNeill, et al 2010). As long ago as 1990, Garland suggested coherence among academics regarding the failure of prison:

It is becoming the conventional wisdom of criminologists, penologists and social scientists that contemporary methods – particularly that of imprisonment – appear increasingly to be “irrational”, “dysfunctional” and downright “counter-productive” (Garland 1990:4).

It is generally thought, among academics and practitioners, that the most beneficial outcome for both society and the offender is rehabilitation and reintegration into the

community (McAlinden 2007). However, this opinion is rarely shared by the general public.

1.2 Perceptions of the Sex Offender

It is important to address public perceptions of the sex offender. Most importantly, because negative public perception can have an adverse effect on offender rehabilitation and the public play a crucial role in influencing Government policy. Opinions and perceptions of the sex offender and their level of risk, more often than not, are derivative of media portrayals. According to Beck (2006:332), “without techniques of visualization, without symbolic forms, without mass media [...] risks are nothing at all”. Cohen (1980) described paedophilia as the “new” moral panic. Ever since this classification, sex offenders have consistently been at the forefront of media coverage. Though the theory of moral panic is relatively old, it has arguably continued to develop and holds on-going relevance in the analysis of current fears, risks, social problems and controversies (Hughes et al 2011).

Sensationalist reports on sex offenders remain to be frequently visible in news media (see Rose 2013; Johnson 2013). The media often use animalistic dehumanisation of offenders within reports, frequently describing them as predatory, to manipulate public fear and generate revenue (Viki et al 2012). Furthermore, the media neither concern themselves with promoting feelings of public safety nor in providing education on the protective management tools in place. Rose (2013) and Johnson (2013) directly display this notion. Both their articles feature empirical evidence showing that the number of sex offenders in communities is rising but do not acknowledge any authoritative responses to this rising figure. This understandably leads to the misconception that because the number of community based sex offenders is rising, so is the risk. This only serves to strengthen a great public misunderstanding about sex offenders, their level of risk and how this risk is managed.

McAlinden (2007:11) summarises what the public often estimate the risks associated with sex offenders to be, according to media representations:

The media have contributed to the creation of a myth, which has been readily absorbed by the public, that society is full of sexual predators known to the authorities who are ready to prey on the vulnerable, in particular women and young children who were previously unknown to them.

Furthermore, Levenson et al (2007:1) found that members of the community believed that sex offenders had high recidivism rates and viewed sex offenders as a homogeneous group in regard to risk. Contrary to the public perception described by McAlinden (2007) and Levenson (2007), firstly, victims of sex offences tend to be previously known to the victim (Donnelley, 2009). Secondly, with variation between offender and offence comes variation in the level of risk (Marshall and Barbaree 1990 cited in Scottish Government 2002). Finally, although communities perceive sex offender recidivism rates to be high, Ash and Biggar (2001) cited in Scottish Government (2002) found that sexual offenders in Scotland had among the lowest rates of return to custody in the two years following their release.

These facts demonstrate that the fears discussed are largely disproportionate to the risk posed.

Public fear and misunderstanding has considerable consequences for rehabilitation and reintegration. A study by Roger and Ferguson (2011) found that public attitudes were more punitive towards offenders that had committed sexual offences than towards those whose offences were nonsexual. They found that through media representations “sex offenders might be seen by the public as deserving greater punishment and less treatment or rehabilitation than other criminals” (2011:396). Furthermore, Viki et al (2012) found that when sex offenders are dehumanised and labelled by the media they are, in turn, viewed as less deserving of rehabilitation and more deserving of social exclusion. This can be extremely damaging in the rehabilitation stage as will be discussed further, later in this dissertation.

1.3 The Rise of Populist Punitiveness

Media fuelled perceptions of recidivism and risk has led to a diminished faith in the justice system and a public appetite for harsher and longer sentences for sexual offenders. Although historically, different theories of punishment have dominated at different times, it is generally accepted that Western societies have again taken a punitive turn (Hutton 2005). This is supported by the steady rise in Scotland’s prison population and the rate at which recent Governments have introduced further Criminal Justice policy and legislation (Scottish Government, 2012; Maguire et al 2007). However, there is no evidence to support a need for this response as it is well documented that compared with other groups of offenders sexual offenders have relatively low recidivism rates (Ministry of Justice, 2013). Furthermore, Matravers (2003:5) found that that there has been no increase in the most serious sexual offences, in Britain in over forty years. Therefore, it would seem that the increase in punitive legislation is politically driven. Bottoms (1995) described the concept by which legislation is shaped to appeal to the public as “public punitiveness”.

There has been considerable academic literature published on the influence that the concepts of moral panic and fear has on the creation and implementation of legislation. Arguably, much legislation surrounding the issue of sexual offending has been as a response to a socially constructed panic about the perceived dangers posed by sex offenders. Maguire & Singer (2011) conducted a study in which they utilised the concept of moral panic as a framework to address potential motivation for sex offender legislation. They found that current legislation was based on false assumptions, serving the purpose of decreasing fear among the community. Consequently, they warned of the dangers in relation to building policy as a response to emotional reactions rather than on empirical evidence of the effectiveness of practice (Maguire & Singer 2011). Other academics have had similar findings concluding that particular laws not only lack an empirical basis but show little evidence of increased community safety, acting merely as a function of politics (See Levenson et al. 2007, Sample 2006 & Tewksbury 2002).

In a bid to win popularity, Governments take a strong stance against an ostracised group of offenders to ensure that their policies appear attractive, potentially distracting attention from their weaker policy areas (Matravers 2003, Bottoms 1995). Therein punitive populists commonly allow the electoral advantage of policies to prevail over their penal effectiveness (Roberts & Hough, 2005). Hudson (2003) addresses the vulnerability of justice amid this period of heightened populist demand to be protected. In her discussion of

the risk society she describes how “long-held principles of justice are endangered by excessive concern with safety” (Hudson 2003:1). Furthermore, Matravers (2003) asks how far as a country we are willing to push the boundaries of punishment. She largely criticises the use of punitive methods, again, highlighting the lack of evidence for the use of such responses. The Government justify the lack of an empirical basis to the use of punitive methods by masquerading them as necessary for public protection (Matravers, 2003:2).

1.4 Public Protection, Risk Management and Rehabilitation

In recent years the phrase “public protection” has had increasing relevance in Criminal Justice policy. McAlinden (2006) describes the phenomenon as the emergence of a new penology based on public protection, risk and preventive management. According to Beck (2006:332) “modern society has become a risk society in the sense that it is increasingly occupied with debating, preventing and managing risks”. MAPPA was created with the sole intention of strengthening protection, facilitated by multiagency information sharing on sex offenders in order to successfully create and implement coherent risk management strategies (Maguire et al 2001). In this vein, Healy (2009:403) describes a “retreat from comprehensive service provision to a focus on risk management”. However, although MAPPA focuses on public protection through risk management, strong rehabilitative frameworks are employed because primarily, public protection will best be achieved by rehabilitating the offender.

