Sorting It Out: A Community Mediation Training Program at a Therapeutic Prison

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Abstract

A pilot study was conducted to assess the feasibility and effect of a community mediation program ('Sorting It Out') in a therapeutic prison (the Compulsory Drug Treatment Correctional Centre, or CDTCC). The program is unique as both staff and inmates were trained together. Also, in contrast to traditional dispute resolution, which is invoked after conflict has progressed, the program, which is based on therapeutic jurisprudence principles, trains participants in mediation to constructively address issues at the point of identification, prior to escalation. Measured outcomes included pre- and post-program questionnaires incorporating a social climate scale (EssenCES©), qualitative interviews and researcher observations. The participation rate was high, with all participants recommending the program. The outcomes included an enduring improvement in social climate and improvement in the CDTCC operation. Staff reported increased feelings of safety and support, and inmates reported increased understanding of staff and their roles. A large majority reported benefits to themselves and the community, including adoption of attitudes and behaviours learned in the program, improvement in staff–inmate interaction and a positive effect on staff work.

> [The program] made me look at a few things in different ways. It would benefit the younger guys — to teach them the skills. I've been stepping in and teaching the new guys the steps involved so that they know what's involved and why we do it. And talking generally helps to sort things out.
>
> Inmate #33

I   Introduction

This article reports on a pilot study of a community, conflict management, peer mediation training program ('Sorting It Out') implemented at the Compulsory Drug Treatment Correctional Centre (CDTCC) — a therapeutic prison, at Parklea, New South Wales, for persistent offenders with chronic substance use disorders.[1] Offenders are generally referred by District Court or Local Court judges to the NSW Drug Court (and CDTCC) to determine the sentence length and eligibility for serving their sentences at the CDTCC. Eligibility is based on an offender's drug use, offending behaviour, and other eligibility criteria (including the offender's motivation to participate in therapeutic programs). The majority of inmates are deeply entrenched criminal recidivist offenders, many of whom have not completed or have never been in a rehabilitation or therapeutic program before coming to the CDTCC. Originally written for workplace communities,[2] the program was unique in that it involved both staff and inmates of the CDTCC as members of one community.

The program is based on the premise that the way a community approaches and manages conflict can affect the wellbeing of the individual and the entire community. The program is designed to improve communication and interaction with others, and to teach participants how to assert their views about matters that affect their life and work in the prison. The program is based on therapeutic jurisprudence principles also incorporates findings from procedural justice research on treatment readiness and on motivation for participation in rehabilitation.[3]

The program requires whole of community training, with staff and inmates learning together, with a view to establishing a mediation protocol for dealing with issues and conflict that arise in the community. The program aims to create a consensus and a shared understanding of acceptable and constructive responses to interpersonal conflict in the community in order to improve the social climate in the community.

Studies in secure psychiatric wards[4] and prisons[5] have shown that positive interpersonal relationships can improve social climate and reduce antisocial behaviour in treatment communities,[6] which in turn influences engagement in

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[1]   This differentiates the facility from other prisons where offenders may also have substance use disorders.

[2]   Written by Nicky McWilliam.

[3]   Astrid Birgden, 'Therapeutic Jurisprudence and Responsivity: Finding the Will and the Way in Offender Rehabilitation' (2004) 10(3) *Psychology, Crime & Law* 283, 290; David B Wexler, 'Therapeutic Jurisprudence and Readiness for Rehabilitation' (2006) 8(1) *Florida Coastal Law Review* 111, 114.

[4]   Norbert Schalast et al, 'EssenCES, A Short Questionnaire for Assessing the Social Climate of Forensic Psychiatric Wards' (2008) 18(1) *Criminal Behaviour and Mental Health* 49.

[5]   Andrew Day et al, 'Assessing the Social Climate of Australian Prisons' *Trends & Issues in Crime and Criminal Justice* No. 427 (Australian Institute of Criminology, 2011).

[6]   D A Andrews and Craig Dowden, 'Risk Principle of Case Classification in Correctional Treatment: A Meta-analytic Investigation' (2006) 50(1) *International Journal of Offender Therapy and Comparative Criminology* 88; Matthew Silberman, 'Dispute Mediation in the American Prison: A New Approach to the Reduction of Violence' (1988) 16(3) *Policy Studies Journal* 522.

therapeutic activities.[7] These interventions are most effective when they are delivered in a structured and skill-building format[8] by therapists with interpersonal skills training.[9]

As with all corrections facilities, the CDTCC can be a volatile environment, which can be readily understood from the neglect, trauma, disrupted attachments and poor socialisation reported by many inmates. All inmates in the CDTCC have been assessed as having moderate to high risk of reoffending because of the pattern of their substance use and past offending, and they are housed in close proximity and are involved in group-based therapeutic programs that can be challenging and can trigger disputes.

A   *Therapeutic Jurisprudence, Procedural Justice and Restorative Justice*

The program draws on the principles of therapeutic jurisprudence,[10] as well as aspects of procedural justice[11] and restorative justice,[12] all of which assert that active communication and information exchange play a significant role in the management of conflict, in how people perceive and behave towards others, and in their wellbeing.[13]

Therapeutic jurisprudence asserts that the way a situation is approached can impose consequences on the wellbeing of the individual as well as that of the community.[14] The basic insight of therapeutic jurisprudence is that procedures, including any sanctions, can be adapted to minimise negative effects and promote positive effects on wellbeing. In therapeutic jurisprudential theory, wellbeing is said to mean 'beneficial in the sense of improving the psychological or physical

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7   Sharon Casey et al, 'Assessing Suitability for Offender Rehabilitation: Development and Validation of the Treatment Readiness Questionnaire' (2007) 34(11) *Criminal Justice and Behavior* 1427; Tony Ward et al, 'The Multifactor Offender Readiness Model' (2004) 9(6) *Aggression and Violent Behavior* 645.

