

THE VOLUNTARY AND COMMUNITY SECTOR: THE PARADOX OF BECOMING CENTRE-STAGE IN THE BIG SOCIETY

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Abstract *The advance of Blairite modernisation in criminal justice promised a mixed economy of provision capturing the best of public, private and voluntary sector enterprise. This gave an impetus to the Voluntary Sector (then identified as the Third Sector) to penetrate further into provision for reducing re-offending. Across the seven pathways the VCS became increasingly a partner, or at least a provider, in the provision of services, though still subject to the vagaries and uncertainties of the commissioning process in both prison and community settings. This paper will explore the contradictions in seeking to become a key player in this agenda, drawing on original research exploring the enhanced role of the sector (Senior et al., 2005). Concerns centre on the loss of the traditional independence of services; the compromise to values and capacity for innovation; an increasing business orientation and the consequent growth of new or re-fashioned VCS organisations, which often copy the business orientation of the fledging private sector. This has now taken on a new twist since the election in 2010 with the Big Society and rehabilitation revolution explicitly appealing to community engagement and the voluntary sector seeing this as further potential for growth now more at the expense of the public sector than in partnership with such collaboration coming more from private sector alliances. This paper concludes by asking questions around this positive vision of civil society as seen by the new government and questions whether services may be delivered on the cheap by agencies, buoyed by government support, but ill-prepared and ill-equipped to take over public provision to the extent which the rhetoric invites.*

Keywords *Voluntary and community sector, offenders, resettlement, criminal justice policy, Big Society, rehabilitation revolution.*

The 1990s saw the development of the voluntary sector as a key partner in the core business of crime reduction and crime prevention. The launch of the Peppermint Paper (Home Office, 1990) and then the Lavender Paper (Home Office, 1992), both given the same name, Partnership in Dealing with Offenders in the Community, stimulated debates about partnerships between the voluntary, private and public sectors. In the 1990s, the voluntary sector was being invited to expand and diversify from its philanthropic origins (see Carey & Walker in Bryans *et al.*, 2002 for discussion of historical antecedents), and this gave rise to the term 'independent sector' (Nellis, 1995), expressive of that sense of distance from the formal publicly-run correctional systems. There was a clear implication

in conveying the voluntary sector through this prefix 'independent' that their role would be seen as supplemental, additional and complementary to core public services. The term also blurred the distinctions between the voluntary and private sectors too who were both seen as offering energy and innovation in contrast to the allegedly more moribund public sector.

However, this augmentation was accompanied by growing questions surrounding public sector efficacy in offender rehabilitation provision, a questioning which had started with the 'nothing works' literature of the 1970s (Martinson, 1974; Brody, 1976) with the simple, if somewhat overstated, pronouncement of the 'death of rehabilitation'. This had continued with the more ideological Thatcherite attack on professionals in the personal social services in the 1980s and its re-directing of criminal justice policy towards a more 'law and order' formulation and the accompanying attacks on the role of the probation service. In this climate, a somewhat inflated potential for coming centre-stage was manufactured by both the voluntary and the even more fledging private sector not only to supplement but possibly to replace public provision and this first began to be taken seriously during the 1990s (Nellis, 1995). An over ambitious example at that time was the rumoured intentions of the wholesale takeover of the community service work of the probation service by Nacro.¹ This did seem to overplay the hand of the voluntary sector then and was dismissed as unrealistic but the voluntary sector was evidently up for partnership and was ready for growth and one piece of research (Cross, 1997) argued this fitted with a more locally sensitive orientation.

[S]hifting back to local communities that locus of political power and control over economic resources which has been usurped by the present administration in its obsession with market-place capitalism and restoring 19th century authoritarian values. (Cross, 1997: 78)

These arguments and claims have circulated in various forms since that time with the New Labour project of modernisation and the development of its 'mixed economy of provision' (Senior *et al.*, 2007) at the heart of the expansionist objectives of this 'independent' sector. A change of government in May 2010 has not slackened the rhetoric and intentions of the policy-makers towards utilising local voluntary groups with its call for a return to civil society, encapsulated in the coalition government's formulation of its 'Big Society'. The UK prime minister puts it this way:

The Big Society is about a huge culture change, where people, in their everyday lives, in their homes, in their neighbourhoods, in their workplace, don't always turn to officials, local authorities or central government for answers to the problems they face but instead feel both free and powerful enough to help themselves and their own communities. (David Cameron quoted in Kisby, 2010)

¹ Though this remained at the level of rumour, there was a real concern about this advancement of the voluntary sector at the expense of probation at the time. In 2011, this is now an active possibility.