Although community sentences do involve elements of restriction such as tagging and curfews, rehabilitative models lie largely at the heart of these sentences with participation in programmes aimed at changing offending behaviour being central to “treatment”. Therefore for community sentences to successfully protect the public whilst promoting change in the offender they must strike the right balance between restriction and rehabilitation (Criminal Justice Joint Inspectorate, 2010). These types of sentences are advantageous as they allow offenders to practice what they have learnt in their programmes of rehabilitation in a community setting. However, the successes of rehabilitation have been intensely debated ever since the creation of the concept and the question still remains, among the public, academics and politicians; do rehabilitative programmes work? (Jeglic et al 2011).

1.5 Do Rehabilitative Programmes Work?

There are several difficulties in trying to assess the effectiveness of treatment programmes on sexual recidivism. Firstly, the rate of reoffending amongst sexual offenders is generally low, only around 10-15% of offenders being caught committing a further sexual offence 4-5 years after their latest offence (Hanson et al 2002:170). This creates problems for researchers when they attempt to compare rates of recidivism between groups who receive treatment and groups who do not (Barbaree, 1997 cited in Hanson et. Al 2002). Furthermore it must be acknowledged that low rates of recidivism could partly be ascribed to the underreporting of sex offences, particularly because the under-reporting of these offences is known to be acute (Furby et al 1989; Office for National Statistics 2013).

The reliability of previous studies should be treated with caution because sample sizes are often too small to justifiably generalise results to all sexual offenders. Meta-

analytical studies arguably address this difficulty as they combine smaller studies to produce more statistically significant results (Cooper & Hedges, 1994). Through meta-analytical studies, Hanson et al (2002), Hall (1995) and Gallagher et al (1999) all concluded that recidivism rates of treated offenders were lower than rates among untreated offenders. Additionally, the general consensus was that the method that generated the most noticeable decline in recidivism rates was cognitive-behavioural treatments (See Hall 1995, Gallagher et al. 1999 & Hanson et al 2002). Cognitive Behavioural Therapy, originating from the work of Aaron Beck, is directly concerned with altering the way individuals think and behave (Marshall et al 2006). Evidently, methods seeking psychological and behavioural change are favoured in work with sexual offenders but the framework in which they are employed is contestable. The contemporary conflict between rehabilitation models is between the Risk-Needs-Responsivity model (RNR) and the Good Lives Model (GLM) (Andrews et al 2011; Ward 2002).

1.6 Risk-Needs-Responsivity v The Good Lives Model

There is a vast amount of literature available on both RNR and GLM, the ways in which they interact, their contradictions and their potential to complement each other. The most prevalent approach in countries like the United States, Britain, Australia and New Zealand is that of RNR (Ward & Stewart 2003). The RNR model focuses primarily on the reduction of risk, seeking to identify and address criminogenic needs, that is, attributes of offenders that are directly linked to criminal behaviours (McNeill et al 2010). RNR, specifically techniques of relapse prevention, seek to equip offenders with the necessary skills to successfully identify and cope with certain psychological and situational factors that are likely to lead them into reoffending (Ward & Stewart 2003). However, non-criminogenic needs, such as anxiety and personal distress, are treated as secondary.

Although this model has been described as the most influential model in guiding the assessment and treatment of offenders and has evidenced reduced recidivism, several limitations remain (McNeill et al 2010; Ward et al 2007). As the model's primary concern is preventative, most of the criticisms stem from the difficulty in successfully engaging the offender with the programme (Ward et al 2007). A study by Marques et al (2005) conducted research on a model of relapse prevention and concluded that this specific programme led to no reduction in recidivism. It was suggested that this was a direct result of the lack of individualisation and the highly structured nature of the programme which gave the offenders little freedom or incentive to change (Marques et al 2005). It is widely accepted that before change can take place in an individual they must want to. This model does not seek to directly enhance the offender's well-being or quality of life in any other way but to avoid further offending. Therefore, it does not provide an offender with the complete benefits of a crime free lifestyle as it does not provide them with the tools to pursue any other goals (Glaser, 2010). Maruna (2001) supports this view highlighting the importance of a nuanced pro-social identity in the rehabilitation process.

Arguably, the GLM addresses the limitations of risk based models. The GLM views offending behaviour as consequential of socially unacceptable and personally frustrating attempts to secure primary human goods through maladaptive means (Ward et al 2007). These primary goods include knowledge, excellence in work, autonomy, relatedness and community (Ward & Maruna 2007). Ward et al (2007) exemplifies this by identifying a child molester's preference to identify with children rather than adults to obtain the primary human good of relatedness. Therefore GLM treatment is directly

concerned with encouraging methods of obtaining these goals in a pro-social manner. Ward and Stewart (2003) argue that providing offenders with the necessities to live a more fulfilling life will be more effective than merely teaching them how to minimise the likelihood of reoffending. The reasons that maladaptive means for goal achievement are utilised very much depends on a number of internal and external factors unique to each offender (Ward and Stewart 2003). Therefore, this holistic approach, which takes in to account all aspects of offending patterns and an offender's history, should improve individual psychological well-being and in turn reduce recidivism. This move away from entirely risk-based models of rehabilitation is arguably following the realisation that offenders will be more responsive to models that incorporate a strength based approach.

1.7 Conclusion

In conclusion, the issue of sex offending has long since been a central concern to communities worldwide, with intermittent public outcries following rare but particularly brutal offences committed by sex offenders. To illustrate, the high profile British case of the murder of Sarah Payne and the American case of the murder of Megan Kanka arguably prompted moral panic, resulting in legislative government responses (Kemshall 2012, Cohen 1980). Kemshall 2012:4 describes some of these legislative responses as a possible “policy misunderstanding of what the public wants, in particular mistaking media clamour for public appetite”. It is crucial that measures taken to combat such offending are sensitive to coherent research into what evidences best practice and are not merely a panic, populist punitive response. This should ensure the employment of the most successful management system possible.

Although there is evidence to support a rise in populist punitiveness and the management of offenders in Scotland is becoming more rigid, rehabilitative models are employed heavily throughout these models of punishment and public protection. Furthermore, these rehabilitative models are turning towards more holistic, offender focused frameworks, moving away from simply preventative techniques. However, the literature makes clear that measuring success of such models can be problematic. Therefore, research into the management of sex offenders has great interdisciplinary importance; including within the fields of both criminology and criminal justice (McNeill 2012:3).

2.0 Methodology

2.1 Rationale

The research was originally prompted by figures surrounding the Sex Offender Community Disclosure Pilot in Scotland. These figures revealed that the public were not as concerned with enquiring into an individual's offending history as was expected (Scottish Government Social Research 2010). As discussed, legislation has regularly been accused of acting as a reassurance to an intrinsic and disproportionate public anxiety about the dangers posed by sex offenders rather than being resultant of empirically evidenced programmes that produce results. This notion is effectively summarised by Beck (1992) in his development of his theory of a risk society, claiming that the actions of societies are all guided by risk (Beck 1992). The anticipation of risk is crucial to the dynamics of the management of sex offending in the 21st century. Therefore, the approach to this research is informed by Beck's theoretical framework (1992). In this vein, it was thought necessary to ascertain whether the close monitoring of sex offenders in Scotland is really required for public protection or if it is, in fact, counterproductive in terms of rehabilitation. It was thought that the best way to achieve this was by gathering the opinions of practitioners who implement such policies.

