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‘Introduction’

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Although the contemporary voluntary sector can trace its contribution to social justice back to the inception of the modern prison and probation systems, in recent decades it has been brought closer to the centre of criminal justice policy. Since the 1990s, both the New Labour and Conservative-Liberal Democrat coalition governments have actively engaged the voluntary sector in determining local crime, justice and community safety strategies. This relationship is premised on a blend of neoliberal political rationalities for restructuring state welfare systems into ‘mixed service markets’ in late capitalist societies, and communitarian aspirations to liberate the untapped social capital, expertise and consensus of the voluntary sector in securing justice at community level (Norman, 2010). The ‘rehabilitation revolution’, for example, seeks to achieve fundamental changes in the location and methods of working with offenders from the costly and ineffective prison system to community-based treatment and supervision involving for-profit and voluntary sector agencies. Whilst voluntary sector-state partnership and contracting-out are not new, a combination of funding and political reforms under successive governments has generated a profusion of new spaces for collaboration which is unprecedented in scale. Since 2014, these spaces have been most dramatically represented by the 21 ‘contract areas’ in England and Wales throughout which Community Rehabilitation Companies (CRCs). The CRCs will deliver resettlement services previously discharged by the probation services, and involve voluntary sector organisations as both primary contractors and subcontractors. However, behind these new formations in the national voluntary sector and criminal justice landscapes reside the overwhelming majority of small- and medium sized organisations which continue to provide the backbone of volunteering, civic engagement and local service delivery.

Undoubtedly, the voluntary sector generally, and those working in the field of criminal justice particularly, faces enormous challenges but also unprecedented opportunities (Macmillan et al., 2013). Similarly, it is axiomatic to observe that the concept of a ‘voluntary sector’ only loosely encompasses the diversity of drug and alcohol services, advocacy groups, victim support organisations, through-the-gate mentoring programmes, women’s centres and the many others that make up this important social institution. Notoriously diverse and difficult to categorise as VSOs might be, they share some structural characteristics and a sometimes contradictory relationship with their supposed ‘paymasters’. Although they have been

longstanding providers of practical support to offenders and their families, victims and witnesses, VSOs have relied largely on short-term, insecure funding streams which has resulted in ad hoc, patchy and short-term service provision with little strategic direction. Under austerity, traditional grant funding regimes have been either replaced by competitive commissioning or squeezed to the point where many VSOs face financial stress at a time when they are being asked to contribute significantly to criminal justice policy and practice.

The radical changes in expectations, especially that VSOs will move smoothly to undertake criminal justice services, is already exerting qualitative alterations in their role. The prospect of closer partnership with state and for-profit funders may present advantages for the sector in offering strategic direction, continuity of service provision and financial stability. However, it also compels VSOs to consider essential questions as to whether they have the capacity, capability, infrastructure, expertise or the willingness to deliver certain services to the criminal justice system, especially if they support sentences or disposals of the court. The latter requirement may oblige VSOs to undertake responsibilities for supervising and monitoring offenders and reporting them for non-engagement with their project. These prospects potentially undermine principles of voluntary engagement and introduce legal, ideological and ethical quandaries with respect to taking on quasi-punitive and formal enforcement roles. Campaigning and advocacy roles are at risk of being either explicitly compromised by the Lobbying Bill (2015), on the precept that campaigning is 'political', or by having their mouths 'stuffed with [contractor's] gold', to paraphrase Aneurin Bevan. The longer term ambition of rendering VSOs fit for purpose to deliver public services necessarily incorporates them into the pervasive managerial, audit and performance management systems that operate in the statutory sector. At the same time, the onus is placed on statutory criminal justice agencies to support and monitor the work of VSOs in order to obtain 'effective' and quality services and to ensure that statutory duties are met in terms of equality and data protection, for example.