The criminal justice voluntary sector² (CJVS) has effectively inserted itself into the heart of the delivery of services for crime reduction and crime prevention. The shifting sands of ideological commitment to localism and utilising locally-based community groups from the communitarianism of New Labour through to Burke's 'little platoons' in the Big Society accompanies a movement bringing centre-stage their role in ways well beyond the volunteering and more 'genteel' support given by numerous charitable bodies in the 19th and early 20th century. This paper will explore the consequences of this growth in provision in the context of financial austerity measures, which is leading to massive disinvestment in public services. As this introduction indicates, the growth in the criminal justice voluntary sector clearly predates the current cuts and some of the challenges to the legal, ethical, organisational and independent impact of these agencies will be interrogated before considering the way in which the current dilemmas and challenges are being met. It will be argued that changes in the nature of the relationship between the voluntary and public sector and the growth of the private sector have pushed the voluntary sector into new configurations which threaten to change, if not undermine, the original goals stemming from its charitable and philanthropic underpinnings. This process was underway long before the current financial restrictions, though they may serve to undermine further direction and feasibility of change.

The foreshadowing of the current debates is excellently set out in the work of Wolch (1990) where the 'dynamics of dependency' between the voluntary sector and the state through the creation of what she terms the 'shadow state' is constructed. The growing dependence on state contracts and grant funding she argued 'is likely to dampen their ability to be critical of government policy' (Wolch, 1990: 215). The interdependence between funders and the voluntary sector in a more competitive commissioning environment may well challenge one of the fundamental features of the sector, that unique combination of campaigning and service delivery (Hill, 2011).

The desire to respond robustly to the prospects of becoming centre-stage is predicated on an expansion of its role and therefore of the size and reach of the sector but driven too, paradoxically, by the more mundane concern of the very survival of the sector itself. The lure of funding to charitable organisations traditionally struggling to make ends meet is a tempting business development prospect. A recent report identified that the public see the following issues for the voluntary sector 'loss of donations; loss of volunteers; the need to provide services no longer provided by government; lower quality of service; and drift from the original purpose of the charity' (Ainsworth, 2010). At the heart of charitable endeavour, opportunism is tempered and subsumed by an instinct for survival. This article will explore the impact of this on the nature and character of the sector itself, which potentially makes it prey to 'mission drift': the willingness to augment and change its working philosophies in order to receive funding and the risk for sector unity to split, philosophically, on the back of this testing and stretching of the original charitable mission. The increasing dependence on government funding with tight audit and

² I prefer to use the term criminal justice voluntary sector to reflect the growing role in community-based court sanctions as well as and in addition to work in custody and on the cusp of custody through resettlement services.

managerial targets signifies a clear shift in neoliberal societies from one based on welfarism to one based on audit and accountability. Some have argued that recent innovative proposals emerging to bring voluntary sector organisations into the direct management of prisons signals the ultimate challenge to the appropriateness of the charitable charters which, historically, have protected the sector's distinctiveness (Gregg, 2009; Neilson, 2009).

There is no doubt that today the criminal justice voluntary sector has much in common with the public correctional services in that most of their income is via grants and contract payments from the Ministry of Justice, Home Office, National Offender Management Service, local authorities, probation and prison services and others (Senior, 2005). The services they provide are very often the same, in their intent and their objectives, as the services of the public sector corrections departments. Indeed, the current 'Big Society' debates have been predicated on assumptions that the traditional public sector offender management role could be equally well delivered by the criminal justice voluntary sector. The CJVS would argue that they differ from the public sector through a culture and attitude to the service users which is more collaborative and more client-centred in a way most public agencies have difficulty in delivering. Also, its governance – through boards of appointed Trustees – works with a very specific charitable mission. In addition to using public money, some of their turnover comes from charitable donations, plus the use of volunteers adds to the nature, quality and distinctiveness of their service delivery. Whether they are more effective will be considered further below but the capacity for innovation and 'thinking out of the box' has a long history in this sector and the government certainly sees them as the foot soldiers of the 'rehabilitation revolution'.

