**The Third Sector role in managing serious offenders: partners, collaborators or buffers?**

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**Introduction**

Driven in large part by media constructed moral panic playing on ‘stranger danger’ (Kitzinger, 1999) there is much public anxiety about sex offenders (Thomas, 2005; Piper and Stronnach, 2008). Media coverage typically constructs sex offenders as demons (Hebenton and Thomas, 1996:429). Such images are exacerbated by the construction of the ‘predatory paedophile’, usually in terms of an invisible stranger preying on vulnerable young children. This is despite the research evidence suggesting that most civtims are abused in their own homes, within extended families and by people known to them (Gallagher, 2009).

These misperceptions found their way into criminal justice policy in its emphasis on vigilance against ‘stranger danger’, leading to the generation fo legislation and restrictive conditions targeting sex offenders (Kemshall, 2008). Such responses reflect public anxieties built on high profile cases and public perceptions of risk management failures (Kemshall, 2012). As a consequence, criminal justice policy in the 1990s to 2010s, approaches to sex offending were built on a legacy of ‘retributive fallacy’ (Pratt, 2000) including increased surveillance, intensive measures of control and restriction, preventative sentencing, and containment.

One feature of distributing the management of ‘dangerous offenders’ entails recruiting non-statutory, non-criminal justice agencies, including third sector organisations [TSOs]. This chapter draws attention to the responsibilities, motives and activities undertaken by ‘civilian’ agents, especially under public protective arrangements such as Multi Agency Public Protection Arrangements (MAPPA). In focusing on this sphere of activity, the discussion references critiques that third sector organisations are being pulled into securitised, risk-averse and quasi-penal practices and outlooks to the detriment of their conventional vocational independent status (Neilson, 1999; Vennard and Hedderman, 2009; Maguire, 2012 Stacey, 2012). The chapter will explore how interactions between the state and third sector agencies leads to a degree of role ambiguity but this does not necessarily translate into substantial cooption of the third sector. This does not deny that important levels of convergence occur, however. Rather in the context of close cooperation, TSOs are obliged to modify their underpinning principles, ethos, missions and operational methods in order to work with sensitive offender groups. The following discussion draws on the research and from ongoing projects involving TSOs and community-based supervision of various offender groups, including those convicted of sex crimes. The chapter examines, firstly, the context within which the third sector has become embedded in the landscape of serious offender management. Secondly, it discusses the mandate of TSOs and statutorily ‘responsible’ agencies in Multi Agency Public Protection Arrangements [MAPPA] including the ‘fit’ between statutory and third sector conventions of client management. Thirdly, we contrast third sector and statutory approaches to managing risks, noting that for the third sector, ‘risk management’ also embraces risks to them as *organisations,* including threats to their reputations, their workers and service users. The chapter will conclude by pointing to possibilities for interactive offender management under an alternative public health approach to the prevention of certain forms of risk, which has a mandate for the third sector.

**The voluntary sector role in offender management**

In 1997, the New Labour government placed partnership working at the centre of its modernisation agenda, considering it a pivotal technique for overcoming the fragmented and disjointed services previously provided in health, social care and criminal justice sectors (Merrell, 2009:34). The promise that criminal justice and other state services would no longer be ‘state monopolies’ received an enthusiastic response from voluntary sector leaders, who had long lobbied for Foundations, Trusts and charities to have a place at the table as a major partner in public service (Hucklesby & Corcoran, 2016). Emphasising its attractiveness to policy makers and its fit with reformative agendas, the Robertson Trust (2012:2) articulated the kind of claim promulgated by sections of the third sector (hereafter TS)[[1]](#footnote-1) suggesting that it:

 ‘has a number of unique and positive attributes that differentiates it from the public and private sector. A distinctive feature … is that it is value driven, characterized by a strong sense of ethics and prioritises the needs of people over all other objectives’

Recognizing the benefits that TS involvement could bring, the Coalition government (2010-15) and the Conservative government (2015-) accelerated and deepened the pace of change towards a ‘mixed economy’ of criminal justice services. This opened up statutory services, such as probation and prison-based resettlement activities, to private capital and charitable participation (Corcoran, 2014). By this means, the third sector shifted from a being a niche provider and junior partner to the statutory services to one in which it is increasingly seen as an ‘alternative’ provider of mainstream services (Corcoran, 2011: Tomczak, 2016).

From the outset, these developments raised concerns that the convergence of criminal justice reformative agendas and privatisation agendas would damage the third sector by co-opting it to state and capitalist priorities, thereby distorting its humanitarian mission. The shift to the ‘mainstream’ of offender management attracted criticisms that TSOs were being drawn into ‘the state’s network of punishment’ (Gough, 2012:4). Specifically, it was argued that the realities of working within criminal justice and public protective frameworks would induct TS personnel and volunteers into occupational dispositions and approaches towards service users that prevail in criminological and bureaucratic frameworks. As Hucklesby & Corcoran noted (2016: 2):

 ‘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 ensure effective oversight and accountability are in place to support and monitor the work of VSOs’.