It was determined that data would be most rich if it was obtained by way of semi-structured interview. This interview format allows flexibility whilst maintaining direction. It allows for relevant in-depth discussion which will result in a more comprehensive understanding of the interviewee's opinion. Furthermore, Walliman suggests that (2006:98) participants may "bring forward new ideas unforeseen by the interviewer". The potential to ask entirely new questions based on the direction of conversation may result in the discovery of important unforeseen concepts. The benefits described above are also achievable via the use of focus groups. However, it was thought inappropriate to try and coax participants into sharing their views amongst their colleagues. Although participants are all involved in MAPPA they all come from different professional backgrounds and are therefore likely to have a difference in opinion and professional values, if only slight (Terpstra and Schaap 2013). This difference in professional background may lead to members reserving opinion in fear of challenge or judgement.

2.2 Sample

In total, seven participants were questioned. A personal contact was available who asked, during a MAPPA meeting, if others would be willing to participate in this study. Following a considerable response the initial contact provided me with the contact details of those that were willing to be interviewed. After consideration as to which contacts would enhance the study most, interviews were secured with a further three participants. The fifth interviewee was secured during an information night at their organisation. While conducting these interviews contact details for a further two participants were provided, interviews were secured thereafter.

Therefore, the majority of participants were generated through chain-referral sampling, otherwise known as snowballing. Denscombe (1997) describes this method as particularly useful in obtaining credibility when approaching potential participants as sponsorship has already been given by a named individual. The benefit of this support became evident when approaching the interviewees. However, Bowling (1997) illustrates

an important limitation of such a method, discussing the possibility that samples of this nature will only include members from a specific network. This limitation was carefully considered before snowballing was chosen as the method of sample generation. However, the research does seek to analyse the opinions of a specific network, namely MAPPA. Additionally, given the variety of agencies that are involved in the coordination of MAPPA - ranging from social work, to the Police, to voluntary organisations - this specific argument has little validity in relation to this particular study.

Robinson (2014) effectively summarises that recruiting participants is an unpredictable business. This was evident in this particular study as more participants were generated than expected. Informed judgements were made about whether or not additional data collection would be beneficial (Strauss & Corbin 1998). This resulted in the decision to contact and interview the final two participants as it became clear that these were individuals who represented a particularly important profession within MAPPA, which would have been otherwise omitted. Consequentially a participant from each area of MAPPA was interviewed.

2.3 The Interviews

As aforementioned, semi-structured interviews was the principle method adopted for data collection. Interviews were carried out in person in a location chosen by each participant. Participants interviewed comprised a Criminal Justice Social Worker, a MAPPA coordinator, a team manager for the Joint Sex Offender Programme, a Housing Officer and a SACRO Officer. A list of questions was compiled and asked to each individual to ensure that themes central to the research were covered. However, the order in which these questions were asked varied, as did any additional questions asked prompted by way of conversation. The interviews were relaxed discussions and length differed between participants. Each interview was recorded and transcribed to ensure that potentially important details were not omitted. In this vein, it is sometimes the case that recurrent themes and important concepts are not recognised until the transcription stage.

The final two participants, namely a Chartered Clinical Psychologist and a Police Officer, were sent the questions via email. As it was decided to interview these final two participants quite late on in the study, it was not possible to travel for a face-to-face interview. Furthermore, both participants favoured the option of answering questions over email rather than via phone interview. These participants were asked the same core questions as the individuals interviewed (See appendix A). This did not allow for further questions to be asked based on their initial answer. The limitations of this method became clear at the analysis stage as the data from these two participants were not as rich as the data obtained by way of semi-structured interview. However, the benefits of receiving responses these responses still far outweighed omitting these crucial representatives entirely.

2.4 Coding

Each transcription was read through systematically. Glaser and Strauss' (1967) comparison analysis was utilised to then analyse the transcripts. Data was chunked into small units with a descriptor being attached to each unit. These codes were then grouped into categories and themes developed thereafter.

2.5 Ethical Implications

It was ensured that the research adheres to Glasgow Caledonian University's (2013) Research Ethics Booklet: Principles and Procedures. Therein an ethical consent form was submitted to the Ethics Committee for consideration. Furthermore, particular care was taken in adhering to the ethical code of informed consent; that is, participants must have "an adequate apprehension of all information that is material or important to their decision to grant consent" (Faden and Beauchamp 1986). Therefore, all participants were provided with consent forms which detailed the nature of the study and how their responses may be used whilst assuring confidentiality and anonymity (See appendix B).

3.0 Findings

This chapter outlines what practitioners deem to be “the implications of Scotland’s system of management on the rehabilitation of RSOs”. This will be illustrated by examining the opinions of practitioners who are directly involved in the assessment and management of RSOs in Scotland. The data has been split into four central themes that arose during the interviews. The themes are: the importance of a holistic approach in rehabilitation, the problems with a misinformed public, the counter-productivity of supervision and the evaluation of MAPPA.

3.1 Participant Background Information

Information on the professional background of participants is important in order to gain an increased understanding of the individual and potentially why they are of the opinions that they are. The organisations that are involved in MAPPA each have their own specific roles and objectives in relation to offenders, despite the fact that they all have the same desired outcome (Scottish Government, 2013). Not only do the interviewees have noticeably different objectives, there also exists a difference in professional background between every participant in terms of training, values and job description. Professional ideology, particularly the opinions and values associated with a working culture, is known to promote certain styles of working (Terpstra and Schaap 2013). Cultural difference must be kept in mind when analysing results.

All participants have been given pseudonyms to protect their identity.

Ben: Ben occupies the role of MAPPA Coordinator for a Scottish region. He describes his role as ensuring effective cooperation of the responsible authorities in terms of the on-going management of RSOs.

Margaret: Margaret is a Criminal Justice Social Worker. Her main role in relation to working with sex offenders is supervising them on orders in the community; such as community payback orders and drug treatment and testing orders (Scottish Government, 2012).

Jane: Jane is a Team Manager for the Joint Sex Offenders Project and describes her main duties and responsibilities as directly related to the delivery of programmatic and offence focused work, either on a group work basis or a two-to-one basis.

Tom: Tom is Service Team Leader at SACRO and is directly involved with overseeing sixty flats allocated to them by either Criminal Justice or the Prison Casework Team.

Anne: Anne is a Sex Offender Liaison Officer working within housing and assists the Police and Criminal Justice Social Work in ensuring that high risk individuals are in the most appropriate accommodation. This involves creating area profiles for offenders and looking at the appropriateness of neighbours and surrounding areas. She then continues to monitor them on a monthly basis to ensure there is no cause for concern from either neighbours or the tenant.

Gregor: Gregor is a Police Officer working within an Offender Management Unit within Police Scotland. Offender Management Units are directly concerned with minimising the

risk of new offences being committed by RSOs. He is required to risk assess offenders and monitor their compliance with the requirements placed upon them.

