**CEP/Europris/European Council conference: Prisons and Probation: Sharing and Refocusing Knowledge and Practice/Prisons et Probation: Partageons et recentrons nos connaissances et nos pratiques.
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‘**Working better together for offender reintegration: the Third Sector perspective’**

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Thank you

Slide 1. As senior strategic leaders in your organisations, you make decisions about the resources and partners you need to work with (you may not have that much choice, of course) and this inevitably involves you in considering how and why you might work in partnerships. My contribution will focus on the ‘turn to the voluntary sector’ internationally as a response to perceived and actual deficiencies in penal managerial approaches.

Slide 2. In policy terms, partnerships are a third way alternative to state welfare and welfare markets because they are believed to align the best characteristics of each sector. The state (central of municipal) brings its administrative scope and public workforce – business brings capital and efficiency)– third sector/charities contribute flexibility, specialist knowledge and have reach into communities. Partnership is referenced as a response to complex welfare-penal policy challenges. Social scientist frame these as ‘wicked problems’ – deeply-ingrained problems with complex causes that are not open to easy or cheap solutions. They also tend to be reproductive and resistant to elimination because they are entrenched in the very systems that are set up to solve them.

1. High and persistent levels of offending & recidivism.

2. A concern with value for money and reducing the cost of criminal justice interventions. This followed the financial crisis (2008 ) following Austerity policy (2010-12)-> 25% reduced funding for prisons, probation, municipal and resettlement services. Since then the cost of Covid/lockdown and fiscal pressure on governments.

3. The desire to make public services more efficient, and to ensure that providers (business, public sector and third sector) demonstrate evidence of the effectiveness of their interventions.

That is the theory, in the world of policy and administration things look somewhat differently:

Slide 3:

I want to share some wise words which were offered by a very distinguished (and retired) civil servant at the UK Home Office and later Ministry for Justice, who was an architect of public-private partnerships. In his experience, governments love the *idea* of partnerships frameworks, because they can act as a vehicles for promoting their reformative agendas. This is why governments tend to reconstruct the third sector to become more like the public sector; for public sector to become more like business; and for business to become more like charities! reconstruct

There is a very serious point at stake here, of course, as the political tendency to push boundaries between sectors can also place stress on the integrity of their identity, roles, responsibilities and powers. In criminal justice, where the solemn duty of punishment is available, this raises critical questions about the limits of criminal authority and democratic accountability in criminal justice practice.

Loss of identity of different sectors/agencies.

Merging functions of welfare/penal spheres.

Conflating interests of for-profit and public interest.

Slide 4: Since the 1990s we have seen the expansion of citizen voluntarism and civil society/third sector work in response to the impact of neoliberalism and globalisation on reshaping welfare states. The third sector is indeed an antidote to disruption and unsettlement caused by political, social, economic and security crises. For these reasons, the **‘voluntary sector turn’** is strongly supported by many national governments. But there are some critical differences in these relationships. Firstly, national political and penal cultures crucially shape distinctive models of collaboration (this may range from subsidiarity models (Germany); social partnership models (Nordic); corporatist (Italy, Spain). Secondly, the mechanisms which states choose to fund and encourage co-production in criminal justice generates intended and unintended consequences.

To illustrate the point, I point to failed experiment to create a mixed market from the public probation service in England and Wales (Scotland and Northern Ireland have separate jurisdiction in this area). The UK is probably the most radically marketised, penal-oriented and neoliberalised social economy in Europe. In a series of research studies, I have been researching resilience and adaptation in the third sector in criminal justice through the crises of the recent decades. To summarise, we found;

That the voluntary sector adapted to conditions that were not of their making with varying levels of success, and incurred losses as well as advantages from the experience.

They needed to adapt to four dominant forces:

Marketisation – Usually subcontracted to provide supports such as housing, community supervision, substance misuse supports, and related work, the voluntary sector has experienced an intensification of competitive and output-oriented service models in order to function within mixed-market service economies.

Professionalisation – adjusting their practices to New Public Managerialist priorities; closer alignment of organisational and human resources to target and actuarial regimes; responsibilisation for outcomes not in their control; fragmentation of complex skills into technical tasks; loss of regard for complexity of the role; bureaucratisation; staff alienation.