Although the state and the third sector have worked together for decades, it can be argued that the ‘Transforming Rehabilitation’ (TR) policy, which radically restructured probation and resettlement provision was a pivotal moment which changed the rules of engagement between the third sector and government. The TR programme was an ambitious one, which outsourced the greater part of probation work to statutory, for-profit and third sector consortiums in a mixed market for probation and resettlement services. It dissolved the unitary public probation service in England and Wales and replaced it with a National Probation Service which retained responsibility for supervising high-risk offenders (including many convicted for sex offences), and Community Rehabilitation Companies (CRCs) which contracted to supervise low- and medium- offenders in the community. These CRCs were composed mainly of large private companies and ‘some of Britain’s biggest and most successful rehabilitation charities’ (Ministry of Justice, 2014). The policy was officially promoted as a sign that the third sector had finally obtained long-awaited recognition as to its indispensable place ‘at the forefront of a new fight against reoffending’ (ibid).

However, the reference to ‘charities’ in the Ministry’s announcement was somewhat misleading as only a handful of organisations claiming charitable status as their principal legal identity were members of the consortia which won the contracts to operate community rehabilitation contracts)[[2]](#footnote-2). Alongside the transnational corporations, several of the not-for-profit contractors included community interest companies or similar charitable and profit-making hybrids that are more accurately categoried as third sector organisations (TSOs). The controversies generated by TR and the subsequent political and operational malfunctions in the programme are widely discussed in the political and academic arena (Public Accounts Committee, 2016: Senior, 2013). For the purposes of this chapter, a few salient observations will be made with respect to the potential and actual role of the TS in supporting higher-risk offenders.

The constructive innovation of TR was its stipulation that all persons leaving custody, including those serving sentences of under a year, were to be given access to community supervision. Many TSOs are already contracted by other statutory agencies – including health trusts, local authorities and Police and Crime Commissioners – to provide services such as drug and alcohol treatment, employment and training, housing aid and financial advice, education and training, spiritual and faith guidance, mentoring, arts projects and peer support schemes. TSOs have for some years featured in multi-agency networks such police-led integrated offender management (IOM) programmes, Prevent programmes, local government crime and disorder panels and similar structures, which has ensured that they have become embedded in the architecture of local and regional criminal justice administration. The idea was that Transforming Rehabilitation would expand this system of subcontracting to TSOs by opening up probation and resettlement work to them.

**Third Sector in offender management structures**

Despite the TS’s significant role in the delivery of criminal justice the extent to which it has been involved in the management of high-risk offenders remains relatively under-researched. The impact of the sector on the management of sex offenders cannot be discretely mapped onto the activities of statutory agencies. A major problem in determining trends in the management of ‘higher risk’ offenders (which includes violent offenders, sex offenders or those convicted for terrorist-related offences), is that there is no comprehensive record of the number of TSOs that work specifically with such groups. As such, their overall contribution is not easily quantifiable, nor can their roles be considered in isolation from wider criminal justice and social welfare networks. The number of specialists working exclusively with sex offenders is difficult to discern although some volunteer-based programmes, such as Circles of Support and Accountability (CoSA), do have a national profile for their work. Outside of those organisations, it is very difficult to accurately extrapolate how many groups exclusively support the management of specified groups (sex offenders, domestic violence perpetrators, ‘extremist’ offenders in the community). A number of faith-based groups work with those who are deemed to be at risk of coming under radicalising influences in many communities. Some violence perpetrator programmes are provided by TSOs in conjunction with other services such as, for example, housing, anger-management, drug & alcohol programmes or life-skills support. Additionally, since the ‘split’ in the old probation service, most higher risk offenders remain the responsibility of the National Probation Service. Consequently, only a minority of TSOs actually work with the NPS. The majority of TSOs, in contrast, are now directed to work with the Community Rehabilitation Companies (CRCs) to support lower-risk offenders. More often than not, housing, employment and training, mentoring or resettlement providers, for example, may find that higher-risk offenders are just one of their service user groups. Their work focuses on an area in which offenders have needs and it is on this basis that their work intersects with the national probation service or MAPPA, rather than their seeking out such client groups.