Rosie: Rosie is a Chartered Clinical Psychologist who is involved in the assessment and treatment of mentally disordered offenders in terms of addressing their mental health needs and any psychological distress as well as making sense of their offending behaviour and monitoring their risk of reoffending.

3.2 The Importance of a Holistic Approach

If you make the change for the better for the individual then hopefully you enhance public protection at the same time (Ben)

The most predominant theme that emerged from the interviews addressed the importance of a holistic approach in RSO rehabilitation. The discussions revealed a noticeable shift away from purely risk preventative values towards more strength-based values among the practitioners. These values were inherent in every MAPPA professional aside from Gregor. Gregor maintained that the most important aspect of rehabilitation was “compliance and engagement of the offender”. This understanding largely connotes that an offender will only successfully occupy a useful place in society through submission to authority. However, this perspective was not shared by any other participant. This highlights an interesting difference in opinion between MAPPA professionals; especially given Gregor’s policing background. This distinction will be further explored later in this dissertation. The remaining participants described why they thought a holistic approach was necessary to produce the best results in terms of rehabilitation:

It’s about looking at them as a person because I think if you only look at one thing, if you look at their offending or you look at their homelessness, you are doing them a disservice because I’ve always found that homelessness is only one part of it and I think fine, you sort that out but then you start to weld on all the other stuff and things become better.

(Tom)

It’s one thing treating the sex offending, or doing the work round about the sex offending but you’ve got to deal with all the other bits that go around that so that a person has an understanding of how they’ve come to be in the position that they have come to be in.

(Jane)

Offending behaviours themselves come about as a result of an extensive mixture of factors. It makes sense then that any intervention addressing these issues needs itself to be holistic in nature.

(Rosie)

Their whole wellbeing has to be considered so as they are in a position to be physically, mentally and emotionally healthy enough to be able to consider changes that they might want to make in

their life and move forward.
(Margaret)

These opinions do not only fail to correspond with Gregor's position but directly oppose it, again highlighting the apparent value, to most participants, of considering aspects out with the offending behaviour in order to successfully rehabilitate.

However, participants also acknowledged that holistic values do not always translate into management. It is clear from the literature that stereotyping of sex offenders by the media, politicians and the public is common practice (Rogers et al 2011; Hughes et al 2011). Practitioners communicated that they thought that a degree of stereotyping was also visible within the system:

I think too often there can be a "one size fits all" approach based on the assumption that offenders of a certain "type" are all the same
(Rosie)

I think what is too easy sometimes is for some professionals to tar every sex offender with the same brush and say well they will do that again
(Ben)

The practitioners were largely critical of the practice that they described. However, it is noteworthy that although every interviewee – aside from Gregor – emphasised the importance of a holistic approach, they still acknowledged that offenders are not being treated on a case by case basis. This, again, implies that there is some inconsistency in the attitudes of practitioners, with some generalising sex offenders to be a homogeneous group in regards to risk.

Despite this, not only did the interviews reveal a general shift towards holistic attitudes among practitioners but interestingly, a shift towards the employment of more holistic programmes. Jane discussed the practical issues that she perceived stringent programmatic work with sex offenders to present:

Historically, sex offender programmes would have been quite structured, that's the way that we have been used to doing it. It was all modular based - you do this session here and everybody does the same sessions whether or not that was a particular area of need for them. I think we have gradually moved towards more individualised treatment. We are just about to implement a new sex offender programme across Scotland "Moving Forward, Making Changes" which is based on the GLM which is very much strength based, focusing on individual needs and stuff like that so we are moving in that direction.
(Jane)

Unfortunately it was not possible to obtain a copy of "Moving Forward, Making Changes" as the national roll out of training has just started. The programme is the property of the Scottish Government and the Scottish Prison Service and is an accredited programme which requires extensive training to be able to deliver it. However the

interviews revealed that participants who had seen the new programme were largely optimistic about the impact that it may have on increasing the holistic aspect in management.

The participants made clear that they thought it important that work with an offender cannot only focus on their offending and that to deal only with an offender's offending behaviour implies that this behaviour is all that the individual is capable of. Although a new sex offender programme is due to be rolled out across Scotland it is important to note that, at present, it would seem that practitioners thought that the management system itself, or the way that it is employed, was contributory to hindering rehabilitation.

3.3 Problems with a misinformed public

People will always have their opinion and due to them only knowing limited information about the offender/offence, will always express their views (Gregor)

Although the interviews illustrated a more holistic approach to management and rehabilitation programmes within Scotland, concerns emerged about the orthodox way that sex offenders remain to be represented both in the media and by politicians:

There are some well-known politicians from the North East of Scotland who have, in the past, been on the front page of the media saying "we have 375 rapists, paedophiles and murderers in our area, beware" and that's the wrong message.
(Ben)

I think politicians will sometimes use it as a vote winner because they think that the public and the media are so against RSOs and them living in the community that they kind of go along with that and it's not often married up to the actual risk that really does exist.
(Margaret)

The practitioners reported that they thought sex offenders were being misrepresented by the media with all sex offending being generalised as paedophilia, rape or murder. It was described by participants as progressively problematic for RSO rehabilitation when this misrepresentation is adopted by the public:

This preconception that every sex offender is a paedophile makes it very difficult in terms of placing them because regardless of their offending if you place an offender near a school and somebody finds out all hells going to break loose, regardless of the fact nobody at that school is at risk. It doesn't matter; it's the general perception of the public.
(Anne)

You've got to acknowledge that the community will have some concerns and maybe anger in the community, there could be a threat to the offender from the community. So it is challenging but it doesn't mean you don't do it – you still have to try.
(Ben)

Due to the importance of Becker's labelling theory (1973) in academic explanations of offending and the role of the media in ensuring that the offender maintains the label of "sex offender", it was thought appropriate for questions to be put to practitioners on the issue of labelling. When participants were directly asked if they thought that offenders could successfully rid themselves of the label of "sex offender", every participant responded negatively:

Probably not, people will always have their opinion and due to them only knowing limited information about the offender/offence, will always express their views.
(Gregor)

Imagine a little label on somebody's head saying "I'm an RSO" when you peel it off you can still see where it was because someone in the community will still know they were an RSO.
(Ben)

The participants discussed the difficulties faced when an offender cannot rid the label of sex offender. They felt that the degree of the public's readiness to accept offenders back into the community had a real effect on the overall success of rehabilitation. Practitioners mentioned that when offenders are condemned by the community that they live in, it creates significant problems for both the agencies involved in their management and the offender themselves. They acknowledged that although they understood the concern of communities, they think that concern is largely reductive to ignorance and a lack of understanding of both what management systems are being imposed and the real danger that RSOs present:

There is definite "scare-mongering" but this is so often based on ignorance of the various pathways that can lead to an individual committing an offence.
(Rosie)

I think that that's more about ignorance that a lot of people in the media really don't understand exactly what public protection measures are being put in place.
(Margaret)