From one perspective, these developments herald a turning point by which the sector's historical strengths of mutuality and service are deployed to help make public services more responsive, democratically accountable and relevant to all sections of society (Putnam, 2000). From another vantage point, the forging of partnerships by means of greater commercialisation and subordination to contract-and audit cultures threatens to capture the 'soul' of the voluntary sector (Salamon, 2013). A third factor, and one which has been largely glossed over in the political rhetoric, relates to the need for a clear delineation of the voluntary sector's commitment to *social* justice in the sphere which can epitomise legal *injustice*. Viewed from within the sector, the prospect of working more closely with the state and for-profit companies is capable of jeopardising the very independence which

ultimately underpins its claim to a distinctive social mission and function (Independence Panel, 2014). As a consequence, and with some controversy, the chameleon sector finds itself once again in the position of reinventing its relationships with markets, governments, communities and individuals as well as re-asserting its independent social and civic mission (Civil Exchange, 2014). Although it may be too soon to conclusively measure the impact of economic and policy factors on the future shape and role of the voluntary sector in criminal justice, they are undoubtedly being apprehended as transformative – for better or for worse.

This volume of essays arose out of an ESRC funded seminar series on the third sector in criminal justice (RES-451-26-0823) which ran between 2011-2013. It brings together critical reflections and cutting edge research on the contemporary features of voluntary sector work by capturing the dynamic nature of the voluntary sector, its responses to the current climate, and by identifying some of the conflicting positions with regards to the current and future role in criminal justice work. The volume examines the current and future potential impact of economic, political and ideological trends on the role and remit of VSOs at a time when it is perceptibly evolving from familiar models of voluntary sector service provision to one in which VSOs are potentially becoming embedded in the criminal justice administrative apparatus. In the remainder of the introduction we provide an overview of the policy context in which VSOs were operating at the time the chapters were written. The aim is to provide a context to debates which follow. Before doing this we define the subject of this book, the voluntary sector involved in criminal justice.

Defining the voluntary sector in criminal justice

The voluntary sector has been involved in criminal justice for a long time (Carey and Walker, 2002) and in many different ways including as service providers and/or campaigners. Yet, defining the voluntary sector involved in criminal justice is not an easy task. As many of the authors in this volume point out, the number of voluntary sector organisations (VSOs) working exclusively with service users involved in criminal justice in some way is relatively small (CLINKS, 2014). For many VSOs offenders or crime victims are just one of their service user groups. Their work focusses on an area in which many offenders and/or victims have needs and it is on this basis that they intersect with the criminal justice system. Indeed some VSOs may unknowingly be working with service users caught up in the criminal justice process whilst others may play down their work with offenders because of concerns about spoiling their reputation making them difficult to identify. VSOs may also be involved in assisting with offenders' and victims' needs which may or may not be linked directly to their offending or victimisation. In the main, this volume is about VSOs who consider themselves as working with or alongside the criminal justice system and openly acknowledge that at least some of their service users are involved in the criminal justice system to a greater or lesser extent. Many of these

VSOs have dual roles as service providers and advocacy/campaigning organisations. The tensions which this potentially creates are one of the themes of this volume.

The voluntary sector involved in criminal justice is also diverse in terms of size. It comprises of a small number of large national organisations, some regional organisations and many local organisations. The local organisations themselves range in size and include very small VSOs run by one or two people and most have turnovers of less than £100,000 (Gojkovic et al, 2011). In recent years there have been mergers between some of the medium and large VSOs bringing with it the advantages of scale but potentially losing some of tradition values and working practices associated with the voluntary sector. New types of organisations have also emerged such as social enterprises which blur the already indistinct boundaries between voluntary and private sector organisations. Despite the plethora of organisational models, certain consistent features of VSOs remain (Etherington and Passey, 2002). VSOs are non-profit making and many of them have charitable status. Consequently, they are governed by their charitable aims and are required to comply with charities law. VSOs are governed by trustees and/or directors who are volunteers and who are ultimately responsible for the management and financial affairs of the organisation whether or not they employ paid staff to run the VSO on a day to day basis. The diversity of the sector, however, means that policy developments and changes in the environment in which VSOs operate will impact on different parts of the sector in different ways.

Finally, we have chosen to use the terms voluntary sector and voluntary sector organisations (VSOs) in this volume. We could have used several others amongst them the third sector (which includes mutual and social enterprises as well as VSOs) or the voluntary and community sector. The advantage of using the term voluntary sector is that it has a long history and is understood internationally. There are drawbacks, however. The inclusion of the word 'voluntary' is a misnomer suggesting that the services provided are free and exclusively by volunteers, i.e. unpaid helpers. The reality is rather different. Whilst some VSOs rely entirely on volunteers or paid staff, most have a mixture of paid staff and volunteers.