8   Craig Dowden and D A Andrews, 'The Importance of Staff Practice in Delivering Effective Correctional Treatment: A Meta-analytic Review of Core Correctional Practice' (2004) 48(2) *International Journal of Offender Therapy and Comparative Criminology* 203, 205.

9   Andrew Day, Lesley Hardcastle and Astrid Birgden, 'Case Management in Community Corrections: Current Status and Future Directions' (2012) 51(7) *Journal of Offender Rehabilitation* 484, 493; Harry K Wexler, 'The Success of Therapeutic Communities for Substance Abusers in American Prisons' (1995) 27(1) *Journal of Psychoactive Drugs* 57, 62.

10   David B Wexler and Bruce J Winick, 'Therapeutic Jurisprudence as a New Approach to Mental Health Law Policy Analysis and Research' (1991) 45(5) *University of Miami Law Review* 979, 979.

11   Tom R Tyler, 'Legitimacy in Corrections': Policy Implications' (2010) 9(1) *Criminology & Public Policy* 127, 129; Tom R Tyler, 'Procedural Justice Research' (1987) 1(1) *Social Justice Research* 41, 41.

12   Paul McCold, 'Primary Restorative Justice Practices' in Allison Morris and Gabrielle Maxwell (eds), *Restorative Justice for Juveniles: Conferencing, Mediation and Circles* (Hart Publishing, 2001) 41.

13   Michael S King, 'Restorative Justice, Therapeutic Jurisprudence, and the Rise of Emotionally Intelligent Justice' (2008) 32(3) *Melbourne University Law Review* 1096.

14   David B Wexler, *Therapeutic Jurisprudence: The Law as a Therapeutic Agent* (Carolina Academic Press, 1990); Bruce J Winick, 'Foreword: Therapeutic Jurisprudence Perspectives on Dealing with Victims of Crime' (2009) 33(3) *Nova Law Review* 536, 536.

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well-being of a person'.[15] It is also suggested that wellbeing could encompass specific aspects of dysfunction such as recidivism, substance abuse and anger management, and could be explored in terms of promoting satisfaction in a process of self-actualisation and self-determination.[16] Wellbeing can also be related to the effects of satisfaction of a process in terms of the iatrogenic effects of participant satisfaction and the 'therapeutic value of choice'.[17] The reasoning is that those who are involved in making a choice about their situation feel more committed and are more likely to abide by it and benefit from it. According to the principles of therapeutic jurisprudence, wellbeing should be valued whenever possible, although without holding therapeutic activity over other justice values. Instead, it seeks to determine whether anti-therapeutic effects of the procedure can be minimised and its therapeutic consequences promoted, without subordinating due process.[18]

Procedural justice[19] is an area of scholarship that examines how people experience legal processes. A key finding is that if individuals perceive procedures to be fair, they are more likely to express their satisfaction and comply with the agreed outcome. Procedural justice research shows that the perception of fairness of procedures is dependent on three basic factors: telling one's story and being understood (voice), being listened to and taken seriously (validation), and being treated with respect and in good faith (satisfaction).

Restorative justice proposes the use of direct or indirect dialogue between a victim and an offender in order to allow for reparation and the restoration of the offender's self-esteem and good standing in the community. Restorative justice emphasises that communication of emotions, exchange of victim and offender perceptions of the situation, acknowledgement of accountability and apology are necessary to make amends for the damage caused[20] or for the stakeholders to be satisfied with the outcome.

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[15] Christopher Slobogin, 'Therapeutic Jurisprudence: Five Dilemmas to Ponder' (1995) 1(1) *Psychology, Public Policy and Law* 193, 196. See also D B Wexler, 'Reflections on the Scope of Therapeutic Jurisprudence' in David B Wexler and Bruce J Winick (eds), *Law in a Therapeutic Key: Developments in Therapeutic Jurisprudence* (Carolina Academic Press, 1996) vol 1, 220.

[16] Michael S King and CL (Lou) Tatasciore, 'Promoting Healing in the Family: Taking a Therapeutic Jurisprudence Based Approach in Care and Protection Applications' (2006) 1 *eLaw Journal* (special series) 78; Michael S King and Steve Ford, 'Exploring the Concept of Wellbeing in Therapeutic Jurisprudence: The Example of the Geraldton Alternative Sentencing Regime' (Paper presented at the conference At the Cutting Edge: Therapeutic Jurisprudence in Magistrates Courts, Perth, 6 May 2005).

[17] Bruce J Winick, 'The Right to Refuse Mental Health Treatment: A Therapeutic Jurisprudence Analysis' (1994) 17(1) *International Journal of Law and Psychiatry* 99; Bruce J Winick, 'The Jurisprudence of Therapeutic Jurisprudence' in David B Wexler and Bruce J Winick (eds), *Law in a Therapeutic Key: Developments in Therapeutic Jurisprudence* (Carolina Academic Press, 1996), 645.

[18] Susan Daicoff, 'Afterword: The Role of Therapeutic Jurisprudence within the Comprehensive Law Movement' in Dennis P Stolle, David B Wexler and Bruce J Winick (eds), *Practicing Therapeutic Jurisprudence: Law as a Helping Profession* (Carolina Academic Press, 2000) 465; Arie Freiberg, 'Non-adversarial Approaches to Criminal Justice' (2007) 16(4) *Journal of Judicial Administration* 205; Michael King et al, *Non-Adversarial Justice* (Federation Press, 2009).