Evidently, the participants report concern surrounding the role of the media in influencing public opinion and the treatment of sex offenders in the community thereafter. As a result, the participants conveyed that they thought the most important factor in addressing these perceptions was by educating communities. They declared that in order to increase the likelihood of rehabilitation and reintegration understanding by the public must be progressed:

"I think there is a role for communities in terms of supporting people in terms of reintegration [...] It's also about education as well, about sex offenders and the risks that they might pose because then that has a knock on effect about how people perceive sex offenders"
(Jane)

“There needs to be a clearer understanding by the [...] that SOs are not rapists, murderers and paedophiles because they are not – some are but only a very small number of them”
(Ben)

Participants thought that if the public were educated on the facts, such as, most victims are previously known to the perpetrator, most sexual assaults occur in the home and that sex offenders are among those least likely to reoffend (Donnelley, 2009, Walker 2010; Hanson et al 2002), it would go a long way toward increasing public understanding and thus, reintegration. Anne describes what she perceives to be the benefits of a more knowing community:

Some of them are tolerated within their community because they know who they are and the risks associated with them and so some communities find it easier to deal with. It’s fear of the unknown for a lot of them that they find hard.
(Anne)

We have a guy at the moment that was identified early on in his placement and we thought ‘oh dear things are going to go wrong here, we’re going to have to move him’, but the environment that he is in settled down and they just accepted him and we have heard no more complaints so it can work. You do get the other ones who get targeted and we do have to move them out but generally it is a bit more accepting – better the devil you know.
(Anne)

Furthermore, Rosie thought that a more understanding public would not only serve the offender in terms of reintegration but also open pathways for offenders who wish to seek help rather than hide their difficulties and thus remain likely to reoffend.

3.4 Counter-productivity of the Scottish Management System

I think people are probably risked to death would be the best way of describing it (Tom)

The media coverage surrounding sex offenders and concurrent interpretations of the issue by the public arguably have an effect on how legislation on sex offending is shaped (Walker 2010). This is arguably a result of the modern day preoccupation with risk (Hudson 2003, Beck 1992). The literature shows that the general consensus among academics is that legislation is often seen as unjustifiable (Maguire et al 2007; Maguire & Singer 2011; Bottoms 1995). Yet, in order to gain insight at an operational level participants were questioned about this issue.

When participants were asked directly whether they thought that as a country we had gone too far in terms of public protection, each participant stated that they did not think that we had. MAPPA is primarily concerned with public protection therefore it is within participants’ professional discourse to maintain a protective position (Scottish Government, 2012). However, throughout the interviews it was notable that, in some cases, the practitioners did in fact think that the systems and processes employed could be somewhat overbearing and could over-account for the risk posed. With the introduction of

MAPPA in 2007 came a framework for assessing and managing the risk of offenders (Scottish Government 2013). The decisions made at the risk assessment stage directly affects the level at which an offender is managed. However, participants acknowledged that despite the framework, the level of an offenders risk is not always assessed accurately:

I think on occasion it probably has been disproportionate in terms of somebody's level of risk because I think the culture really is very much someone's a sex offender therefore they need to do X Y and Z.
(Jane)

I think everyone involved in devising risk management strategies constantly has the possible "worst case scenario" at the back of their minds, with all the negative consequences for services involved that would come with that.
(Rosie)

One of the pivotal things in MAPPA is defensibility and I feel that a lot of professionals feel that defensibility is about doing absolutely everything to restrict somebody. But, defensibility is about doing the right thing to the right level.
(Ben)

I think people are probably risked to death would be the best way of describing it.
(Tom)

Despite all the risk assessment tools available, there is always going to be a risk that an offender will reoffend as it is impossible to accurately predict human behaviour. As Tom explains "you've got to take risk". However, this was recognised as daunting to practitioners because, should it go wrong, they may be answerable to authority for not correctly following defensibility procedure. Consequentially, resulting in offenders being "*risked to death*" (Tom).

Another common issue expressed in this theme was surrounding particular responses following risk assessment. The rationality of some of the professional responses was questioned:

Yes in some cases I think it can be very restrictive. The biggest problem you've got is, is it rational?
(Tom)

I recall somebody saying that where they stayed, that the only way that they could get anywhere was through a park and that breached their licence so they had to go way, way around and that doesn't make sense to me
(Tom)

There are occasions that I do think oh why are we doing this, what are the grounds for this and it can just be an over-reaction to an incident [...] but yeah there have been times where it has just been

a knee-jerk reaction “get them out now!”
(Anne)

Ben was particularly vocal about his concerns over seemingly irrational responses. He argued the benefits of the register in particular cases. He gave the example of a seventeen year old male being put on the register for engaging in intercourse with a consenting fifteen year old female, with whom he was in a loving relationship. Ben continues his example by detailing that the couple remain married twenty years on from this. In relation to this case he expressed some concern “I have some doubts about the benefits of that individual being a RSO because it will impact on them for the rest of their life”. These concerns make clear that a misinformed public is not the only barrier to reintegration but that the system of RSO management also plays a role in dis-integrating offenders from the rest of the community:

I do wonder if in terms of legislation there should be some review that considers the impact being given that label of a RSO because [...] once you’ve been an RSO its always on their record somewhere or the media will remember it.
(Ben)

I think at the moment with the current structure and processes, that’s something that ensures the label will stay and personally I feel that’s not right for a certain number of SOs, that label should go.
(Ben)

Not only did practitioners question the rationality of particular responses but some participants directly voiced concerns about the potential counter-productivity of intense supervision.

I have seen offenders managed in such a strict way that they are excluded from making use of normal, adaptive coping strategies, their well-being suffers and they are therefore more likely to resort to reoffending as a way of coping.
(Rosie)

I think sometimes supervision can be too overbearing, it leaves little for them to do in terms of their own interests and if people have got so many restrictions on them that they can only more or less just stay at home and not be out and about in the community then that gives them more time to ruminate and gives them time for their thoughts and feelings in relation to their offending to become more entrenched whereas if they had things that they could go out and about and do in terms of leisure and employability then that might prove more productive in occupying their time.
(Margaret)

This theme revealed that participants were directly concerned about the potential implications that the system of management has on the rehabilitation of sex offenders; particularly, the occasionally overbearing nature of it. They described it as an on-going struggle in trying to achieve “that balance between how much risk management there is in

terms of the control element and how much is intervention and therapeutic side” (Jane).

3.5 Assessment of MAPPA

It can be difficult to come to common goals and agreement (Rosie)

The initial difficulty to expressed was difficulty in measuring the successes of MAPPA. Ben described the quality assurance systems of MAPPA as weak. He clarified that he thought this was because there is no base line available. To illustrate, “do we know if there was no work done with them would they offend again?” (Ben). Additionally, Jane described the individualised nature of the system as contributory to the difficulty in assessment. However, despite difficulties in ascertaining statistical empirical evidence; the interviews provided substantial qualitative data which is useful in such an assessment.