In 2005, the National Offender Management Service (NOMS) commissioned a study looking at the opportunities to explore the enhancement of the role of the Voluntary Sector (Senior *et al.*, 2005). In the fieldwork,³ there was a high measure of agreement as to what constituted the traditional strengths of the voluntary sector in work with offenders. The largest measure of agreement focused on the fact that the sector was community-based - being connected to the locality, the local community experience and,

³ This, mainly qualitative, piece of research was conducted in a sizable region of England – Yorkshire and Humberside. It involved: desk research and documentary analysis; semi-structured interviews; telephone interviews; focus groups; data collection and analysis; and attendance at meetings and feedback at workshops from the initial findings. In total 141 people were involved in one or more activity, including 62 face to face interviews. We were able to engage individuals across the range of services and agencies involved in offender management and interventions, including the "wider VCS sector" agencies whose prime role is not in work with offenders – distribution was 26 % wider VCS sector; 15 % prison; 20 % probation; and 49% criminal justice VCS. 5% of the sample was Black, Asian and minority ethnic individuals and there was an even distribution of male and female participants, with 38 % strategic stakeholders and 63% operational staff. The methods chosen were designed to elicit both empirical and qualitative data. We conducted a data collection exercise to help with mapping VCS involvement across the region, requested information elicited over 40 responses. The difficulty of successfully and accurately mapping VCS engagement is reflective of a common problem in such research in this sector, given the lack of comparable databases.

by extension, to the service users as members of those communities. Often, these were typically small organisations, which had grown out of a local need or concern pursued by a dedicated individual, group or faith-based organisation and developed its expertise to fit its locality and its specific mission. Many such organisations still exist today, some working solely with offenders, many more working on the sort of issues - drugs, alcohol, housing, welfare advice, employment, education and mental health - where offenders will be a key constituent group.

Secondly, these organisations were regarded as customer-focused. Their mission focussed on being 'client-centred' and thus being 'needs-reactive', i.e. reacting to the needs presented by its clients not defined by state demands. The services were shaped as holistic responses to those needs, again, defined by the clients and their community of practice not by the statutory requirements of risk management and the narrower concept of criminogenic need. As Senior *et al.* (2005: 20) notes:

An holistic approach to assessment was taken which was a concept more akin to a welfare-orientation to practice than a risk management approach.

The provision of specialist skills and experience, meeting needs in areas such as education, training, employment, basic literacy skills, sex offending, housing, services to BAME groups, young people, women, mentally ill and so on define this sector and represented the third distinguishing dimension. Their clear focus on the client allowed them to develop that specific expertise rather than develop their services for an external state-defined demand or regulation. A growing recent element and trend is the way the Voluntary Sector has begun to pioneer the use of ex-offenders as peer counsellors, mentors and advice workers (O'Keeffe *et al.*, 2007; Boyce *et al.*, 2009). Again, this demonstrates that capacity to respond to new demands and develop specialist practitioners.

The range and variety of the organisational arrangements of services now offered by the sector is undeniably wide. Latest estimates suggest there are over 1,200 VCS organisations in the UK (Clinks website <http://www.clinks.org/publications/intro_vcs>) which work directly with offenders in a sector which has an estimated 171,000 organisations (Kane *et al.*, 2009). This has meant that the sector can be difficult to define except by virtue of its very diversity. This diversity includes not only the focus of intervention but the type and the size of organisation. Also, the myriad set of values underpinning each unique organisational structure, which includes a strong faith-based sector, makes categorisation difficult. There is no blueprint to define a voluntary sector organisation. Without doubt, the very act of treating it as a sub-sector, the criminal justice voluntary sector, causes issues in terms of its identity and its articulation both with the criminal justice system and the wider welfare services.

Its traditional location, sitting outside the formal state system, enables the sector to be responsive to emerging needs, changing policy directives and the needs of its customers. In an era of quick and unpredictable policy changes, the ability of a sector to meet new demands can be seen as a key strength, not tied down by bureaucratic and managerial

standards or regulations. The sector can be responsive to those policy changes not only in terms of innovative service delivery but also in terms of public commentary and campaigning. The sector's voice in all its diversity can make its mark on the direction of change by speaking as an interested and relatively objective observer of penal practices. Notable campaigning agencies have included Nacro, Howard League for Penal Reform, Criminal Justice Alliance, Prison Reform Trust, Crime Concern, Rainer Foundation (the latter two now combined as Catch 22) and, more recently, Clinks and many many more who focus on particular needs and issues, e.g. Turning Point on substance abuse or Revolving Doors on mental health issues.

The research also noted that the Voluntary Sector dedicated exclusively to offenders was a small segment of the overall sector, what Corcoran (2009) and Bryans *et al.* (2002) termed the 'penal voluntary sector' and it often sat as somewhat of an anomaly as charitable efforts were more frequently employed to support the concerns of more 'deserving' groups such as children, those with disabilities, the elderly, mentally ill and other such groups. However, what the research also noted was that offenders were often a significant minority customer of those organisations whose prime mission stood elsewhere in the welfare lexicon. Offender needs are as varied as the social welfare system itself. Mainstreaming the work with offenders meant drawing in the efforts of the wider sector, not just those working in criminal justice. Reducing re-offending would also mean fewer victims, less accommodation needs, less unemployment, less benefit demands and so on. Significantly too from the turn of the 21st century, as managerial targets began to count towards income generation, those wider voluntary sector organisations looked to a priority group such as offenders to achieve their numbers and get paid!