On the face of it, the voluntary sector has comparatively low levels of direct engagement with sex offenders in a formal sense, apart from the few specialist TSOs whose mission is directly concerned with supporting them, who have the requisite skills and expertise, and who meet the stringent contractual and supervisory responsibilities to facilitate the public protection duty. However, the picture is more fruitful when the mosaic of agencies that offer different services that contribute to the community supervision package for individual high-risk offenders is taken into account. For example, a housing provider which takes on high-risk tenants may also provide some core supports ‘in-house’, such as therapeutic programmes or life-skills courses, but may also subcontract other agencies to provide mental health, substance misuse, or employment training, for example. In this context, the housing provider will act both as co-ordinator for the supports accessed by their tenant, and as ‘responsible agent’ with respect to monitoring compliance with the terms of her or his Sexual Offences Prevention Order, or equivalent orders for other serious categories . Thus, the potential scope of third sector intervention with respect to serious and higher-risk offenders is greater and more prolific than is currently apprehended in policy or scholarly research. The effects of this are twofold; firstly, it foregrounds the visible contribution which TSOs with an explicit mission to work with higher risk offendes make to public safety through closer collaboration with the police, probation services and the courts. Secondly, taking the wider contribution of the third sector into account, its influence is more profusely dispersed across the field of public protection than has been identified to date. The implications of this latter point are considered towards the end of this chapter.

**MAPPA as a ‘community protection model’.**

Over the last two decades, punitive legislation intended to manage the risks associated with sex offenders has proliferated. This has included the introduction of Multi Agency Protection Arrangements (MAPPA), a mechanism introduced by the Criminal Justice and Court Services Act 2000 to enable agencies to ‘better discharge their statutory responsibilities and protect the public in a co-ordinated manner’ (Ministry of Justice, 2009:31). The underlying assumption of these arrangements, and how they differ from the previous approaches to managing sex offenders, was that effective assessment, prediction and management could best be achieved by mobilising a variety of professional perspectives, knowledge and skills of potential stakeholders across different sectors (Nash, 2006:160).

Further guidance clarifying MAPPA was published in March 2003. This identified three groups of offenders for inclusion within the arrangements: registered sex offenders, violent and others sex offenders receiving a custodial sentence of 12 months or more and any other offenders who are considered to pose a risk of serious harm to the public (NPD, 2004:13). Utilising a multi-agency approach MAPPA allows for the risk assessment, supervision, surveillance, intervention with enforcement, compliance, and breach of ‘high risk’ cases. Offenders subject to MAPPA are managed at three levels:

* Level 1: Ordinary Risk Management – where the risks posed by the offender can be managed by one agency without significantly involving other agencies.
* Level 2: Local Inter-Agency Risk Management – where significant involvement from more than one agency is required, but where either the level of risk or the complexity of managing risk is not so great as to require referral to Level 3.
* Level 3: Multi Agency Public Protection Panels (MAPPP) – this relates to the ‘critical few’ and includes offenders who present risks which can only be managed by a plan that requires close cooperation with a multi-agency approach at a senior level, due to the complexity of the case and/or because of the unusual resource commitments it requires. It can also be used for offenders who are not assessed as being a high or very high risk but are likely to receive a high level of media scrutiny and/or public interest in the management of this case.

Previously described as the ‘community protection model’ (Connelly and Williamson, 2000), these types of arrangements reserved the remit of public protection to a few key agencies. Decisions about risk, and the development and implementation of risk management plans are largely done by statutory partnerships, with police and probation acting as key players (Nash, 1999; Kemshall, 2003) while the public and victims are largely excluded. While so-called ‘lay members’ have been included on MAPPA strategic boards they have lacked an operational role and there has been minimal public involvement.

Within this model, community protection relies on formalised risk assessment through the use of tools, such as the Offender Assessment System (OASys), where an actuarial and individual clinical assessment is made (Kemshall, 2001). The approach is ‘actuarial’ in that it prioritises (i) the risk management of so-called ‘dangerous’ populations and, (ii) the reduction of risk to the population as a whole. The techniques used within this type of risk management framework are focused on interventions that are targeted at specific risk indicators and ‘seek to reduce the probability, mitigate the magnitude or prevent the occurrence of predicted harm’ (O’Malley, 2004: 22). Importantly, such interventions are often compulsory, carry enforcement sanctions for breach, and delivered to prisoners or probationers (Beech and Fisher, 2004). Moreover, these types of interventions are often reserved for those amenable to change while those regarded as persistent and dangerous are managed through containment and surveillance. Through selective incapacitation or intensive and restrictive measures implemented in the community, the exclusion and distancing of sexual offenders are the key functions which contribute to what became known as the community protection model.

To summarise, the logic of risk management is conceptually and operationally structured around some key premises which are largely defined by the roles and responsibilities of statutory criminal justice agencies. Firstly, ‘risk management’ is deployed in relation to the potential or actual deficiency of its target (of the offender, the supervisee) to regulate his/her behavior, thus necessitating pre-emptive as well as reactive interventions to the probability of future reoffences. Secondly, the remit of risk-management has shifted from monitoring individuals to managing problematic groups or categories. Thirdly, risk management extends criminal powers into previously non-criminological areas on the grounds of public protection and safety, which in practice often entails a shift from reliance on formal criminal justice and penal systems towards greater use of informal and mechanisms. This paradigm of ‘risk’ differs from certain approaches that have conventionally been associated with the third sector, namely, their client-centred, individualistic, advocacy-based missions, as well as a strengths-based approach to individual clients, which is at odds with the personal-deficit model central to conventional statutory risk-management strategies. The following discussion explores the implications of these different interpretative approaches towards risk management.