It is clear from the interviews that the professionals considered there to be significant advantages of MAPPA as a system of RSO management. Most participants expressed similar advantages; Ben rounds up the majority of the most important aspects identified throughout all the interviews below:

A single voice, a shared message, a mutual understanding by agencies about what other agencies input is and what their responsibilities and requirements are and pivotal to all that is the appropriate and prompt sharing of information so people are cited on any change, no matter how insignificant, of an offender’s behaviour or in their life because those small changes can escalate to something more which can lead to either further offending or a major breakdown in that person’s life.
(Ben)

Additionally, Jane discussed the benefits of MAPPA directly relevant to public protection:

You have a really good broad view of what somebody’s risk actually is and also how to manage that risk so people have a common understanding about what the risks are and how they should be managed.
(Jane)

The participants considered MAPPA to be beneficial to both the public and to the offender. In terms of public protection, the ability to access information from all the agencies involved in an offender’s management was thought to make it easier in identifying relevant risk factors and employing stringent safety management plans to address said risks thereafter. Consequently, the safety of the public is enhanced. In terms of benefit to the offender, the increased coherence between all relevant agencies involved in an offender’s management was thought to increase the likelihood of any intervention to remain holistic in terms of addressing various aspects of the offender’s life.

Every participant largely promoted the positive aspects of MAPPA. However there are, of course, issues when all of these agencies are brought together from different backgrounds to achieve the same end goal. Despite the general consensus being pro MAPPA some criticisms did emerge during the interviews:

The challenges of multiagency work are that all the professionals involved could be coming from a very different background [...] I think a prime example of this would be between social work and the Police. I think it's acknowledged that they have very different professional outlooks.

(Margaret)

Everybody is coming from a different background so I think there are challenges in terms of roles, expectations, different viewpoints, and different opinions on how things should be done which brings in frustration. For example your age old one of the police thinks something should be done one way and social work thinks it should be done another way.

(Jane)

Each agency will, by its very nature, have a different agenda/slant, different priorities and different ways of working so it can be difficult to come to common goals and agreement as to how to reach them. From a healthcare perspective, the individual (offender or not) is the priority most of the time, whereas other agencies (e.g. the police) will always prioritise the public.

(Rosie)

The difficulty associated with cultural differences is directly reflected in the fact that the Police interviewee gave considerably different answers from the majority of other participants. Margaret explained that the Police have a background that focuses very much on control while the other agencies involved in MAPPa have developed from considerably more empathetic ideologies in relation to offenders. Though MAPPa has a clear objective it was evident from interviews that there were also additional objectives for each agency which could be problematic. When asked what the practitioners would change or introduce to MAPPa Margaret stated that it would be "more joint training for everyone". She explained that this could potentially minimise the negative effects of different professional ideologies on work with offenders.

The interviews also revealed that knowledge of what other agencies do is not always sufficient. Anne displayed concern about being unable to meet other agencies expectations while Tom stated that "there are some organisations that are not privy to a lot of the information that social work or the Police have". Tom describes a situation where this proved itself as problematic:

They'll make mistakes such as taking an individual into a library at a particular time of the day and they shouldn't be in the library then – you know access to children or whatever.

(Tom)

Despite the fact that every single participant described information sharing as the most beneficial aspect of a multi-agency system it is clear that there are still gaps and areas for improvement in the system. Though not all participants suggested an improvement or change to MAPPa, namely Anne, some did have some suggestions about how to further

enhance the system. Ben's suggestion is directly relevant to the enhancement of the information sharing process:

Sometimes there are gaps in that it may be a Criminal Justice Social Worker tell the Police so they're both aware but they maybe haven't acknowledged that it may be beneficial for health colleagues to know that information as well so I think a potential improvement or change is that the MAPPA coordination unit should be the conduit for all information sharing no matter how small it is [...] to ensure the inclusion of everybody in terms on information sharing.

(Ben)

This suggestion from Ben supports Tom's concern that other relevant agencies are sometimes excluded from the information sharing process between the Police and Criminal Justice Social Work.

Aside from suggestions in relation to information sharing and joint training, the most common suggestion was for an even more holistic approach to the management of cases. Though many participants stated this as their most desired improvement both Margaret and Jane hoped that this would come with the roll out of the new programme "Moving Forward, Making Changes".

4.0 Discussion

This chapter aims to outline what the practitioner's views mean to existing arguments in the field. This will be done by comparing their opinions to findings made by other academics. The implications and recommendations revealed by the practitioners will be summarised thereafter in order to further clarify their position. Therein, this chapter will have three sections, namely similarities and differences with existing literature, implications and recommendations.

4.1 Similarities and Differences with Existing Literature

The interviews enabled an insight into Scotland's system of RSO management through discussions with professionals who have personal experiences in implementing it. No researcher can achieve the intimate understanding of the challenges that exist in implementing programmes of management in the way that someone that works in doing so can. However, at the same time, a practitioner cannot achieve the distance from the problem under scrutiny in the same that academics can. Therefore the interviews provide an important opportunity to understand these unparalleled positions together. How these positions both correlate and contradict one another will be discussed further in this section. By doing so, it is hoped that existing literature will be further enhanced and a broader understanding of the management system achieved, specifically the implications of such a management system on the rehabilitation of RSOs.

There is considerable overlap between the views of practitioners and existing academic literature. This correspondence was particularly strong in relation to the importance of a holistic approach. The participants largely promoted the benefits of a holistic approach, describing it as significantly important for successful rehabilitation. This view strongly corresponds with the current proscriptions about RSO rehabilitation in the academic literature. The majority of current works largely argues that there are greater benefits in employing strength-based management models over merely risk preventative models in RSO rehabilitation (Marques et al 2005; McNeill 2012; Ward & Maruna 2007). The participants made clear that they thought to do work with an offender only surrounding their offending, only serves to reinforce the place of offending within their lives and potentially reinforce pro-criminal beliefs and attitudes. This view corresponds with the academic explanations as to why strength-based models are important. For example, it is suggested by Kemshall et al (2012:315) that it is fundamental to promote "an individual's capacity and opportunity to move away from a personal narrative of condemnation and fatalism". Both practitioners and the literature believe that if capabilities and individual strengths are built upon it is likely that this will positively effect a reduction in reoffending (Kemshall et al 2012, McNeill, 2012).

Evidently, the interviews further discount the once dominant rehabilitative method of relapse prevention in favour of strength based models. This direct challenge to the concept of relapse prevention by interviewees strengthens the existing academic argument against it. There is already little evidence to support the use of relapse prevention techniques and some studies have found that no significant difference in reoffending rates between offenders that had undergone relapse prevention programmes and those that had not (Marques et al 2005). The awareness of the nuanced academic preference for holistic approaches is being raised internationally and subsequent action has been taken in several countries (Ward & Maruna 2007). The interviews revealed that this awareness had, indeed,

been raised among Scottish practitioners. It appeared that holistic values had become instilled in practitioners. They did not merely mention the importance of holistic approaches in a mechanistic fashion but each of them, aside from Gregor, appeared enormously passionate about the values of such an approach. Furthermore, the interviews revealed that holistic values are becoming instilled, not only in practitioners but, in practice. The interviewees discussed that a move towards a more holistic rehabilitative model, MFMC, is imminent. The fact that this new programme is influenced by the GLM is encouraging, in an academic sense, as it proves that the scientific arguments of academics are being translated into programmes.