This research was completed at a time of accelerating change in the way criminal justice service delivery was delivered and organised. At the same time that these core features were observed, the CJVS was adapting to the demands of becoming centre-stage. Three processes were at play: the increasing importance of contracting driving the creation of big, all purpose agencies; an increasing business orientation often aping the operations of the private sector; and resultant challenges to the very essence of the sector, its independence and uniqueness, so characteristic of its pre-existing history.

The living history of the last 20 years is one where CJVS organisations can suddenly disappear or be taken over by larger organisations whilst staff, given some protection, though hardly job satisfaction or security, move agencies in the 'tupeed'⁴ process.

[B]ulk contracts favour the larger charities which have the capability to fulfil all aspects of the contracts across a large geographical area. In contrast, the local or smaller charities or those with a very specific focus are struggling to compete. (McGowan 2009, 3)

⁴ TUPE stands for Transfer of Undertakings (Protection of Employment) Regulations in the UK. These rules protect people when their employer changes, such as when a company is taken over or a public service is contracted out, allowing employees to transfer to the new contractor.

The author saw this clearly in his research (Senior *et al.*, 2005) in one example of procurement in one UK region with 15 prisons. Contracts for housing advice had been predominately individual prison contracts across the estate and this had nurtured some innovative provision in particular prisons, one serving local community needs and, in another urban area, serving Asian and black offenders. However, upon the end of the contract period, termination led to a re-bidding process which proposed a single contract across the whole 15 prison estate. This saw two big bidders from the voluntary sector. Somewhat ironically, the organisation which won, no doubt bolstered by a good bid writing team and the benefits of economies of scale, had no prior provision in the prisons in this region at all. To staff, the pre-existing programmes they were urgently engaged in 'tupeing' staff from the smaller, vanquished, organisations and it is little wonder as these processes are repeated across the country as smaller organisations now struggling to survive become prey to requests for 'merger' (sic).

In procurement terms, the process was properly conducted and there is no suggestion of unfair processes, merely that the process itself, structurally, is bound to benefit those whose capacity to respond to such big bids is the greatest. In this context it is a small step to those same big organisations when, confronted with the even bigger resources and organisational nous of the private sector, might be tempted into combining their strengths with them which then might, paradoxically, present a potential risk to their mission. There are clear threats here to the nature of this survival, penetrating the very shape and mission of the sector.

*There are costs in time, resourcing, expertise, training and failure. But this may be manageable if the costs of becoming part of the state apparatus are justified. Paradoxically the government is attracted to the VCS because of its ability to innovate and provide high quality specialist, client-centred services, yet its modernising agenda may well sound the death knell to these features of the VCS. (Senior *et al.*, 2007: 199)*

The trend for a small number of large CJVS organisations to dominate the market and at the same time look like businesses not charities has certainly accelerated. Is a business model the way in which the sector should grow or will this produce a change in essence and function that ultimately threatens its very existence? The Minister of Civil Society, Nick Hurd, has suggested the sector needs more business skills but this was strongly countered by a sector representative:

So I have to ask, what is this constant exhortation to ape the private sector really all about? Is this just a euphemism for becoming inappropriately competitive; focusing on revenue rather than cause and becoming bigger, because that's what drives companies? Forgive the sexism, but it's a bit of a macho paradigm, isn't it? It's the size that counts? Well, I don't think it's about how big you are or how much cash you flash. It's about being good at what you do. (Tyler, 2011)

Whilst Tyler's robust defence of 'small is beautiful' is often echoed by the sector itself, the evidence points in the opposite direction. A closer study of the behaviour of the larger and medium size voluntary sector influenced by the managerialism of New Labour and the growing influence of the private sector reflects this tendency for 'aping' (copying) the private sector, taking on the language and practices of the marketplace as the sector is challenged to become more professionalised and managerialised. However inevitable these changes seemed to be, the end-product was the growth of a big, fit for purpose segment of the voluntary sector with shorter histories and modernised business plans and missions. It is a short step from this to partnership with the private sector. As one new, fast-growing voluntary sector body put it in its mission statement (CRI, 2011):

CRI combines a sound ethical base with a solid business-model that gets results and the crime reduction dividend from our work results in healthier and safer communities. (CRI, 2011)