**The third sector’s role in MAPPA**

The policy drive for greater coordination and interagency work has helped to cement the status of the third sector as an entity in public protection and offender resettlement. Indeed, extending the mandate to jointly supervise higher-risk groups to the third sector makes compelling policy sense in terms of efficiency and optimising capacity at local level (Merrell, 2009:32). Central government has identified the sector as having ‘much to contribute to the Government’s goals for public services, communities and the economy’ (HM Treasury, 2005:3). Several authors have referenced the use of voluntary, statutory and community agencies in working with sex offenders in pursuit of public protection (Kemshall and Maguire, 2001; McAlinden, 2007), although Kemshall & Wood (2007: 16) found that the role of the third sector in ‘post-licence supervision varies across areas’. The MAPPA guidelines (2012: 3) state that a ‘MAPPA Responsible Authority (RA) consists of the Police, Prison and Probation Services’, and specify that the only agencies that have a statutory duty to co-operate are ‘Registered Social Landlords which accommodate MAPPA offenders’. Although the presence of TSOs is advisory, member agencies are ‘required to co-operate closely using individual expertise to identify, assess, monitor and manage the risk presented by registered sex offenders in the interests of public protection and a better exchange of information’ (Home Office, 1997b cited in McAlinden, 2007: 29). McAlinden (2007:29) regarded these purposes as the ‘pivotal focus of interagency policy and practice’.

However, even if TSOs are said to be indispensable to resettlement networks, the statutory measures under which MAPPA was founded do not formally specify what their status or responsibilities are. TSOs are not specifically mentioned in local MAPPA Memorandum of Understanding. Although they might be invited to attend the Multi Agency Public Protection Panels (MAPPP), they do not necessarily have the right or duty to attend. As such, their presence is discretionary rather than obligatory. An argument in defence of this informality might be that the lack of prescription acknowledges their civic, as opposed to governmental, status, thus preserving their independence. Additionally, this arrangement also protects them from acting *ultra vires*, that is, acting beyond their mandate when discharging a critical public protection duty. Because they are not vested with statutory powers, they should be kept at arms-length from discharging sanctions directly. However, in order to take their place around the MAPPP table, TSOs must accept the obligations pertaining to the other responsible agencies. Participation in MAPPA (and other inter-agency, cross-sectoral work) means that contributing parties must adhere with the provisions of the Crime and Disorder Act (1998, ss 15-17), which prescribes their legal duties to prevent crime and/or disclose when offences have taken place. Additionally, they must agree to MAPPA protocols governing data protection, information sharing procedures and risk assessment management duties, for example. In practice, TSOs tend to characterise their compliance with these requirements on the basis that in contracting to work with and receive public funding for working with such offenders, they knowingly sign up to obligations to report problems to the responsible statutory agency, who put the sanctions into effect.

The potential conflicts of interest between these obligations and what are deemed to be inherently third sector values of independent advocacy and the primacy of the client’s interest have been held up as examples of ‘penal creep’ (Tomczak, 2016: Mythen, Walklate & Kemshall, 2012). It would be mistaken, however, to assume that this form of ‘creep’ represents a calculated departure from the founding goals or pastoral ethos of TSOs. Rather, it is more likely that convergences in practice between TSOs and statutory agencies occurs in the course of practical responses to operational demands as well as the routine interactions of staff in different agencies trying to establish smooth and efficient working relationships. To critics, however, the modes or motives for such compromises do not elide the fact that, by virtue of signing up to such undertakings, certain TSOs assume their place in dispensing sanctions and control by proxy.

Although participation has allowed parts of the third sector to flex their capabilities and demonstrate their importance to MAPPA or offender management more widely, it has also involved a certain trade-off. That is to say, after decades of lobbying to become major providers of rehabilitative services, third sector organisations (TSOs) *are* orienting their practices, standards of performance and responsibilities to operate commensurately with their new-found roles. One of the key areas of responsibility which TSOs assume is in the management of ‘higher-risk’ offenders in the community, including those convicted for sex crimes, by deploying risk-appropriate safeguards and monitoring practices. There is some valuable literature on the place and effectiveness of the third sector in co-ordinated supervision arrangements, including those based on MAPPA (Kemshall and Wood, 2007). Equally, there is a growing evaluative literature on highly specialist, volunteer-based community programmes, notably the Circles of Support and Accountability(CSAs) (McCartan, 2016). Less attention has been called to the general experiences of TSOs in working within MAPPA or similar arrangements. The following section outlines some key themes pertaining to the interpretation of risk-management, the ‘fit’ between statutory and third sector conventions of client management, and how TSOs experience and negotiate the challenges of managing organisational risks, including threats to their reputations, their workers and service users.