The participants also concurred with the literature in their concern surrounding the effect of stereotyping of RSOs by the public and the media on rehabilitation. The problems that they describe have been discussed at length by academics. To illustrate, according to Kemshall et al (2012:315) the “stigmatisation and disintegrative shaming inherent in sex offender registration may hinder attempts by an RSO to acquire a positive redefinition of self”. The interviews support the notion that stigmatisation does hinder attempts to determine a redefinition of self. Both the literature and the practitioners highlight the importance of an offender’s ability to desist from offending into something else to achieve a nuanced positive self-identity. However, the interviewees highlight the difficulty in achieving this as they all doubt that the label given to them by communities can ever be rid.

The participants were specifically questioned on labelling theory to determine if this process was visible at an operational level. Every participant said that it was, and it was considerably problematic for rehabilitation. Becker’s labelling theory illustrates that if an individual is subjected to a particular label they may in turn internalise this label and consequentially this will affect behaviour (1973). How individuals treat and view others has an effect on how they, in turn, view themselves (Matsueda 1992 cited in Williams 2012:418). This has considerable importance in how successfully a RSO can maintain their new, non-offending, self-identity. According to Williams (2012:418), “a person may have a particular self-image, but unless this becomes accepted by others in the society it is difficult to sustain and may have to be relinquished”.

Although the management system attempts to promote optimum conditions to encourage change within the individual practitioners expressed that there is little that they can do to alter either the opinions held, or the actions taken, by the community in which the offender is based. Brown (1999:245) commented that although community members were supportive of prison based rehabilitation endeavours they were ill prepared to accept the reality that once treated, such offenders required opportunities to “live normal lives in society”. As mentioned by Margaret the fear projected does not often correspond with the risk presented. The participants called for education in response to the problems of a misinformed public perception. The participants stated that in order to increase the likelihood of rehabilitation and reintegration understanding by the public must be progressed. Some literature does support the need for community education. For example, according to Willis et al (2010:553) “currently, community responses towards individuals convicted of sexual offences severely hinders opportunities for desistance, and therefore addressing public attitudes is an obvious step to promote a safer and more just society”. Educating communities on the real risks that RSOs present would, in theory, be beneficial both for the offender and for the community.

However, Kemshall and Weaver (2012) recognised several complications in risk communication to communities. The participants directly displayed one of these complications; the assumption that the receiver of information is a rational actor and will respond to awareness campaigns in the way intended by practitioners (Kemshall and Weaver 2012:9). Additionally, Kitzinger (2004) also found that, even following public campaigns, there is a significant difference between expert and public perceptions. Furthermore, although Anne adjudicates that a knowing community is a reassured community, the literature does not wholly correspond with this view either. The study by Kemshall and Weaver (2012), which was directly concerned with assessing the sex offender community disclosure pilots in England and Wales, provided evidence to show that a “dysfunctional fear” was a result of particular disclosures. That is, “a dysfunctional worry that erodes quality of life” (Jackson & Gray 2010:1). Though there were not any direct studies that measured public reassurance Kemshall and Weaver (2012:11) inferred that “public disclosure may inadvertently result in dysfunctional fear rather than necessarily reassuring the public about the community management of sex offenders”. Therefore, the call by participants for increased public education may not serve the purpose in the way that they hope.

However, it is important to acknowledge that “social actors are not mere “media dupes”, but actively interpret, filter, select and rationalise such messages, mitigating against a simple “hypodermic” model of information giving and receiving” (Hughes et al 2006 & Kitzinger 2004 cited in Kemshall and Weaver 2012:9). Although the majority of the literature and the interviews support the fact that the media both influences public perceptions of offenders and is largely contributory to the labelling of particular individuals; for either to conclude that this media representation is assumed by the community in its entirety is unjust.

Implications and Recommendations

Practitioners are the individuals that see, first hand, how well management systems operate. Therefore, they are ideally placed to both, report problems that present themselves during implementation and offer very valuable ideas about where policy and research needs to go thereafter. This section explores and evaluates the implications of these interviews for further practice.

4.2 Implications

4.2.1 Rehabilitative programmes employed

Despite the fact that both practitioners and academics argue the benefits of holistic programmes, MAPPA maintains to employ relapse prevention techniques with individuals who have successfully completed the Sex Offender Treatment Programme (Scottish Government 2009). The programme of relapse prevention involves a further 50 hours’ work with offenders to develop an individual relapse prevention plan (Scottish Government 2009). The lack of empirical evidence supporting these methods challenges the justifiability of using valuable resources on such programmes. It is unconfirmed whether or not such programmes continue to be employed when the new MFMC programme is rolled out nationally. However, as it stands, the benefits of investing resources into the creation of these relapse prevention plans has little basis.

4.2.2 The role of defensibility in counter-productivity

The interviews revealed that some participants thought the system could be overbearing in some cases. They explained this as consequential of the fear of the repercussions should a decision go wrong. The defensibility test within MAPPA is, 'was everything that could reasonably have been done to prevent offenders from reoffending actually done?' (Scottish Government, 2012). This rule which practitioners are required to follow does communicate an extremely restrictive position. The literature describes the creation of some legislation as a panic, populist punitive response (See Levenson et al 2007; Sample 2006; Tewksbury 2002; Maguire & Singer 2011). Tom concludes that as a result offenders are "*risked to death*"; this directly illustrates and supports Beck's theory of a risk society. The interviewees also questioned the rationality of some practices that were employed to manage offenders. The fact that they are questioning such decisions implies that they too, are carrying out particular procedures despite the fact that there is little rational reason to do so.

Defensibility was actually visible in participants throughout the interviews. All individuals responded "no" when directly asked if they thought that public protection had, in some cases, gone too far; clearly protecting and promoting MAPPA's primary objective of public protection. However, it was evident throughout the interviews that they did, in fact, think that systems and processes employed could sometimes be overbearing. This demonstrates how instilled MAPPA's primary value is in professionals, as they automatically remained loyal to this value despite the fact that they displayed that they occasionally have some problems with the way that this cause is satisfied. The benefit of this is arguable. The dedication of practitioners clearly benefits the general public in that they are wholly committed to their protection. However, this can have a negative effect on an offender's process of rehabilitation. This is demonstrated in the concern expressed by participants over the negative effects of defensibility when it is employed too highly in the risk assessment and responses stage.

4.2.3 Measuring Success

Measuring the significance of work with offenders is a notoriously difficult task, identified as such by both participants and academics (Barbaree, 1997 cited in Hanson et al 2002; Furby et al 1989). This is largely due to difficulties in ascertaining whether or not offenders would have reoffended had work not been done with them. At present, annual reports are carried out by each area's Community Justice Authority; though these area reports are not available later than 2010 (Scottish Government 2010). Furthermore, the reports that are available are not standardised and some are more valuable than others. Some of the reports contain qualitative data, in the form of case studies and quotations from key members of MAPPA, while some do not (Scottish Government, 2010). In this vein, although every report contains statistical data only the Northern Community Justice Authority produced a section that summarises what the statistics actually show (Northern Community Justice, 2010). These inconsistencies between reports make it difficult to assess the advantages of such a system at a national level.