CRI grew from a small organisation known as SARO with a turnover in 1995 of just £215K, to a turnover in 2001 of £3 million and, by 2008, £27 million. This was achieved in a pattern of behaviour redolent of private sector organisations, with take-overs (sometimes called mergers) of smaller voluntary sector organisations often offering distinct geographical or functional additions, the gaining of big contracts across whole regions/areas and the development of a national profile rather than a localised profile. CRI were merely following the growth track of Nacro, SOVA, Catch 22, Turning Point and similar voluntary sector agencies. There is evidence too that medium size organisations were also taking over small single-focus voluntary agencies to be able to widen and diversify their brief. Whatever other conclusions one can draw from this changing pattern of ownership and development, this was a sector within the wider sector whose independence both in spirit, *modus operandi* and function from its public and private sector counterparts was becoming increasingly difficult to spot in their Five Year Business Plans! Maybe there was a functional necessity for it.

The development of bid teams, accreditation structures, business plans, employment of business accountants, complex HR and marketing functions, etc., have been a necessary shift if the mysteries of ESF funding, commissioning bodies, procurement procedures and performance management requirements are to be addressed. (Senior et al., 2007: 186)

These shifting organisational structures were partly about maintaining legitimacy in the new markets of corrections, demonstrating the ability to deliver professional services with a strong business orientation, which created an enhanced capability to run large contracts across regions and nationally which was certainly being demanded by commissioners. Maybe what was simply being witnessed here was the historic flexibility and adaptability of the voluntary sector merely responding to the latest innovation - procurement requirements. 'Standing still' did not seem an option.

Operating with a fixed, bespoke strategy would be limiting, precarious, and, if funding sources' agendas shifted, impossible for providers to sustain. Providers, who were responsible at least in part for the organization's survival by obtaining funding, are understandably attracted to try to be all things to all people – an approach which inevitably entails some ambiguity about practice. (Mills, 2010: 40)

However, adjustment to the new public management ethos did not necessarily equate to parity of access. Senior *et al.* (2005) had observed the uneven playing field on which the voluntary sector operated against its more practiced business rivals of the private and public sectors. This was still being identified as a concern by NOMS in its 2008 Action Plan (NOMS, 2008). Access to information remained distinctly uncertain, even when organisations were engaged to undertake projects. Attempts to establish information sharing protocols was uneven and many voluntary sector workers complained of having to undertake double entry administration to satisfy their various funders and to overcome the limited access to the information systems of the statutory agencies. This is still being repeated as reflected in the recent negotiations for Welfare to Work contracts in 2011, where many smaller VCS contractors lost out in the commissioning process. Though there are promises from the prime contractors, often private sector, to use the voluntary sector as sub-contractors, the impact of this loss of business is already being felt across the sector with cuts, redundancies and even the disappearance of some agencies (Third Force News, 2011). Whilst the government defends the award of contracts on commercial grounds, it appears to fly in the face of its commitment to the Big Society.

The Big Society and the CJVS would appear to be easy bed fellows, a chance to fulfill the historic mission. The context though, driven by the global financial tsunami, is for cuts in the public sector, around 24% of the total criminal justice budgets; abandonment of a regional tier of governance; increased, at least rhetorical, drive towards localism; and a commitment to draw communities and local voluntary groups into the business of running civil society encapsulated in the concept of the 'Big Society'. Anxious to maintain, even enhance, their role, it has been cautiously welcomed by one CJVS campaigning voice:

Although the government hasn't articulated the Sector's role in 'filling the gap' caused by the reduction of in public services it is clear that VCS organisations are already experiencing increases in work load as a result of the economic downturn. More positively, the Sector is seen as one of the main vehicles for citizens to become more involved in civic society, as well as delivering a greater range of services. (Clinks, 2010: 6)

The government has issued a Green Paper (MoJ, 2011), which contains aspirant notions concerning the Big Society and, in the context of criminal justice, what it defines as the 'rehabilitation revolution'. The consultative phase is underway, so it is not possible to determine the precise direction of change for the voluntary sector, although it will be easy for an insecure and perennially vulnerable sector to be seduced by the welcoming call from government:

*[M]ove away from centrally controlled services dominated by the public sector, towards a more competitive system that draws on the knowledge, expertise and innovation of a much **broader set of organisations from all sectors**. (MoJ, 2011: 8, emphasis added)*

Part of the 'cost' of becoming more business-oriented has been the adoption of a more professionalised voluntary sector, running accredited training programmes, literacy schemes, specialised sex offender interventions, leading to an increase in the employment of paid and trained staff often qualified in social work and related professions, and more sophisticated HR provision to ensure leadership and lean management. A traditional objection to greater involvement of the voluntary sector and, for different reasons, the wider private sector by the statutory sector had been the perceived lack of professionalism allied to other more self-seeking fears. This was noted by Nellis in 2002,