***Risk as an holistic concept: why TSOs work with sex offenders.***

As previously discussed, very few TSOs have an explicit mission to work only with high-risk offenders. TSOs are more likely to encounter higher-risk offenders through indirect means (i.e. by providing a general service which is open to higher-risk offenders), than by devoting their mission to working exclusively with specified groups of high-risk offenders. There are several practical obstacles and deterrents to taking on high-risk or sensitive client groups; housing associations may be unable to secure insurance to house offenders with a history of arson or destruction of property. Agencies must be acutely aware of the wellbeing and safety of their staff and clients, and may not be able to admit offenders who are likely pose potential harm to other vulnerable service users. Organisations must put in place sufficient physical, procedural and human safeguards to satisfy the security and monitoring standards public safety. Organisations may play down their work with higher-risk offenders to protect their reputations, or to prevent their facilities, staff or service users becoming the focus of unwelcome publicity or hostility. Additionally, TSOs need to adapt their services and procedures to optimise client safety and wellbeing as well as be answerable for any incidents which may have an impact on public safety.

There are several reasons why some TSOs come forward to work towards higher-risk offenders. The advent of contract competition among providers at local, regional and national level has spurred some organisations towards greater specialisation as a competitive advantage (Corcoran et al., 2016) over other providers. Other TSOs have had several decades of experience with the most marginalised offenders, and view their experience and record with pride and assurance that it will withstand the turbulence of policy trends. The following case study, based on an ongoing research project, illustrates the complex balance of considerations and factors that contribute to TS participation in this sensitive area of work. We have given the organisation an alias to protect its identity.

**Case study: housing sex offenders**

‘Roof’ was founded several decades ago to provide housing to vulnerable people. Over the years, it developed its services to work exclusively with offenders. ‘Roof’ operates a *‘no exclusion’* policy whereby no client is refused access to its services on the grounds of the nature of their crime. Consequently, they work with offender groups which are classified as high risk including those convicted for violence, sex, terrorism, arson and serious property crimes, gang membership and PPO status. Risk assessment at these levels require a specialist set of skills and knowledge to take on the hardest-to-place cases which other organisations will not deal with. ‘Roof’ has considerable experience of, and links with, statutory agencies involved in risk management and safeguarding. All of their clients are risk assessed to the most scrupulous levels under MAPPA, OASyS and NOMS requirements. They work closely with police, prisons, and probation service. They have invested heavily in building up their supervised housing facilities and have provided extensive training programmes all members of staff and volunteers. They also have detailed risk management procedures which cover safeguarding, data protection, the safety of staff and clients (including lone working and violence-management procedures) and environmental risks.

In addition, ‘Roof’ has a comprehensive organisational risk management strategy. These include modelling new business ventures and modelling potential markets for new programmes. Given the nature of their work, they are also conscious of the importance of reputational risk management, including, for example, having a media and communications management strategy should an incident involving a client or ex-client come to public attention. From the point of view of ‘Roof’s management, there are no serious conflict of interest due to the fact that they work at the heavy end of offender management. Rather their work completes a ‘virtuous circle’ in that they actively recruit the hardest to reach offenders whom other agencies have rejected as being too risky. Their experience and reputation as well as presence in several localities (although this not publicised) equips them to offer assurances with regards to public safety. From their perspective, the level of client monitoring and intervention that they have to discharge is the price of ensuring that these groups are supported.

More generally, however, it must be noted that their paradigm of risk differs from that of their MAPPA partners in two important respects. Firstly, ‘Roof’s’ strengths-based approach promotes the resourcefulness and resilience of clients by embedding them in their social, cultural, personal and physical contexts. These approaches are not antithetical with risk prevention and relapse avoidance techniques, but are constructed on the basis of:

The possibility of constructing and translating conceptions of Good Lives into actions and concrete ways of living depends crucially on the possession of internal capabilities (i.e., skills, attitudes, beliefs) and external conditions (i.e., opportunities and supports) (Ward & Gannon, 2005).

Secondly, it must be noted that TSOs which elect to work with more demanding and sensitive offender groups have a conception of ‘risk management’ which encompasses several, intersecting layers of risk: capital risk in adapting their premises into safe and secure environments; personnel risks with regards to employing more staff with specialist skills as well as training and managing paid staff and volunteers; reputational risk in taking on ostracised offenders. When TS managers and trustees talk about the ‘risk appetite’ of their organisations, they are referring to a cluster of commercial, reputational, altruistic and operational considerations that contribute to their willingness and capacity to work with higher risk offenders with a view to ensuring that their services will be appropriate from several different vantage points. The complexity and stresses involved in balancing these factors cannot be underestimated as an operational reality of managing a TSO.