The policy context

Recently governments have sought to increase the involvement of VSOs in core criminal justice activities. Policy is rapidly moving towards a mixed economy of service provision within criminal justice whereby core services are supplied by a tripartite structure of statutory, private and voluntary sector organisations working singly or in partnership (MoJ, 2010; 2012; 2013 add more). In theory, the voluntary sector should be in a strong position to take this opportunity, having been involved in providing services in criminal justice for a considerable period of time. Nevertheless, its role is potentially being transformed from a provider of supplementary, 'nice to have' services to a provider of core criminal justice services and in doing so arguably co-opts it, or at least parts of it, into the apparatus of the state (Maguire, 2012).

The motivations for greater involvement of VSOs have been dressed up in the cloak of greater civil society engagement in criminal justice, fostering greater public involvement in dealing with the crime problem (Morgan, 2012; Maguire, this volume). VSOs have continued their traditional role of filling gaps left by statutory criminal justice agencies and supplementing the services they provide by becoming increasingly involved in the core criminal justice activities. At the same time, government policy has colonised some areas of service delivery which have traditionally been the preserve of the voluntary sector. These include the provision of statutory support to prisoners released from prison having served sentences of less than 12 months from February 2015 and the increasing number of mentoring schemes funded by government (REF). The landscape is not simply one in which more and more criminal justice services are being provided by the voluntary sector but one in which the voluntary sector is being expected to become the service deliverer of government policy. The government has asked the voluntary sector to do two things: i) operate or at least become more involved in providing some services which have hitherto been provided by the state and ii) maintain involvement in providing services in its traditional areas of operation but to do so from inside the criminal justice system and with government funding. It is not then a return to the 19th and early 20th Century when VSOs operated largely outside of government control but one where the concern is that the VSOs are becoming agents of the state. Such concerns are not new as Dacombe and Morrow demonstrate in Chapter 4.

Government attempts to increase the involvement of VSOs in criminal justice services are motivated by a number of factors. Austerity measures have led to considerable cuts in criminal justice budgets and all agencies are being required to find new ways of doing the same (and in some cases more) for less. The voluntary sector is viewed as a resource which can provide services more cost efficiently than the statutory sector and potential access sources of funding not available to statutory agencies (Hucklesby and Worrall, 2007). A second related driver has been the radical transformation of public services. Diversifying the providers of public services to include private and voluntary sectors is one part of a broader reform package

which includes localism - devolving responsibility, decision-making and budgets and 'improving the transparency, efficiency and accountability of public services' (HM Treasury, 2010: 8). The third motivation is linked to a policy trend to harness the power of civil society and strengthen its involvement in the lives of citizens and residents. It is claimed that the voluntary sector has a key contribution to make in all these regards and is quantifiably 'better' at providing services than the statutory sector. It is viewed as an innovative, nimble and flexible sector which is embedded in, and reaches out, to communities and particularly hard to reach groups. It can therefore contribute to transforming public services by providing innovative programmes and services, which may cause a ripple effect in the public sector, at a less cost (Etherington, 2006; Morgan, 2012).

Whilst supporters from within and beyond the voluntary sector will extol similar virtues of the sector, they also question some of the assumptions which form the basis of government policy. Primary amongst these is that the voluntary sector is not a cheap or in some cases free resource. A considerable infrastructure is required to ensure that the voluntary sector can provide appropriate services and 'volunteers' are not free, they at least require training and expenses (Hucklesby and Worrall, 2007). Second, moves to increase its involvement in criminal justice will inevitably result in some of their positive attributes being undermined (Maguire, 2012). For example, the requirements involved in contracting government services will increase bureaucracy and make VSOs less innovative and flexible.

Of greater concern to some commentators is that the fundamental values of the voluntary sector and its critical voice may be threatened (Corcoran, 2008; Silvestri; 2009; Mills et al., 2011). At its heart are concerns that the voluntary sector will lose its independence and legitimacy and be co-opted into the state's apparatus (Carlen, Hannah-Moffat). Concerns have been raised about mission drift, whereby the values and objectives of VSOs change to align more closely to government or partners agendas in order to receive funding to provide services alone or in partnership. Values may be further undermined via involvement in coercive aspects of the criminal justice system. Hitherto these have been almost the exclusive role of statutory organisations (for an exception see Hedderman and Hucklesby, this volume). Greater involvement of VSOs in the criminal justice system and especially in its coercive elements potentially threatens their trusted status and credibility amongst communities and hard to reach groups putting at risk their work in local communities, thereby contradicting the basis on their appeal to the 'localism' agenda of the coalition government.