[19] Tyler, 'Legitimacy in Corrections', above n 11, 129; Tyler, 'Procedural Justice Research' above n 11, 41.

[20] McCold, above n 12, 41.

B   *Community Conflict Management*

One of the challenges in any community is the management of day-to-day conflicts that are inevitable where there are interpersonal relations.[21] In contrast to traditional dispute resolution, which is usually invoked after the problem or issue has progressed, a conflict management program trains participants in constructively addressing issues at the point of identification, prior to escalation.

Research shows that the behaviours required for constructive conflict management are not intuitive, and do not inevitably result from maturation,[22] but can be acquired by training, application, modelling and practice. Once learned, the skills are generalised beyond a mediation setting and transferred to day-to-day interactions for actual conflicts that arise without using the formal mediation process.[23] This is reported in results of existing peer mediation studies, where individuals trained in negotiation and mediation were able to make choices from a wider range of options in relation to their behaviour at the point of detection of conflict.[24] Research conducted in school communities has established that the approach used to manage conflict is a predictor of the outcome of the conflict.[25] Improvements in the way in which disputes are managed can cause an increase in the perception of support among community members, decreases victimisation and improves social climate.[26] Changes to interpersonal relations can lead to improvement in the overall social climate in the community and a more positive attitude among participants.[27]

The social climate of treatment settings has been discussed as an important factor influencing wellbeing and treatment outcomes.[28] Recent studies highlight the influence of social climate on rehabilitative outcomes, wherein climate dimensions are measured with the Essen Climate Evaluation Schema (EssenCES©).[29]

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[21]   Susan Opotow, 'Adolescent Peer Conflicts: Implications for Students and for Schools' (1991) 23(4) *Education and Urban Society* 416.

[22]   Ibid 416, 423.

[23]   Jan Cameron and Ann Dupuis, 'The Introduction of School Mediation to New Zealand' (1991) 24(3) *Journal of Research and Development in Education* 1, 9.

[24]   David W Johnson et al, 'Effects of Conflict Resolution Training on Elementary School Students' (1994) 134(6) *The Journal of Social Psychology* 803; David W Johnson, Roger T Johnson and Bruce Dudley, 'Effects of Peer Mediation Training on Elementary School Students' (1992) 10(1) *Mediation Quarterly* 89.

[25]   See generally, David W Johnson and Roger T Johnson, 'Conflict Resolution and Peer Mediation Programs in Elementary and Secondary Schools: A Review of the Research' (1996) 66(4) *Review of Educational Research* 459.

[26]   Quanwu Zhang, 'An Intervention Model of Constructive Conflict Resolution and Cooperative Learning' (1994) 50(1) *Journal of Social Issues* 99.

[27]   Ibid.

[28]   Thomas Middelboe et al, 'Ward Atmosphere in Acute Psychiatric In-patient Care: Patients' Perceptions, Ideals and Satisfaction' (2001) 103(3) *Acta Psychiatrica Scandinavica* 212.

[29]   Norbert Schalast, *EssenCES© Essen Climate Evaluation Schema: Basic Information* (June 2009) Universität Duisburg-Essen <https://www.uni-due.de/imperia/md/content/rke-forensik/projekte/essencesbasicinformationjune09.pdf>.

C   *Mediation and Peer Mediation*

The Sorting It Out program employs a facilitative[30] mediation model that is a delineated, dialogue-based process where a neutral mediator (or mediators) facilitates conversation between parties in an effort to assist the parties themselves to craft out a management plan or solution to their issues, based on information exchange and understanding between the parties. Mediation models are, in the main, distinguished in terms of their objectives for the parties and also by the mediators' roles: with evaluative and settlement models aiming for a compromise or settlement determination. Transformative mediation[31] aims for therapy, transformation or empowerment through the process. Peer mediation simply means that peers in a community act as mediators between parties who elect to mediate in an effort to find a mutually agreeable solution for issues between them. The parties themselves, with assistance from the mediators, consider possible ways to come up with their own solutions to manage or resolve issues. By exchanging information, expressing feelings and listening to each other's perception of the situation, parties are able to better understand another's point of view. While one successful outcome of mediation is for the parties to reach an agreement to manage the presenting issue, it is also important to uncover and address underlying differences. Research has shown that the more individuals master mediation skills such as integrative negotiation and active communication, the more they are able to independently regulate their own behaviour, so there is less monitoring and control required.[32] Research suggests that peer mediation programs encourage self-regulation, which is fostered when individuals are given the opportunity to be involved in making decisions on issues that affect them directly. This in turn contributes to an individual being able to develop responsibility and accountability for their own actions.[33]

The success of a mediation can be measured not only in terms of an agreed plan or solution, but also by the quality of the communication, which may improve understanding of another person's emotional state or perspective and, in doing so, preserve (or enhance) the relationship. Even without an agreement or a solution, tensions may be reduced and disruption in the community can be minimised.

II   Study Aims and Methods

The aims of the study were:

1. To examine the feasibility of conducting a whole of community peer mediation conflict management program in a correctional setting.

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[30]   Laurence Boulle, *Mediation: Principles, Process, Practice* (LexisNexis Butterworths, 2nd ed, 2005) 44–5; David Spencer and Michael Brogan, *Mediation Law and Practice* (Cambridge University Press, 2006) 100.

[31]   Robert A Baruch Bush and Joseph P Folger, *The Promise of Mediation: Responding to Conflict through Empowerment and Recognition* (Jossey-Bass, 1994) 296.

[32]   David W Johnson and Roger T Johnson, 'Teaching Students to be Peacemakers: Results of Five Years of Research' (1995) 1(4) *Peace and Conflict: Journal of Peace Psychology* 417, 435.