The investment in resourcing premises and staffing them must be recovered from future contracts in a more unstable contracting environment in which a combination of austerity, local government cutbacks and heightened competition under TR has rendered far more unpredictable. The importance of economic rationalities in determining TS participation cannot be separated from concerns about their integration into offender management frameworks. Rather, it reflects the hard choices between commercial imperatives and altruistic aims which put TSOs on the route towards cooption where they have:

‘little option but to accept a dominant economic discourse of risk where measures of reconviction and value for money come to supercede the principle of “moral good” that has historically underpinned activities and policy making in the sector’ (Mythen, 2013:364).

**Towards a public health approach**

The third sector has been instrumental in originating and developing alternative responses to the retributive and deficit-based models of offender management traditionally adopted by the criminal justice system. Although the influence of ‘Good Lives’ and offender strengths-based models (Ward & Brown, 200; Ward, T. Mann, R.E., T.A. Gannon, 2007) may be currently peripheral to ‘mainstream’ approaches, there are signs of new thinking elsewhere which may make the climate more amenable for pluralistic approaches to managing even the most demanding and ostracized offenders. Drawing on the work of Laws (1996, 2000) and rejecting the traditional reactive responses, sexual offending is being from public health perspectives (that is the healthiest outcome for the widest range of interests), making way for more forward-looking approaches towards preventing sexual- and other forms of violence. Central to reframing is the shift in definition of the problem from the vantage points of containment, surveillance, monitoring and management to an approach which anticipates and solves problems in a broader context and involving potential stakeholders. In contrast to the ‘community protection model’, the ‘public health’ approach encourages a voluntaristic attitude towards treatment as a non-compulsory option (Laws, 1996). This involves creating firewalls as far as possible from an individual’s engagement from treatment programmes with the possibility of criminal sanctions fro non-engagement. Offenders are the focal point of benign forms of monitoring , interventions which seek to avoid demonisation and stigmatisation to discourage them from going ‘underground’. The primary approach, is one of inclusion and reintegration rather than exclusion, where strategies are implemented to retain the offender in the community by managing out, reducing or limiting problematic behaviour rather than excluding the offender from the situation. The remainder of this section will focus on such approaches and how the skills found within the third sector, in particular, have been harnessed to achieve such aims.

Underpinning the public health approach is the recognition that sex offenders are members of the community and few are dealt with by the criminal justice system (Kemshall, et al., 2004). This approach, therefore, requires attention to be focused on the ‘prevention goals’ of public awareness and responsibility, and public education (Laws, 1996; 2000). ‘Raising awareness’ entails a two-fold approach: informing the wider public of the actual extent of risk as well as the characteristics of sexual offending, including how sex offenders groom. The second approach involves tackling public misperceptions by challenging myths about offenders and supporting protective activities among (victims and potential victims (Kemshall, 2008). Most notably, a public health approach has been adopted by faith-based communities and survivor groups (Kemshall and Wood, 2007; Kemshall, 2008). Survivor groups in particular have been critical in foregrounding the range of victim experiences of both women and children and have emphasized the importance of earlier intervention to prevent repetitive serious harm.

More recent examples of a public health approach to sex offending can be found within initiatives developed to address Child Sexual Exploitation (CSE). Fuelled by several high profile cases in the media, there has been a a growing concern about CSE, both internationally and in the UK, leading to a proliferation of official enquiries, inspections and case reviews which call for pre-emptive action to address CSE. The UK government’s CSE Action Plan (Department of Education, 2011) envisages that CSE awareness should target young people, parents, carers and potential perpetrators via community-based initiatives aimed to specifically prevent sex offending. These types of initiatives place emphasis on public awareness campaigns, environmental risk management and community engagement with sex offenders.

The National Conversation on Child Sexual Exploitation report (Local Government Association, 2013) identified the important role of the third sector in working with young people under 18 years old who are experiencing or at risk of child sexual exploitation. Third sector organizations, in conjunction with police and local authorities, are contracted to screen and assess young people at risk, to report incidents, deliver programmes that encourage young people to reflect upon and recognize CSE, and preventative and targeted training to groups of young people as well as professional training to members of the children and young people’s workforce. Charities such as Barnardo’s, the NSPCC and ‘Stop It Now’ have participated in raising public awareness and educating parents, particularly around grooming behaviours and helping the public to accept and recognize that most sex offenders are known to victims.

This influence was acknowledged in the Home Office Sex Offender Review (CSOR) (Home Office, 2007) which recommended a public awareness programme in partnership with ‘non-governmental organisations’.