It (the public sector) feared job substitution – loss of jobs, loss of professionalism and a diminished service to offenders, delivered either by amateurs in the voluntary sector or by profit seeking entrepreneurs in the private sector. (Nellis, 2002: 357)

In Senior *et al.* (2005: 27–8), this concern about voluntary sector standards had been echoed. There is little doubt that such stereotypes are in retreat and this is testimony to the way in which all agencies have begun to appreciate and develop an inter-dependency, which is built on good relations and positive engagement and growing evidence of good practice. Voluntary in this context no longer, if it ever did, means 'amateur'. The implications for the role of volunteers within this professionalised CJVS world become a key concern for Big Society aspirations. The Green Paper is certainly upbeat about the central role the sector can play:

*[S]upporting areas in considering new and innovative ways in which the voluntary and community sector can be **equal partners** in the delivery of Integrated Offender Management. (MoJ, 2011: 26, emphasis added)*

For example, we see growing evidence in the development of Integrated Offender Management of a multi-agency approach to the delivery of offender management, and the CJVS offers important complementary services which can help sustain offenders in participation (Senior *et al.*, 2011; Wong, 2010). Yet, the most recent report still emphasises the complementary, augmenting role of the CJVS.

*The VCS have a developing role to play in supporting offender management work but this remains a distinctive contribution adding value to the core statutory services. (Senior *et al.*, 2011: 32)*

What this enthusiasm tends to downplay is the context within which this expansion is likely to take place. An appeal to community, the local perspective, and to the organised voluntary sector evoked by the Big Society ideals may be promulgated as a cherished

principle in its own right but it is happening as an integral part of public sector cuts. In a recent speech, Peter Bird put the issue very starkly:

The comprehensive spending review has allocated £470 million to support 'capacity building' in our sector. Doesn't that sound familiar? The capacity to bid for contracts, adhere to service specifications, meet targets that frequently miss the point, enter into partnerships and mergers, distance ourselves from our communities and deskill our boards of management. Cameron's 'big society' is a front for cuts, privatisation, the exploitation of labour and good will. (Bird, 2010)

Hidden in the small print of these changes is the intention to exploit 'payment by results' (PbR) methodologies (Collins, 2011) started by New Labour and now being heavily promoted by the coalition government. This is intended to encourage private sector investment whilst ensuring that the delivery services, mainly perceived as being the voluntary sector, undertake the work with rewards going to the investors only in the event of demonstrable results in reducing re-offending. This has been adapted from American models of justice re-investment (Justice Committee, 2010; Clear, 2011). This may have the effect of swapping one kind of contractual insecurity for another. If the results are not positive, contract termination could be sudden in the stark world of private sector markets.

The first operational example of this is the HMP Peterborough Social Impact Bond. St Giles Trust, a key and innovative part of the voluntary sector, will work closely with other voluntary and community sector providers to reduce re-offending under the Social Impact Bond, launched by the Parliamentary Under-Secretary of State for Prisons and Probation, Crispin Blunt MP, on 10 September 2010. Under the pilot, Social Finance have commissioned St Giles Trust to work intensively with 3,000 short-sentence prisoners over six years, both inside Peterborough prison and after release, to help them resettle into the community. The providers are not allowed to choose which offenders their success will be measured against; providers' success will be measured across all the offenders released, not just those they work with. This feels like a publicly accountable agency not an independent sector, but the bigger voluntary sector agencies are queuing up to join this experiment.

The pull towards PbR schemes appears to be twofold: chances to innovate and access to funding. It is argued that outcome-based commissioning, Social Impact Bonds and PbR schemes, predicated as they are on successful outcomes and, thus, a corresponding easing of scrutiny of input processes, will give the voluntary sector chance to demonstrate its traditional strengths of innovation and creativity (Collins, 2011). The providers, freed of the bureaucratic yoke of managerialism, will be able to galvanise local communities into engaging in reintegrative strategies for reducing crime. However, the financial risk accompanying these experimentations will be borne by the private (and maybe the public) sector, as in the case example of HMP Peterborough above. How nervous might the investors be if the early results do not look promising? Will they simply sack the core VCS team and replace them with another outfit if they regard the 'innovations' as unlikely to

bring them financial return? Other examples drawn from employment PbR schemes doubt the chance to innovate is even on the agenda. In the PbR Pathways to Work scheme innovation was not the outcome research noted:

Prime providers still felt that the contracts were fairly prescriptive. While in principle prime providers had the scope to be innovative in service delivery, they felt that they lacked the resources to do much beyond making efficiency savings. (Hudson et al., 2010: 4)

It is equally plausible to postulate that just because the funding formula has changed does not mean: a) the outcomes will be any more successful than previously (though getting rid of overly bureaucratic targets will certainly help); or b) that investors will not be so nervous about their investment that they will jump ship quickly if it is perceived as not working or will want to impose tight schedules on their providers to judge ongoing performance.