[33]   John H Flavell, *Cognitive Development* (Prentice-Hall, 1977).

2. To evaluate the Sorting It Out program by examining the effect on social climate, the wellbeing of participants, the effect on attitudes towards conflict management, its effect on the therapeutic programs of the CDTCC and the appraisal of the program by the participants.

A   *The Pilot Program*

The training modules include information about the nature and identification of conflict, responses to conflict, consequences of behaviour in response to conflict, as well as instruction in protocols of participation and making use of a mediation process to address conflict. The program is based on a 'building block' approach to learning and training, where basic ideas, attitudes and values are built upon through activities that include group dialogue, role play, exercises, games, listening skills, modelling, simulations, and reasoning exercises, rehearsing mediation protocols, practise and review. The largely experiential training is structured to develop skills, behaviours and strategies for communication, with a view to community members learning how to create realistic plans or solutions to community issues and for personal outcomes.[34]

Several teaching techniques based on theory and research in mediation, psychology and education are used in the program, including cognitive training, perspective reversal, values learning, constructive assertiveness training, impulse control, critical thinking, active listening, and cognitive problem-solving.[35] The Sorting It Out program material comprised six modules, taught by two trainers:

- Information and introduction session
- Module 1: Conflict management
- Module 2: What is mediation?
- Module 3: Participation for mediation
- Module 4: The role of the mediator
- Module 5: The success of mediation
- Module 6: Revision, evaluation and graduation.

The two employed trainers, a teacher and a mediator, were thoroughly instructed in the program modules by Nicky McWilliam. Each module for the pilot program was scripted by Nicky McWilliam with the trainers to suit their presentation and training styles. All participants were supplied with material in relation to each module to allow them the opportunity to read about and to practise both the mediation process, and skills required for constructive conflict management.

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[34] Morton Deutsch, 'A Framework for Teaching Conflict Resolution in the Schools' (Paper presented at the Negotiations in Organizations Conference, Mt Sterling, Ohio, USA, 24–26 April 1987).

[35] David W Johnson and Roger T Johnson, *Cooperation and Competition: Theory and Research* (Interaction Book Company, 1989); Flavell, above n 33; Roger Fisher, William Ury and Bruce Patton, *Getting to Yes: Negotiating an Agreement Without Giving In* (Random House, 2nd revised ed, 1999); Deutsch, above n 34; David W Johnson, 'Role Reversal: A Summary and Review of the Research' (1971) 1(4) *International Journal of Group Tensions* 318.

The duration of each module was two hours, with a short break between each hour. The modules were delivered weekly for seven weeks. The modules were provided as informal sessions from which those who agreed to take part in the pilot could withdraw as they wished. Modules 1–5 were delivered twice on the scheduled day: in the morning to a group of staff and inmates, and in the afternoon to staff members who preferred to be trained separately to inmates or were rostered on the evening shift. The pilot sought to cause minimal disruption to staff rosters and the CDTCC schedule, although after week two, many staff who had elected to train separately from the inmates decided to join the morning session. Module 6 was delivered on the final day of the program, and included a graduation ceremony for all who took part in the program. The modules employed audio visual material and other training techniques and were designed to illustrate the concepts of: conflict; empathy; confidentiality; impartiality; being accountable for behaviour; behavioural contracting and skills such as active listening, note taking, detecting conflict, constructive communication, following the steps and stages of the peer mediation process; open communication; sharing ideas and feelings; recognising mutual interests; understanding another's perspective; and creative thinking. Staff participants and inmates trained together, participating in joint mediation role plays, games, activities and learning activities.

B   Study Participants

All the staff and inmates of the CDTCC were offered the opportunity to be involved in the pilot program and the study.

C   Data Collection

The study employed both qualitative and quantitative methods, comprising:

- five written surveys (including an entry, exit, three-months-after survey, and two staff surveys)
- interviews (videoed and recorded for transcription)
- observations in the form of a researcher diary
- data from a brainstorming exercise about the program
- researcher observations in the form of a diary.

The entry and exit surveys incorporated the EssenCES© scale.[36] The scale has three components: therapeutic hold, inmate cohesion, and perception of mutual support and safety. The entry questionnaires included:

- eight further questions developed to assess participant perceptions of conflict and management of conflict at the CDTCC, using multiple-choice questions in a Likert scale format[37]

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[36]   Schalast et al, above n 4.
[37]   '[A] psychometric scale designed to measure an individual's response to something by means of a questionnaire in which the subject ticks boxes or rings numbers which represent a grade from least to most enthusiasm, agreement, etc': Macquarie Dictionary Online (Macmillan, 6th ed, 2013).

- seven questions to record demographic data
- the 17 EssenCES© questions using multiple-choice questions in a Likert scale format.

Separate questionnaires were developed for staff members, and a follow-up survey was performed three-months-after the completion of the study.

Qualitative data included the responses in recorded interviews, the observations made by the staff and the responses in a final brainstorming exercise. The qualitative responses were collected under the general headings of expectations of the program, appraisal of the training, appraisal of program, perceived benefits of the program, difficulties with the program and suggestions for improvement, responses to conflict and the perceived effect on the community climate.[38]

D   *Evaluation and Analysis of Data*

The data collected from the identical entry and follow-up surveys, and the multiple-choice questions from the five written surveys were analysed using the Statistical Package for the Social Sciences (SPSS).[39]

III   Findings

A   *Response Rate*

There was a relatively small sample size, and the absence of any kind of control group. However, 60 of the 70 eligible participants agreed to take part in the pilot, an overall response rate of 86%. The response rate among the inmates was 100%, with all 21 inmates in Stage 1 of CDTCC at that time agreeing to take part, although not every inmate attended every module. The response rate of staff was 78%, with 39 out of 49 staff members agreeing to take part in the pilot. The lowest response rate (64%) was among custodial officers with 9 of the 25 full-time custodial officers electing not to participate in the pilot. Participant data is summarised in Table 1.