A key element of government plans under the Transforming Rehabilitation agenda (MoJ, 2013) is the introduction of Payment by Results whereby service providers will be paid according to reductions in reconviction rates which follow an intervention. Payment by Results is a controversial payment mechanism particularly as it uses a binary measure of reconviction and transfers financial risks onto the service

providers (Fox and Albertson, 2011; 2012). It also encourages 'cherry-picking' (working with those least likely to reoffend) and 'parking' (not working with those at high risk of reoffending) The risks to the voluntary sector are considerable as Maguire explores in Chapter 3. Predominant amongst these are the withdrawal of specialist services provided to hard to reach groups which have been to-date an important element of VSOs work. VSOs are likely also to have to expend considerable resources on an infrastructure to provide evidence of their work adding to their costs and making them more bureaucratic.

There is much written about the distinctive contribution which the voluntary sector makes generally and within criminal justice. Yet, very little evidence is available which supports this view. Research on the voluntary sector in criminal justice remains a 'cottage industry' and there is not a strong tradition of independent research in VSOs themselves. Consequently many of the assertions about its effectiveness are not substantiated by robust or verifiable evidence as Hedderman and Hucklesby argue in Chapter 6. What evidence is available varies in quality and reliability. Greater involvement in state funded service provision brings with it requirements to measure of performance and outcomes. In chapter 6 Hedderman and Hucklesby suggests that considerable investment will be required by the voluntary sector to meet the standards expected by government (Harlock, 2014). Yet much of the contribution of VSOs will remain intangible and therefore unmeasurable, for example their influence of community cohesion or the culture of statutory criminal justice agencies (Nutley and Rimmer, 2002).

Critical commentary on the voluntary sector has been muted not only by a lack of empirical research but also by a general agreement that the voluntary sector is something which should be valued and that its values are necessarily positive. However, as Corcoran and Grotz demonstrate in chapter 5 it is important to look beyond general assertions of value and delve deeper to unearth the reality. Greater knowledge about the value and contribution of VSOs to criminal justice alongside an awareness of what works and what does not work will strengthen not diminish the voluntary sector. It will also ensure that the services it provides are necessary and appropriate whether or not they are funded by the state.

Structure of the book

The book is split into two sections. Section one examines issues facing all voluntary sector organisations involved in criminal justice. In chapter two, CLINKS – the umbrella organisations which represents the penal voluntary sector - explores the voluntary sector's work with offenders and its contribution to criminal justice policy. In chapter three, Mike Maguire assesses the impact of government policy on VSOs concluding that it will have a transforming impact on the voluntary sector. Rod Dacombe and Elizabeth Morrow's contribution in chapter four looks backwards to debates which took place in the mid 20th century about what the role of the voluntary sector should be and traces continuities with the debates taking place today. In

chapter five, Mary Corcoran and Jungun Grotz question assumptions made about the benefits of using volunteers. The final chapter in this section examines issues raised when evaluating the work of the voluntary sector drawing on the experience of the authors, Carol Hedderman and Anthea Hucklesby.

Section two of the book turns its attention to the work of the voluntary sector with different groups in the criminal justice system. Alice Mills and Rosie Meek in chapter seven, explore the work of the voluntary sector in prisons. Chapter eight, written by Kelly Hannah-Moffat and Paula Maurutto, discusses the role played by the voluntary sector in shaping and implementing criminal justice policy in Canada. In chapter nine, Loraine Gelsthorpe explores the contribution of the voluntary sector in providing services to minority groups. The final chapter examines the role of VSOs in supporting and campaigning for, victims of crime.