There are still many questions too about the measurements to be used for PbR. Output driven criteria have dominated other models of PbR in health and welfare to work which are easier to measure, though carry other risks of merely ticking the boxes. Outcome measures in the complex arena of re-offending are less easily agreed and prescribed. Existing measures for reducing re-offending are either difficult to set up because of inadequacies in the data available for assessment, absent because of the cost or viability of robust research methodologies, such as randomised control trials, or are extrapolated on economic assumptions which have plausible metrics but which are often unable to extrapolate particular effects to single interventions. In recent research on IOM (Senior *et al.*, 2011), there was a push from policy-makers to measure the reductions in re-offending associated with the approach but often ignoring the paucity of the data available and the ability to isolate impacts of one measure over another making it resistant to feasible research and evaluation.⁵ The government seems also to favour a binary measurement for re-offending over frequency or various measures of 'distance-travelled'. Even if this is trackable and capable of application to individual interventions, there are still issues of 'creaming', 'parking' and the counter-intuitive findings of much of the recent work on desistance (McNeill & Weaver, 2010; Maruna, 2001).

There is no shortage of small scale process evaluations by the CJVS. Research which has been undertaken on innovative projects often appears to show promising 'process' results. These are often contrasted to public provision which appears then to be less successful. However, the 'cherry-picking' or 'creaming' (i.e. the careful selection of offenders most likely to offer successful desistance outcomes, which such demonstration projects can engage in) undermines the credibility of these evaluations. How can PbR programmes ensure that the providers do not select for success? Also, even if offenders find their way onto a programme or intervention, what happens when they re-offend? Surely it would not then be in the interest of the organisation to spend more time on that individual, given they have already failed the key test of not re-offending, thus 'parking'

⁵ A Feasibility Study prepared for the MoJ on the Integrated Offender Management (IOM) Projects concluded that it would be difficult to design a robust research study to measure reductions in re-offending.

(i.e. simply removing them from the programme) might result. Finally, the binary measure itself flies in the face of desistance research. It is certainly arguable that the research evidence from desistance is overwhelmingly pointing towards the 'zigzag' nature of offender reform (Burnett, 1992; Maruna, 2001). Binary outcome measures for re-offending will distort the assessments of success in ways which may well defeat the whole experiment. A fundamental problem relates to the use of reconviction as a proxy for re-offending when, of course, practitioners know how often offending may continue to exist even if the authorities do not arrest.

A final concern is the temptation to see the VCS as offering innovation and the public sector to be the fall guy for the failures of the past. One thing that bedevils a state agency is that they cannot cream and park as they are often required by statute to supervise all offenders who are placed under their care. The CJVS will find that the more its desire to become centre-stage is achieved, the more it will have to engage with those clients who no-one regards as good investments and this is when offending rates can be resistant to downward change. Demonstration projects give providers great insight into new innovations but such innovations, when applied across the whole offending population, bring implementation problems often unforeseen during controlled experimentation. The CJVS made its name for innovation because it was independent, specialist and able to experiment. Augmenting the state system improved outcomes for all. If it becomes the alternative (and cheaper) public service will some of that historic benefit be reduced?

These questions lead to the final challenge relating to the fundamental mission of this sector. Can the plans for the Big Society and the key centre-stage role of the CJVS so stretch mission that the sector ceases to be that upon which it gained its original distinctiveness and reputation? The engagement of the sector in running prisons has brought this final question to the fore. A sticking point for public/private/voluntary partnership seems to have been reached by the intention of some larger voluntary sector organisations to seek to bid for the running of contracted-out prisons in conjunction with the private sector. This so incensed part of the campaigning arm of this sector that it even reached the social networking site, Facebook, where the questions about propriety were starkly stated in the page simply entitled Charities Must Not Run Prisons (Facebook, 2011). The arguments rendered there are clear:⁶

Charities should not run prisons. Prisons are there primarily to punish people and deter people from crime. They have never been able to rehabilitate offenders successfully despite the expressed aims. Charities must champion social justice and fight the social disadvantage which results in crime. If charities run prisons it will undermine public confidence in them. And subvert the capacity of charities to challenge the abuse of state powers.
(Facebook, 2011)

⁶ I have used the reference to Facebook deliberately to indicate the way in which even the most venerable and oldest campaign group, the Howard league for Penal Reform, which started its influencing methods through quiet words in the ears of sympathetic Lords and persons of influence, now seeks to campaign through a social network site to get its message across.