4.2.4 Conflicting professional cultures

Though MAPPA has a clear objective it was evident from the interviews that each agency also has their own additional objectives. The interviews revealed an unmistakable difference in attitudes, particularly between the Police interviewee and the interviewees from the other agencies. This indicates a clear cultural variance between such agencies;

reflected in the fact that the Police interviewee gave considerably divergent answers to all other participants. The participants also directly reported that the Police have a background that focuses very much on control while the other agencies involved in MAPPA have developed from considerably more empathetic ideologies in relation to offenders. Atkinson et al (2002) cited in Atkinson et al (2007:49) found that “conflicting professional and agency cultures [are] a challenge, particularly at a strategic level” but that acknowledging these professional differences has led to more effective working relationships. It was clear that the participants did acknowledge such differences. However, they remained to define these differences as problematic, directly commenting upon the problems that these differences create.

4.3 Recommendations

(1) A nationally consistent format of assessment

The findings illustrate that concern exists about how to measure the successes of MAPPA. Though this will always remain difficult, due to the individualised nature of programmatic work and an inability in ascertaining the effect of not doing work with particular offenders, such concerns could be partially alleviated with the creation of a nationally consistent format of annual report.

(2) Educating Communities

Although some academics remain doubtful as to how successful the implementation of risk communication can be, there was a real demand for it in the interviews.

(3) More joint training for all agencies

Cultural differences were communicated as a significant area of concern by participants. This is an area that is in obvious need of improvement in order to further facilitate effective offender management. Percy-Smith (2006) reported that a shared vision should define a partnership and be based on jointly held values. In order to obtain this shared vision the professionals must compromise their sometimes conflicting professional objectives, in order to negotiate the most appropriate solution for both the public and the offender. Both the literature and the participants illustrate the benefits of joint training in multi-agency work. Harker et al (2004) emphasised the value of inter-professional training in the promotion of interagency collaboration and the facilitation of multi-agency working. Atkinson et al (2007:65) also supports the idea of joint training stating that it could lead to cultural barriers being broken down.

(4) Increased communication

According to Atkinson et al (2007:48) “having an awareness and knowledge about what other services could contribute helps to establish and maintain effective multi-agency groups”. Despite the all participants described information sharing as the most beneficial aspect of a multi-agency system, they also illustrated that there are still gaps and areas for improvement in terms of information sharing. Ben’s suggestion about how to further enhance the system was directly relevant to the enhancement of the information sharing process. Considering information sharing is at the core of MAPPA it is important that any remaining issues in relation to the sharing of information are addressed and resolved.

Concluding Remarks

This dissertation has aimed explored the implications of Scotland's system of RSO management on offender rehabilitation. Although several issues were identified and recommendations made, it is not an attempt to discredit the system as a whole. MAPPA is an innovative programme of management and is vital in ensuring the public remain safe from dangerous offenders. Although the dissertation does not focus on the benefits of MAPPA; the research revealed that every participant considers MAPPA to have improved coherence in the management of offenders significantly. Both the criticisms and the positive points discussed simply add to the wider literature available which aims to assess MAPPA, in the hope that an already, evidently, advantageous programme will be consequentially enhanced.

MAPPA as a process, at present, does not wholly reflect what either academics or practitioners say is most effective. However, the participants expressed the belief that many of the criticisms made will be addressed with the introduction of MFMC. As a copy of the new programme was unattainable, it would be advantageous for future research to investigate the extent that which the new system addresses the issues raised in this dissertation. Furthermore it is important to again reiterate that the views of each interviewee are not representative of their organisation as a whole. Each practitioner only accounts for one individual in an agency that employs thousands. As such, further study involving a far greater number of participants, adopting a covert ethnographical approach, could be utilised to enhance the understanding of the views inherent to each agency culture.

Despite the limitations of this dissertation, the use of interviews in conjunction with discussion on existing literature illustrates issues with MAPPA as a programme of management in a way that is uncommon in existing literature. The opinions and stories shared by practitioners provide substantial qualitative data which may assist in the evaluation of MAPPA; contributing to a more complete understanding of the challenges and successes of MAPPA at an operational level.

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Appendix A

Core Interview Questions

- Can you give me a summary of your main duties within your job?
- What do you consider to be the most important aspect for successful RSO rehabilitation?
- What do you consider to be the main barriers to RSO rehabilitation?
- How important do you find a holistic approach to be?
- What are the personal challenges you encounter when working with RSOs?
- What do you think the main advantages of a multiagency approach are?
- What do you think the main challenges of a multiagency approach are?
- How accurate do you consider the risk assessment stage to be?
- How important do you consider the relationship between RSOs and practitioners to be in their rehabilitation?
- What do you consider to be the criteria of a successful management system?
- If you could change or introduce one aspect of the management system, what would it be?
- Do you think as a country we have gone too far in relation to public protection?
- Do you think that the registered sex offenders are as dangerous as the media and politicians make out?
- Do you think delabelling of a convicted offender by the community is ever possible?
- Do you think the close monitoring of sex offenders can ever be counter-productive in terms of rehabilitation?
- Do you think the current system of management is too punitive, sometimes over accounting for the potential risk?
- Do you think punishment of a sex offender ever really ceases?

Appendix B

Explanation and Consent Form

Explanation of study

Research is being conducted by Mhairi Fyffe – BA (HONS) Criminology student. A central research question has been formulated with the intention to further assess the successes and failures of Scotland’s system of the management of sex offenders. Said research question is as follows; “what are the implications of Scotland’s system of management on the rehabilitation of Registered Sex Offenders?”.

Contact details: For further information on the research or any issues surrounding the conduction of such, please do not hesitate to contact me:

Name: Mhairi Fyffe
Contact Number: 07931688963
Email Address: mfyffe10@caledonian.ac.uk

Consent

I volunteer to participate in a research project conducted by BA (HONS) Criminology student (Mhairi Fyffe) from Glasgow Caledonian University. I have been informed that the project is designed with a view to gather information from professionals implementing the management system of Registered Sex Offenders. I will be one of approximately 5 people being interviewed for this research. I understand that:

1. My participation in this project is voluntary. I understand that I will not be paid for my participation. I may withdraw and discontinue participation at any time without penalty.
3. Participation involves being interviewed by student Mhairi Fyffe. The interview will last approximately 30-45 minutes. The interview will be recorded and transcribed thereafter. If I request it, I will be provided with a copy of the transcript on which I can comment on or edit as I see fit.
4. I understand that the researcher will not identify me by name in any reports using information obtained from this interview, and that my confidentiality as a participant in this study will remain secure. The institution to which I belong will be mentioned unless I state I do not want this information to be disclosed. Subsequent uses of records and data will be subject to standard data use policies which protect the anonymity of individuals.
7. I have read and understand the explanation provided to me. I have had all my questions answered to my satisfaction, and I voluntarily agree to participate in this study.
8. I have been given a copy of this consent form.

My Signature

Date

My Printed Name

Signature of the Investigator