The number of attendees at each module fluctuated from the commencement of each module to the completion and from week-to-week. The program was structured informally to allow participants to attend as and when they chose, joining and withdrawing from the sessions throughout the program. Some inmates elected not to join the session in the room where the program was being held or to spend short periods of time in the room where the sessions were being held. However, some inmates who were not in the program room during the sessions were observed listening to the sessions by standing close to, or at windows of the room where the sessions were being held.

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[38]   The NVivo software package, which supports qualitative and mixed-method research, was employed as a qualitative method. It allows collection, organisation and analysis of non-numeric data. Data is imported and coded into themes.

[39]   SPSS is a software package used for managing data and statistical analysis.

Table 1: Response rate

	Participants		
Group	**Total at CDTCC**	**Participants (signed consent)**	**Response rate (%)**
Inmates	21[1]	21[2]	100
Staff	49	39	78
Corrective Services New South Wales	40[3]	31	77.5
Custodial	25[4]	16	64
Management & administration	4	4	100
Parole	2	2	100
Education & social work	9	9	100
External specialty staff	9	8	88
Chaplain	1	1	100
Justice Health	7[5]	6	86
Medical	1	1	100
Total	**70**	**60**	**86**

Notes:

[1] Capacity of CDTCC (Stage 1) n = 30, however resident at the Centre at the time of the pilot n = 21. There were inmates who completed the follow-up survey and identified as A–D (n = 6), but these inmates were not included in the pilot results as they became resident at the Centre at the time of the three-month-after data collection.

[2] Inmates (n = 21) who were resident at the CDTCC, signed a consent form and took part in some stage of the program. Not all inmates attended every module of the program.

[3] Total Corrective Services New South Wales ('CSNSW') staff positions n = 43. Three positions were not filled at the time of the pilot. CSNSW staff n = 40 (full-time n = 39; part-time n = 1).

[4] Total custodial officer positions n = 26 (1 position not filled at the time of pilot).

[5] Justice Health staff n = 7 (3 full-time, 4 part-time).

B   *Demographic Data*

The mean age of all CDTCC staff and inmates was 38 years, with 42 years the mean age for staff and 30 years the mean age of inmates.

Most of the inmates had left school by the age of 15 and only a third had attempted any form of tertiary education, including TAFE (Technical and Further Education) courses. Of the inmates, 60% had held formal employment and 65% reported having been in a de facto relationship. Of the inmates, 64% described their ethnic origin as 'Australian', 20% as 'Other', 9% as 'Aboriginal' and 7% as 'Asian'.

By contrast, the staff left school at an average age of 17, with 61% listing their education as 'university level', 100% had been previously employed, with 65% listing their work experience as 'professional' and 30% 'skilled'. Staff identified their ethnic origin as Australian (65%), other non-Anglo Australian (28%), Asian (8%), and Aboriginal (3%). Nearly all of the staff (92%) reported being in a relationship.

C   *Analysis of EssenCES© Scores-factor Structure*

Although the sample (n = 60) was small, the results confirmed the validity of the three-factor structure of the EssenCES© instrument, and the pattern of correlations confirmed the internal consistency of the sub-scales. This is drawn from the data in Tables 2 and 3. The EssenCES© scale was found to be a valid and reliable measure of social climate in the CDTCC, with the participant responses reflecting the three-factor solution proposed by the scale developers.

Table 2: EssenCES© factor analysis of entry survey

Items[1]	IC	ES	TH
IC1: CDTCC inmates care for each other.	0.88		
IC2: Even the weakest inmate finds support from his fellow inmates.	0.79		
IC3: Inmates care about their fellow inmates' problems.	0.91		
IC4: When inmates have a genuine concern, they find support from their fellow inmates.	0.85		
IC5: There is good peer support among inmates.	0.92		
ES1: Really threatening situations occur here.		0.79	
ES2: There are some really aggressive inmates in CDTCC.		0.83	
ES3: Some inmates are afraid of other inmates.		0.76	
ES4: At times, members of the staff feel threatened by some of the inmates.		0.78	
ES5: Some inmates are so excitable that you need to deal very cautiously.		0.62	
TH1: In CDTCC inmates can openly talk to staff about all their problems.			0.77
TH2: Staff take a personal interest in the progress of inmates.			0.79
TH3: Staff members take a lot of time to deal with inmates.		0.44	0.63
TH4: Often, staff seem not to care if inmates succeed or fail in the program.			0.76
TH5: Staff know inmates and their personal histories very well.			0.56

Notes:

[1] IC = Inmate Cohesion; ES = Experienced Safety; TH = Therapeutic Hold.