However, this type of work is not without its shortcomings. For some decades, government has held a functionalist view of the voluntary sector as extending the reach of public policy. Whilst being lauded as an innovative fixture in criminal and social justice networks, the third sector is kept at arm’s length from making a substantial changes to criminal justice practice. More frequently TSOs have to balance role ambivalence. It is unsurprising that civic activism is also viewed by central government as an ideal stratum for legitimating public safety goals under the paradigm of public protection. Building responsibility and engagement is also problematic. Communities and the public may resent being made responsible for risks which they consider are the responsibility of paid professionals (Slovic, 2000). This resentment is particularly acute among communities that are under-resourced and under-policed (Kitzinger, 2004). Moreover, despite many public awareness campaigns targeting ethnic populations and areas of social deprivation low engagement from such groups is common (Collins, 2009).

**Reference list:**

Alaszewski, A. (2006) ‘Health and risk’, in P. Taylor-Gooby and Jens Zinn (eds.) *Risk in Social Science.* Oxford: Oxford University Press.

Barnet, J. and Breakwell, G.M. (2003) ‘The social amplification of risk and the hazard sequence: the October 1995 oral contraceptive pill’, *Health, Risk and Society,* 5: 301-13.

Beech, A. and D. Fisher (2004) ‘Adult Male Sex Offenders’, in H. Kemshall and G. McIvor (eds) *Managing Sex Offender Risk*. London: Jessica Kingsley Publishers.

Collins, S. (2009) *Keeping the Public in Public Protection.* Lucy Faithful Foundation.

Connelly, C. and S. Williamson (2000) *Review of the Research Literature on Serious Violent and Sexual Offenders*. Crime and Criminal Justice Research Findings No. 46. Edinburgh: Scottish Executive Central Research Unit.

Corcoran, M., Maguire, M., Prince, K., and K. Williams (2016) Voluntary sector adaptation and resilience in the mixed economy of criminal justice, England and Wales: emerging themes from a research project. *British Society of Criminology Annual Conference* Nottingham, July 6-8.

Corcoran, M.S. (2011) Dilemmas of institutionalisation of the penal voluntary sector in England and Wales, *Critical Social Policy,* 31 (1) 30-52.

Corcoran, M.S. (2014) ‘The trajectory of penal markets in an age of austerity: The case of England and Wales’, *Sociology of Crime, Law and Deviance*, *special edition on ‘Punishment and Incarceration: A Global Perspective’*, Deflem, M. (ed) 19, 53-74.

Cornelius, T.L., Sullivan, K.T. and Wyngarden, N. (2009) ‘Participation in prevention programs for dating violence: Beliefs about relationship violence and intention to participate’, *Journal of Interpersonal Violence,* 24(6): 1057-78.

Department for Education (2011) *Tackling Child Sexual Exploitation: Action Plan.*  London: Department for Education. [available from https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/180867/DFE-00246-2011.pdf]

Gallagher, B. (2009) ‘Child sexual abuse: informed or in fear?’ *Criminal Justice Matters,* 77 (September): 6-7.

Hebenton, B. and Thomas, T. (1996) ‘Tracking sex offenders’, *Howard Journal of Criminal Justice,* 35(2): 97-112.

Home Office (2007) Review of the Protection of Children from Sex Offenders. London: Home Office.

House of Commons Committee of Public Accounts (2016) Transforming Rehabilitation: 17th report of Session 2016-17. London: House of Commons.

Hucklesby, A. & M.S. Corcoran (eds.) (2015) *The Voluntary Sector and Criminal Justice.* Basingstoke: Palgrave Macmillan.

image’.

Kemshall, H. (2001) *Risk Assessment and Management of Known Sexual and Violent Offenders: A Review of Current Issues*. Police Research Series 140. London: Home Office.

Kemshall, H. (2003) *Understanding Risk in Criminal Justice*. London: Open University Press.

Kemshall, H. (2008) *Understanding the Community Management of High Risk Offenders.* Maidenhead: Open University Press.

Kemshall, H. (2012) ‘The sex offender public disclosure pilots in England and Scotland: Lessons for 'marketing strategies' and risk communication with the public’, *Criminology and Criminal Justice*, 12(5): 549-565.

Kemshall, H. and M. Maguire (2001) `Public Protection, Partnership and Risk Penality: The Multi-Agency Risk Management of Sexual and Violent Offenders', Punishment and Society 3(2): 237—64

Kemshall, H. and Wood, J. (2007) ‘Beyond public protection: an examination of community protection and public health approaches to high-risk offenders’, *Criminology and Criminal Justice,*  7(3): 203-22.

Kemshall, H., MacKensie, G. and Wood, J. (2004) *Stop It Now! UK and Ireland. An Evaluation.* Leicester: De Montford University.