Penal drift: Observation of changes in the sector’s self-concept and self-representation of itself as part of the criminal justice structure and apparatus, with senior managers in particular moving away from the sectors ‘critical outsider’ position and embracing the status of quasi-penal agency. Conciliation of mission with criminal justice frameworks, practices and approaches, even language.

Displacement: the disarticulation of social work agents from their social work roots; loss of autonomy; physical relocation from their communities.

Slide 5: I would add a fifth ‘structural problem’ stemming from a combination of over-dependency on market systems and centralised micro-management created hierarchical, complicated and bureaucratised relations among collaborators which contributed to the failed experiment in the privatisation of the probation service in England and Wales.

Slide 6: let us return to first principles and the core responsibilities of prison, probation and resettlement bodies - which are to keep those sentenced by courts in safe custody/under supervision, to reduce offending and support rehabilitation, and in this way contribute to public safety. **Desistance is an approach where collective responsibility and social collaboration are fundamental to the individual’s journey out of crime.**  Let us consider the process:

Our object is to achieve **primary desistance** which refers to any crime-free phase in the course of a criminal career (Maruna, 2001: Farrall 2014). *In order to consolidate this achievement the individual must experience:*

**Secondary desistance** happens when the individual assumes a non-offending identity (Calverley, 2014: Gadd 2006). *But, an individual cannot progress to that stage unless they have experienced*

**Tertiary desistance shifts in a desister’s sense of belonging to a moral, social and political community (McNeill, 2015), involving recognition of ability and desire to change, a subjective sense of belonging , interaction with others (Weaver, 2016), trust between prisoners/probationers and staff (Ugelvik, 2022), imagination and creativity (Healy, 2014).**

7. I suggest that the work undertaken to support **tertiary desistance** speaks to the particular strengths and capacities of the third sector - **under the right conditions**. These conditions include protecting spaces of articulation and development for clients, where staff exercise can professional judgement and discretion consistent with their mission and methods, where they have sufficient freedoms to take balanced risks – both in trust building with individuals and in capacity to absorb the supposed ‘failures’ of clients.

In particular, this kind of work draws on capability building approaches where supporting people to exercise freedoms to achieve well-being is a primary goal and second, that well-being should be understood in terms of people’s capabilities and functioning, which is in turn connected with their capacity to access resources.

These are examples of **prefigurative interventions** which are particularly relevant to the significant developmental work that occurs below the line of visibility but which are necessary to prepare individuals for formal engagement with programmes. These include the essential building blocks of participation including trust-building, paying attention, experiencing acceptance, recognition, being listened to, and so forth.

I am not saying that **prefigurative engagement** should be the exclusive function of the 3rd sector. I am saying this work has been driven to the margins of statutory probation and resettlement work as partnership frameworks facilitate new divisions of labour and responsibility between statutory and third sectors.

I am saying that our inattention to this primary work has come about from a combination of managerialism, commoditisation and alignment with punitiveness over several decades.

Under managerialist audit cultures, emotional labour continues to be ‘sold’ as a unique selling point of the sector in contract, while also being placed further beyond the scope of metrics of valuation.

8. Can the third sector establish a place where the risks of mission-drift and cooptation can be minimised?

* Inter-personal and socio-political protocols and code of ethics.

9. To conclude, I underline some core conditions for optimising collaborative partnerships.

* Partnership work involves complex vertical and horizontal relationship building.
* This requires accountability to funders/state in the knowledge that there tensions and potential conflicts in expectations – political support for the third sector is often related to its usefulness as a ‘Trojan Horse’ for political reform agendas.
* Horizontally, it requires trust and parity of esteem among partners – as well as clear divisions of authority and responsibility – are essential.
* The inclusion of plural voices including that of the desister and diversity of skills, knowledges and approaches.
* Appreciative metrics (‘soft’ and ‘intermediate’ measures), not crude payment-by-results incentives.
* A balance of risk awareness with an appropriate focus on positive change and mutual trust.
* Collaboration should ideally be there ‘from the start of sentence and consistent support through the journey’
* The key measure of success is what positive change has been achieved.
* The closer to community, place, society or culture the better.