Table 3: EssenCES© factor analysis of follow-up survey

Items[1]	IC	ES	TH
IC1: CDTCC inmates care for each other.	0.79		
IC2: Even the weakest inmates find support from his fellow inmates.	0.77		
IC3: Inmates s care about their fellow inmate's problems.	0.86		
IC4: When inmates have a genuine concern, they find support from their fellow inmates.	0.88		
IC5: There is good peer support among inmates.	0.87		
ES1: Really threatening situations occur here.		0.83	
ES2: There are some really aggressive inmates in CDTCC.		0.88	
ES3: Some inmates are afraid of other inmates.		0.90	
ES4: At times, members of the staff feel threatened by some of the inmates.		0.68	
ES5: Some inmates are so excitable that you need to deal very cautiously.		0.76	
TH1: In CDTCC inmates can openly talk to staff about all their problems.	0.47		0.74
TH2: Staff take a personal interest in the progress of inmates.	0.43		0.74
TH3: Staff members take a lot of time to deal with inmates.			0.89
TH4: Often, staff seem not to care if inmates succeed or fail in the program.			0.71
TH5: Staff know inmates and their personal histories very well.	0.47		0.51

Notes:

[1] IC = Inmate Cohesion, ES = Experienced Safety, TH=Therapeutic Hold

The evaluation of the social climate demonstrated improvement in all three measures of the social climate (inmate cohesion, experienced safety, therapeutic hold), from the point of view of both the inmates and the staff, with staff data showing statistically significant improvement in all three scales (see Table 4).

1   *Cohesion and Mutual Support (IC): Between Inmates, and Between Inmates and Staff*

The entry survey found that inmates perceive a greater amount of support among themselves than the staff perception of inmates support for one another. However, the exit survey showed a significant improvement in perceived support by staff members.

Table 4: Summary of t-Tests of average aggregate factor scores

		Entry survey	Three-months-after survey	Significant decrease	Significant increase
IC					
	Inmates	3.13	3.27	–	–
	Staff	2.67	2.92	–	at 5% level
ES					
	Inmates	1.94	1.77	–	–
	Staff	2.97	2.58	at 1% level	–
TH					
	Inmates	2.71	2.93	–	–
	Staff	3.27	3.43	–	at 5% level

2   *Experienced Safety (ES): The Level of Perceived Tension and Threat of Aggression and Violence*

There were similar findings to those on experienced safety. Before the program, the staff perceived the CDTCC environment to be more threatening than the inmates recorded. The perception of threat decreased significantly between the entry survey and the follow-up survey, with the greatest reduction among the staff.

3   *Therapeutic Hold (TH): The Extent to which the Institutional Setting is perceived as Supportive of Inmates' Therapeutic Needs*

All participants reported an improvement in the questions assessing the TH of the CDTCC in the exit surveys, and again the improvement was greater and statistically significant among staff participants than among the inmates. However, there were differences in emphasis between the two groups, as staff were more likely to respond that inmates 'can openly talk to staff about their problems', that 'staff take a personal interest in the progress of inmates', that 'staff take a lot of time to deal with inmates' and that 'staff know inmates and their personal histories very well', whereas inmates were less likely to respond that 'staff seem not to care if inmates succeed or fail in the program' after completion of the program. The results suggest that staff perceive themselves to be more caring and supportive than inmates perceive them to be.

Before the program, staff were more likely to see support as coming from the institutional setting, rather than from other inmates, and staff scores in the TH questions were significantly higher than for the IC questions. However, in the follow-up survey, there was a significant increase in staff perception of the support among inmates and an improvement in the perception of support from both other staff and from inmates.

The inmates' ratings for IC and TH mirror staff ratings for these factors. In both surveys, inmates score IC questions significantly higher than TH questions. Inmates view most support as coming from among themselves and view less support as coming from staff. However, there was a similar pattern of improvement in scores as with staff, with a greater increase in TH scores than the scores on IC questions. This indicates an increase in inmates' perception of support from staff.

D   *Attitudes of Participants to Conflict and Management of Conflict*

In the entry survey the mean of staff responses was on average higher than the mean of the inmates' responses in relation to 'disagreements between inmates', 'inmates responses to disagreements', if 'inmates know how to talk it out when they have disagreements' and if 'staff try to help when there are disagreements'. The mean of the inmates' responses was higher than the mean of the staff's responses in relation to 'inmates talking it out when they have disagreements', implying that inmates perceive more attempts at conflict resolution among themselves than staff perceived this to happen.

In the follow-up survey there is an equalisation in the responses of subgroups' perceptions between staff and inmates in relation to 'inmates feeling upset when there are disagreements', 'inmates talking it out when they have disagreements' and 'inmates knowing how to talk about disagreements'.

The equalisation is due to the mean response of staff increasing to be more in line with 'inmates talking it out when they have disagreements' and 'inmates trying to help when there are disagreements', as well as decreasing in relation to disagreements among inmates, inmates not knowing how to talk about disagreements, and staff trying to help when there are disagreements.

A gap continues to exist in relation to 'disagreements among inmates', with the mean staff response higher than the mean inmate response.

E   *Attitudes of Staff*

In relation to the program training, the exit survey results for staff appraisal shows 62% reported they had tried to sort out issues using skills learned in the workshops and 96% would use the mediation procedures to sort out issues at CDTCC, with only 21% having tried to use the mediation procedures. Staff enjoyed the program with high scores on the question of whether the workshops had been enjoyable. Staff unanimously recommended the workshops and 71% answered yes to 'Would you like to do more workshops?'

Staff supplementary survey data provided information about staff dynamics at CDTCC. Of the staff, 50% believe that 'staff care for each other' 'quite a lot' and that there is 'quite a lot' of 'good peer support among staff'. Staff reported they 'somewhat' feel upset when there are disagreements (44%), but the majority reported that to 'a little' extent 'there are disagreements among staff' (47%). Just over 42% reported staff talk it out 'quite a lot' when they have disagreements, although 44% feel 'staff do not have the skills'. Staff responses were high at the 'quite a lot' level in relation to the program 'assisting staff in talking about issues' (48%), 'encouraging understanding with fellow staff' (44%), 'encouraging good peer support' (44%), 'providing a forum for discussion among staff' and 'providing useful skills for sorting out issues' (37%).

Also at the 'quite a lot' level staff reported that using the mediation procedures will improve communication among staff (48%) and the mediation procedures will be helpful for staff at CDTCC (44%).