Kitzinger, J. (1999)`’The Ultimate Neighbour from Hell? Stranger Danger and the Media Framing of Paedophiles', in R. Franklin (ed.) *Social Policy, the Media and Misrepresentation.* London: Routledge.

Kitzinger, J. (2004) *Framing Abuse: Media Influence and Public Understanding of Sexual Violence Against Children.* London: Pluto Press.

Laws, R.D. (1996) ‘Relapse prevention or harm reduction?’ *Sexual Abuse: A Journal of Research and Treatment,* 8(3): 243-48.

Laws, R.D. (2000) ‘Sexual offending as a public health problem: A North American Perspective’, *Journal of Sexual Aggression,* 5(1): 30-44.

Local Government Association (2011) *National Conversation on Child Sexual Exploitation: Summary Report of Response.* London: Local Government Association. [Available from http://www.local.gov.uk/c/document\_library/get\_file?uuid=c732e93b-b0d7-477b-981c-e9432c201cff&groupId=10180]

McAlinden, A. M. (2007) [The Shaming of Sexual Offenders: Risk, Retribution and Reintegration](http://pure.qub.ac.uk/portal/en/publications/the-shaming-of-sexual-offenders-risk-retribution-and-reintegration%28511a17ab-8cbd-4312-b34d-6f2dde7c6ffc%29.html), Oxford: Hart publishers.

McCartan, K. (2016) Circles of Support and Accountability. Project Report. Bristol, England: University of the West of England.

Merrell, J. (2009) ‘Promoting inclusive partnership working’, in R. Carnwell & J. Buchanan, (2010) *Effective Practice in Health, Social Care and Criminal Justice: A Partnership Approach,* Maidenhead: Open University Press.

Ministry of Justice (2009) *MAPPA Guidance 2009.* London: Ministry of Justice.

Ministry of Justice (2014) Voluntary sector at forefront of new fight against reoffending Press release, October 19 2014. London: Ministry of Justice.

# Mythen, G. & Walklate, S. & H. Kemshall (2012) Decentralising risk: The role of the voluntary and community sector in the management of offenders. Criminology and Criminal Justice, (13) 4.

Nash, M. (1999) *Police, Probation and Protecting the Public*. London: Blackstone Press.

Nash, M. (2006) *Public Protection and the Criminal Justice Process.* Oxford: Oxford University Press.

National Offender Management Service(2012) MAPPA guidelines (2012: 3) London: Ministry of Justice.

NPD (National Probation Directorate) (2004) *Sex Offender Strategy for the National Probation Service.* London: NPD.

O’Malley, P. (2004b) *Risk, Uncertainty and Government*. London: The Glass House Press.

Piper, H. and Strannach, I. 92008) *Don’t touch! The Educational Story of Panic.* London: Routledge.

Pratt, J. (2000) ‘The return of the wheelbarrow men or the arrival of postmodern penality?’ *British Journal of Criminology,* 40: 127-45.

Senior, P. (ed) (2013). Editorial: Transforming Rehabilitation - Under the Microscope. British Journal of Community Justice: special edition. (11) 2 &3.

Slovic, P. (2000) *The Perception of Risk.* London: Earthscan.

Thomas, T (2005) Sex crime: Sex offending and society, 2nd Edition, Willan publishing.

Tomczak, P. (2016) The Penal Voluntary Sector. London: Routledge.

Ward, T. & M. Brown (2004) The Good Lives Model and conceptual issues in offender rehabilitation, [Psychology Crime and Law](https://www.researchgate.net/journal/1068-316X_Psychology_Crime_and_Law) 10(3):243-257.

Ward, T. Mann, R.E., T.A. Gannon (2007) The good lives model of offender rehabilitation: Clinical implications. Aggression and Violent Behaviour, (12), 87-107.

1. The term Third Sector is used in this chapter although it is not widely used outside of policy making circles, as the ‘voluntary sector’ is still the colloquial in the UK. However, we refer to the third sector because this category includes mutuals and social enterprises, who are now as likely to comprise the stratum of service providers as charities. Additionally, the term ‘voluntary sector’ suggests that services are provided at a low-cost and largely by volunteers, that is, unpaid helpers. The reality is rather different, especially as the risk-management of sensitive client groups usually raises the professional, performative and legal standards required of the service provider. [↑](#footnote-ref-1)
2. Specifically, in its announcement, the Ministry clustered several different types of surplus-making social enterprises to underline the suggestion that the successful contractors were not purely commercial interests:” Half of the partnerships chosen as preferred bidders also include new “mutual” organisations set up by current probation staff to take over their own organisations. The list of preferred bidders includes 16 charities and voluntary organisations, four probation staff mutuals and seven private companies, all with different expertise to bring to rehabilitation” (Ministry of Justice, 2014). [↑](#footnote-ref-2)