References

- Carey, M and Walker, R. (2002) 'The penal voluntary sector' in S. Bryans, C. Martin, and R Walker (eds) *Prisons and the Voluntary Sector*, Winchester: Waterside Press.
- Civil Exchange (2014) *Making Good: The Future of the Voluntary Sector*. London. Civil Exchange.
- CLINKS (2014) *Guide to the Sector* at <http://www.clinks.org/voluntary-community-sector/guide-vcs> accessed 27.02.15
- Corcoran, M. (2008). 'What Does Government Want from the Penal Voluntary Sector?', *Criminal Justice Matters* 71(1): 36-38.
- Etherington, S. (2006) 'The transformation of public services – the voluntary and community sector and the criminal justice system in N. Tarry (ed) *Returning to its roots? A new role for the third sector in probation*, London: Social Market Foundation, 53-61 at: <http://www.smf.co.uk/wp-content/uploads/2006/09/Publication-Returning-to-its-roots-A-new-role-for-the-Third-Sector-in-Probation.pdf>.
- Fox, C. and Albertson, K. (2011) 'Payment by Results and social impact bonds in the criminal justice sector: new challenges for the concept of evidence-based policy', *Criminology and Criminal Justice*, 11(5): 395-413.
- Fox, C. and Albertson, K. (2012) 'Is payment by results the most efficient way to address the challenge faced by the criminal justice sector?' *Probation Journal*, 59(4): 355-373.
- Gojkovic, D., Mills, A and Meek, R. (2011) *Scoping the involvement of third sector organisations in the seven resettlement pathways for offenders*, TSRC Working paper 57, Birmingham: TSRC at <http://www.birmingham.ac.uk/generic/tsrc/documents/tsrc/working-papers/working-paper-57.pdf>

- Harlock, J. (2014) *From outcomes-based commissioning to social value? Implications for performance managing the third sector*, TSRC Working paper 123, Birmingham: TSRC at <http://www.birmingham.ac.uk/generic/tsrc/documents/tsrc/working-papers/working-paper-123.pdf>
- Hucklesby, A. and Worrall, J. (2007) 'The voluntary sector and prisoners' resettlement' in A. Hucklesby and L. Hagley-Dickinson (eds) *Prisoner Resettlement: policy and practice*, Cullompton: Willan Publishing.
- Macmillan, R., Taylor, R., Arvidson, M., Soteri-Proctor, A. and Teasdale, S. (2013) *The third sector in unsettled times: a field guide*, Third Sector Research Centre Working Paper 109, Birmingham: TSRC at <http://www.birmingham.ac.uk/generic/tsrc/documents/tsrc/working-papers/working-paper-109.pdf>
- Maguire, M. (2012) 'Big Society, the voluntary sector and the marketization of criminal justice', *Criminology and Criminal Justice*, (12: 5): 483-505.
- Mills, A., Meek, R and Gojkovic, D. (2011) 'Exploring the relationship between the voluntary sector and the state in criminal justice', *Voluntary Sector Review*, 2(2): 193-211
- Ministry of Justice (MoJ) (2010) *Breaking the Cycle: effective punishment, rehabilitation and sentencing of offenders*, London: MoJ at <http://webarchive.nationalarchives.gov.uk/20120119200607/http://www.justice.gov.uk/consultations/docs/breaking-the-cycle.pdf>
- Ministry of Justice (MoJ) (2013) *Transforming Rehabilitation: a strategy for reform*, London: MoJ at <https://consult.justice.gov.uk/digital-communications/transforming-rehabilitation>
- Morgan, R. (2012) 'Crime and Justice in the 'Big Society'', *Criminology and Criminal Justice*, 12(5): 463-481
- National Offender Management Service (NOMS) (2011) *An introduction to NOMS Offender Services Commissioning*, London: MoJ at <http://www.justice.gov.uk/downloads/publications/noms/2011/intro-to-noms-commissioning.pdf>
- Norman, J (2010) *The Big Society: The Anatomy of the New Politics*. Buckingham: University of Buckingham Press.
- Nutley, K. and Rimmer, S. (2002) 'A governor's perspective' in S. Bryans, C. Martin, and R Walker (eds) *Prisons and the Voluntary Sector*, Winchester: Waterside Press.
- Panel on the Independence of the Voluntary Sector (2014) *An Independent Mission: The Voluntary Sector in 2015*. London: The Independence Panel & Baring Foundation.

Putnam, R.D. (2000) *Bowling Alone, The collapse and revival of American Community*, Simon and Schuster: New York.

Salamon, L. (2013) *The Resilient Sector: The State of Nonprofit America*. Washington: The Brookings Institution.

Silvestri, A. (2009) *Partners or prisoners? Voluntary sector independence in the world of commissioning and contestability*, London: Centre for Crime and Justice Studies.