F   *Attitudes of Inmates*

From the entry survey to the follow-up survey, inmates showed a greater appreciation that staff take a personal interest in the progress of inmates and fewer perceived that staff seem not to care if inmates succeed or fail in the program. Inmates also increased their perception that everyone at CDTCC is affected when there are disagreements among inmates and also that staff try to help when there are disagreements.

In summary, the follow-up survey indicates that inmates had greater awareness of the efforts of staff.

In relation to the program training, the exit survey results for inmates appraisal shows 61% reported they had tried to sort out issues using skills learned in the workshops and 80% would use the mediation procedures to sort out issues at CDTCC, with only 28% having tried to use the mediation procedures. Inmates also enjoyed the program, unanimously recommending the workshops.

G   *Qualitative Data*

Responses from interviews and the exit survey open-ended question were categorised into themes: expectations of the program; appraisal of the training; appraisal of program; benefits of the program; difficulties with the program and suggestions for improvement; responses to conflict; and community climate.

There were 60 interviews conducted with 31 participants (17 staff and 14 inmates). This represented a response rate of 51.6% (66.6% for inmates and 43.6% for staff).[40] The interviews conducted before, during, at the conclusion of, and three months after the program provided informative and rich data on participants' expectations of the program, attitudes towards the training, evaluation of the training, and follow-up evaluation.

1   *Exit Survey Open-ended Question: Response Rate and Breakdown of Data*

Of the 44 respondents to the open ended question in the exit survey, 27 wrote comments that could be classified as either positive, negative or neutral, including two respondents who wrote both positive and negative comments. Eighteen responses (62%) were positive, seven (24%) were neutral or suggestions, and four (14%) were negative.

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[40]   Many participants were interested in giving feedback for the study and volunteered to be interviewed multiple times. Some participants elected to be interviewed in a group.

2   *Interviews and Exit Survey Open-ended Question*

Appraisal of the program showed an overwhelmingly positive view of the program itself and the training, and the wider benefit of participating in the program and the understanding and skills gained from doing so.

Many participants, some of whom had been sceptical about the training, were positive about the program in the exit and follow-up measures, reporting enjoyment of the training and their perception of the skills acquired. Most of the negative responses were of anxiety about the program being boring or about the role plays and interactive nature of the program. However, most of the participants who expressed anxiety ended up enjoying the training activities.

A number of participants mentioned that it changed their view of conflict and that they would consider using the information and skills learned in the program both in the community and in other settings, including in their home environment.

3   *Brainstorming Exercise from Module 6 of the Program*

There were 28 participants (47%) who responded to the brainstorming exercise conducted as part of Module 6. There were 29 responses categorised: 23 responses (79.3%) were positive, with all of these using language and terminology from the program material demonstrating that respondents had picked up and were using the language from the program. Six responses (20%) — 'possible', 'ambitious', 'challenge', 'intrigue' and 'don't know' — indicated respondents were uncertain or sceptical about the program.

IV   Discussion

With regards the two main aims of the Sorting It Out program, it was demonstrated that it was feasible to deliver the program in a correctional setting, and the evaluation revealed that the program was both well received and had a positive effect on the prison community.

A   *Feasibility of the Program*

Although there was some initial scepticism from a minority of staff members at the CDTCC, it was shown that it was feasible to deliver a community-based peer mediation training program in a correctional setting; training staff and inmates together in a whole of community approach to conflict management. Despite the innovative style and organisation-wide perspective of the CDTCC[41] compared to other correctional centres, the program challenged staff to engage in collective

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[41]   This is an intensively managed learning environment with highly qualified and motivated staff accommodating inmates with learning difficulties, and motivating inmates to move to subsequent stages of the CDTCC program without sacrificing security and rehabilitation principles of the CDTCC program.

learning in cooperation with inmates and to work outside their traditional roles.[42] There was a high participation rate and acceptance of the objectives and methods of the program. There was also positive review of the program by both inmates and staff, with participants unanimously recommending the workshops and over 70% answering that they would like to do more workshops.

The program overcame some initial difficulties recorded in the qualitative data, including some staff members electing to be trained separately from inmates, and also the restrictions of availability due to shift work, by delivering the modules on two occasions.

The program was delivered at the relatively low cost of two trainers delivering the seven two-hour modules, and the cost of the staff time in attending the training and the student time devoted to evaluating the program. A full cost benefit analysis was beyond the scope of the evaluation performed. However, interview data revealed examples of how the program improved the operation of the CDTCC, and makes a case for further trials and evaluation of the program.

B   *Evaluation of the Program: Social Climate*

The analysis of the subsets of the social climate scale confirmed the internal validity of the scale and the reliability of the inmates' answers to the questions in the scale. The evaluation of the social climate demonstrated significant improvement in all measures of the social climate, from the point of view of both the inmates and the staff. Moreover, that improvement was still evident at the follow-up three months later, consistent with previous studies evaluating correctional settings,[43] and forensic wards.[44]

The staff rated the support from the community more positively than the inmates. However, the follow-up survey shows inmates perceived the level of support to be greater after the program than before the program was implemented, and that inmates had greater awareness for the efforts of staff.

Similarly the level of perceived tension and threat of aggression and violence perceived by staff was reduced in the follow-up measure, indicating a greater understanding of inmates and staff feeling more at ease about inmates. The qualitative data supported the quantitative results, for example:

> … before the program I probably would have taken one side you know and just be majority rules but now you can see it from both sides … everyone comes up with a solution that everyone's happy with. It just makes the centre run a lot easier. (Inmate #41)

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[42]   Paul Hager and Mary C Johnsson, 'Working Outside the Comfort of Competence in a Corrections Centre: Toward Collective Competence' (2009) 12(5) *Human Resource Development International* 493, 495.