The 'mission drift' which Corcoran (2009) identifies has seen the CJVS engage in a wide variety of activities alongside the private and public sectors and this paper has already pointed to some of those occasions. Does engagement in the management of prisons *per se* become the fundamental point of no-return for the distinctive characteristics and mission of the sector? Can voluntary workers work innovatively within prisons to deliver good quality services, geared at addressing prisoners' needs, whilst also representing the interests of victims and the community if they are also gaolers? It is worth quoting the argument on the Facebook campaigning pages more fully:

Charities have provided services inside prisons for many years, often pioneering new ideas and best practice. Drug rehabilitation programmes, skills training, counselling and even circus skills are the stuff of countless small and national charities working inside prisons across the country. Prisons rely on the added time and energy of volunteers to complement regimes. Interesting experiments are tested by charities that can be rolled out across the estate. All this is legitimate and worthy. Once charities become involved in management they are responsible for punishment. A significant element of managing a prison involves setting rules and punishing people when they are broken. Managers have the power to lock men, women and children in their care in solitary confinement for weeks on end. They order physical restraint that involves inflicting pain on adult and child prisoners. They order strip searching. They can stop contact with families. They can remove the only things that make the long hours of enforced solitude bearable: radio and television, reading materials. They can stop people from participating in regimes like work, socialising and education. (Facebook, 2011)

These comments seem both a condemnation of this potential new managerial role of the voluntary sector but also a concern over public services being privatised 'by the back door' and the voluntary sector playing a role in this. Of course, it may be that running prisons is one diversification of service too far but, as has been argued in this paper, the voluntary sector mission has drifted towards the management and monitoring of offenders in lots of other, maybe subtler, ways but no less damaging to the threat to mission, highlighted so dramatically by this example.

The drive towards penal populism (Pratt, 2007) has been well documented and the threat to the goal of rehabilitation in a climate where the drive towards punitive solutions can dominate does risk innovative and alternative strategies and, thus, in this neoliberal political climate, rehabilitative principles are at risk. The person-centred values and concern for those disadvantaged, it is argued, should not be put aside to meet the government imperative for punitive and exclusionary measures of penal policy. John Pratt notes;

Managerialism provides no barrier to populism; instead, it simply provides a mechanism which allows criminal justice organizations to be carried along in its wake, as it redefines their tasks. (Pratt, 2007: 134)

Add to this the argot and mechanics of private sector values are dominating the structure and shape of voluntary sector contracting with examples such as command-and-control management regimes, forced expertise in competitive tendering, downward pressure on wages and employment conditions, even the legitimisation of the profit motive itself, through the active promotion of 'social enterprise'.

To some extent the performance of the public sector, notably the probation and prison services since the 1980s, has not always been seen as good value or as effective as it should have been. In this climate, the voluntary sector has played an increasing role, as this paper has discussed. Given that the voluntary sector has a long history of working in prisons so is familiar with the custodial environment is there an argument to say that their engagement in the management of prisons could act as a humanising force? Given their position is not at the grace and favour of the prison management and short-term contracts, maybe their impact will be more substantial and, potentially, enable them to exert more influence on policy and practice at the grass roots of prison management. The nature of the contractual relationship between the private sector and the voluntary sector will need to be fully articulated to deal with issues of control and management but maybe the playing field for that discussion can be conducted in a more equal fashion in such a partnership. The Chair of the Charity Commission made the following point in a letter responding to this issue:

Clearly, the role of charities in delivering public services, and where the boundaries lie, will continue to be a live issue, for charities, for commissioning bodies and regulators over the next few years, particularly as the funding environment evolves and changes. For our part, we will be mapping both what the legal boundaries are, as well as the regulatory framework, in order to inform our decision making in this area. (Leather, 2010)

This paper has explored the ways in which the criminal justice voluntary sector has extended and diversified its role over a period of 25 years but also further stimulated by the latest clarion call for a rehabilitation revolution in the context of the Big Society. The paper has raised questions about what this might do to the very qualities of a sector which has hitherto acted as an augmental and supplemental role in criminal justice service delivery, which enables it to contribute purposefully whilst also maintaining its critical friend role in campaigning for positive penal change. As the 'rehabilitation revolution' unfolds, there are potential risks to mission and to its place in the directory of delivery services as it seeks to re-position at the expense of the public sector rather than as a partner.

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