[43]   Rudolf H Moos, *Evaluating Correctional and Community Settings* (Wiley, 1975).

[44]   Schalast et al, above n 4.

C   *Attitudes towards Conflict Management*

From the results it was clear that participants understood that the program is more about community understanding of points of view and respectful listening and communication rather than an actual solution to an issue. Respondents seemed to recognise that application of conflict management skills not only reduced tension in the prison, but that the skills were positive life skills that could be applied in many situations outside prison.

D   *Wellbeing*

It was evident from the data that the subjective wellbeing of the inmates was closely related to their interactions and relationships with the staff. Many of the positive elements may be derived from the opportunity to get to know each other as fellow human beings. Post-program measures show that inmates viewed the environment as more supportive and staff viewed the environment as less threatening after the program, implying improved understanding between staff and inmates. There is a growing body of research on developing positive relationships in order to bring about behaviour change in offenders[45] and the interaction during the training seemed to be positive.

> I really liked it. I liked that the staff were included and it was really easy to get along with everyone. Even with staff in there, even with officers who I probably wouldn't take the time to talk to. I got to laugh with them. I've seen them as real people then. I've seen them as actual people, 'cause I won't say the word but, what I think of them normally and I've finally seen them as people through the program. (Inmate #39)

Participants perceived the experience of the program to be beneficial for both themselves and the community as a whole. In addition to the empirical measures of the changes in responses between the entry and exit surveys, the interview data provided information in relation to the effect of the program on the wellbeing of participants. Positive attitudes to the program appeared to correspond with a more positive view of the community as a whole, resulting in positive peer group pressure to practice the behaviours promoted by the program. This is consistent with the observation that the adoption of the protocols of peer mediation has improved the quality of interpersonal interactions, and hence the wellbeing of participants in other settings.[46]

The results clearly show the therapeutic potential of the peer mediation training. Staff and inmates reported beneficial effects, including enjoyment, enhanced community relations and the development of constructive ways of integrating skills learned in the program with practice.[47] Inmates consistently made

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[45]   Patrick J Kennealy et al, 'Firm, Fair and Caring Officer–Offender Relationships Protect Against Supervision Failure' (2012) 36(6) *Law and Human Behaviour* 496; Andrew Day, Lesley Hardcastle and Astrid Birgden, above n 9, 493.

[46]   David B Wexler, 'Therapeutic Jurisprudence and the Culture of Critique' (1999) 10 *Journal of Contemporary Legal Issues* 263, 264.

[47]   Ann L Cunliffe, 'Orientations to Social Constructionism: Relationally Responsive Social Constructionism and its Implication for Knowledge and Learning' (2008) 39(2) *Management Learning* 123.

comments about learning to be neutral in order to reduce conflicts escalating. An example from researcher observations:

> One Participant referred to a mediation which took place between participants about three days prior. He said that he observed two participants in disagreement and a third participant stepping in to mediate resulting in a positive outcome. The Interviewee commented that previously a similar situation would probably have 'got ugly' and been resolved with violence.[48]

E   *Effect of the Program on Therapeutic Work at the CDTCC*

The effect of the program on the therapeutic work of the CDTCC was more difficult to evaluate. However, several examples from the behaviour of the inmates as a group in addressing disciplinary crises in the period after the program was run illustrate the cultural change in that inmate cohort, and may have been an effect of the program.

What is evident is that participants were motivated throughout the program and receptive to the training. What also emerges from the research and is consistent with existing research is that participants respond positively to the opportunity for open communication and engagement in issues that affect their life at the CDTCC. This in turn has a positive effect on the social climate or atmosphere, which should be considered in treatment evaluation as a potential moderator of the effects of treatments.

The study was limited in its ability to measure the long-term effects of the program, for example, on the social climate of the CDTCC over time; and whether the knowledge acquired in the program had a lasting effect on behaviour, including the propensity to resort to drug use in response to conflict or to resort to violence to settle disputes.

F   *Other Benefits*

Based on the responses of the participants, the program may have benefits beyond the CDTCC community in which it was conducted and could improve the interactions of participants in the wider community. Another benefit may be to increase the interest of staff in therapeutic programs and further training in this area.

The feedback from respondents in the program indicated that some of the information in the modules was completely new to them, and also that participating in the program had changed the way they thought about the process of dealing with conflict and resolving disputes. Many adopted the language of the program and retained knowledge of the mediation procedures from the training sessions in the role play scenarios. Several participants mentioned the wider application of the ideas to other aspects of their lives.

The program was delivered on a relatively small budget, and might be a cost-effective way of improving the productivity of correctional centres, both in

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[48]   Researcher observation, 24 April 2013.

creating a working environment that allows more efficient use of the therapeutic programs that are available, and in the longer term goal of reducing recidivism and the harm arising from the behaviour of many offenders to their own families and communities.

V   Conclusion

This pilot study of a peer mediation training program in a prison community demonstrates that the program is both feasible and was well accepted by staff and inmates. The inmates at the CDTCC may not be a typical sample from the NSW correctional system due to the referral process to the NSW Drug Court, the eligibility criteria and the CDTCC being a unique therapeutic facility. However the CDTCC includes some of the state's most deeply entrenched criminal recidivist offenders with chronic substance abuse disorders. The positive feedback from both staff and inmates suggests that further trials of the program in other settings (such as juvenile detention centres or as part of other specialty therapeutic programs such as the violence prevention program), and an evaluation of the longer term benefits and cost effectiveness of this program are warranted.