

**CENTRE FOR CRIME  
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***Partners or Prisoners? Voluntary sector  
independence in the world of commissioning  
and contestability***

**Arianna Silvestri**

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## **The authors**

Arianna Silvestri is Research and Policy Associate at the Centre for Crime and Justice Studies.

Produced by:

Centre for Crime and Justice Studies  
King's College London  
Strand  
London  
WC2R 2LS  
Tel: 020 7848 1688  
Fax: 020 7848 1689  
info@crimeandjustice.org.uk  
www.crimeandjustice.org.uk

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# **Partners or Prisoners? Voluntary sector independence in the world of commissioning and contestability**

**A report of the Centre for Crime and Justice Studies event by Arianna Silvestri**

A debate about the involvement of the voluntary sector in the criminal justice system was held on 13 January 2009 at King's College London.

The event was chaired by Mark Easton (Home Editor, BBC News), with an expert panel including Tina Jenkins (Head of Third Sector and Strategy, Ministry of Justice), Clive Martin (Director, Clinks) and Matthew Smerdon (Deputy Director, The Baring Foundation). The audience (comprising about 150 delegates) was actively involved in a discussion that raised a number of issues, including: identity and independence; the changing nature of work; shaping contracts; the third sector and the market of punishment.

This report summarises the main points of the discussion. It does not attribute specific points to individual contributors. It does seek to present the balance of the discussion, including drawing out differences of view and perspective as appropriate.

## **1. Identity and independence**

The voluntary sector has a long-standing involvement in the provision of services to people deemed to be 'socially excluded'. During approximately the last two decades, its role in the delivery of welfare has become more prominent, with voluntary organisations participating in quasi-markets, in competition with or alongside commercial providers. Originally funded on a voluntary basis, nowadays most charitable income in Great Britain comes from government. The involvement of charities in state and private sector 'partnerships' through a commissioning process has brought dilemmas of an ideological and practical nature, which are expected to intensify if voluntary organisations, as anticipated, are to expand their role in criminal justice services and institutions.

Successive governments have been keen to tap into the reserves of social capital and social cohesion which voluntary organisations are seen to be drawing upon. The strengths of the sector, it is argued, lie in its diversity, capacity for innovation and dissent as well as in its local roots.

The '*Partners or Prisoners?*' discussion gave expression to some of the dilemmas experienced by organisations facing processes of public/private/voluntary partnerships, and to anxieties about perceived threats to their values and principles.

Fundamental questions were raised about the voluntary sector's ability to preserve its own identity in the face of an increased reliance on State's funding and involvement in the running of public services. Can it be an ally, rather than a servant of government? Can the freedom to challenge, dissent and campaign be maintained without financial independence? Is it possible or credible to campaign against policies with which one is associated? Obvious tensions, conflicts of interest and issues of legitimacy arise for organisations that receive public funding but that may be opposed to (some) government policies.

Being tied by the prescriptiveness of contracts (which dictate behaviour and outcomes) may also stifle innovation.

### **The changing nature of work**

Concerns were raised that the current 'direction of travel' is away from ethics of compassion and towards policies of punishment; from representing the interests or needs of offenders to those of criminal justice institutions. There were fears that too close a relationship with government would undermine the sector's philanthropic ideal.

On the other hand, it was argued that voluntary sector values might have a positive influence on the criminal justice system, with the former being able to bring more empathy and understanding to the latter. An example of this was given in relation to the role of prisoners' families: voluntary agencies fought a hard battle on behalf of this group, whose needs and role in reducing re-offending have now been widely accepted and - to a degree - addressed by public policy.

Some thought that centrally imposed targets can erode the nature of charitable work – for example, very few agencies now carry out 'talking therapy', or more than minimal activities with regards to alcohol-related provision. However, others pointed out that innovative services originally provided on a voluntary basis have later come to be delivered by the State. What is important is the way the process is managed – the emphasis should be on collaboration.

### **Aping the private sector?**

In the context of commissioning and 'partnering', the Government often refers to the 'voluntary and private sector', conflating what participants regarded as very different entities with distinct aims. However, the voluntary sector was seen as beginning to 'ape' the private sector, taking on the language and practices of the marketplace.

It was argued that the organisations which are most likely to be successful in the current climate – and which are most likely to tender for and be awarded contracts - are those that have become more professionalised and managerialised. These are usually large enterprises that were on the whole felt not to be typical of the sector, still seen as being composed of mostly small, local organisations.

## **2. Shaping contracts**

It was suggested that agencies need to embark on the process of commissioning 'very confidently and sure of their values'. Success – and long term survival – was thought to depend on maintaining legitimacy: the sector would need to provide evidence not only that it is effective at developing services, but also able to stand up to Government - and oppose its policies when appropriate.

However, it was recognised that the clout of voluntary sector organisations in shaping contracts varies. Moreover, the part of the sector specifically involved in criminal justice faces a 'huge challenge' in developing financial reserves.

'Intelligent commissioning' (which includes involving service users and providers from the outset in the design of service delivery), was seen as a viable way to give voice to the interests of local communities and to empower voluntary agencies. A suggestion was made that the results of the various public consultations the Government has been carrying out should be drawn upon.

### **Exclusion of small organisations**

Small, local organisations are being 'squeezed out' of commissioning by big, national ones. Because of the nature of the process, commissioners 'will not and cannot' contract with many small agencies.

Solutions offered included the continued use of grant funding when appropriate, together with the provision of support and advice on the circumstances in which grants, as opposed to contracts, are appropriate.

Sub-contracting by the bigger organisations was also seen as a relevant way to involve the smaller agencies and to make use of their specific expertise and/or local knowledge.

## **3. The voluntary sector and the market of punishment**

The debate touched at various points on the recent bid by some large criminal justice charities to run (together with partners) two prisons in England. This was felt to be 'uncharted territory', which may undermine the very essence of the voluntary organisations involved. Representatives from one of the agencies in question felt that it is possible to work innovatively within prisons to deliver good quality services, geared at addressing prisoners' needs, whilst also representing the interests of victims. Whether such balance was achievable was however seen as debatable by others.

For some, participating in a 'market of punishment' was 'unthinkable' and imprisoning people a line that should not be crossed. Contracting out and the increased involvement of the voluntary sector in the criminal justice system was thought to be symptomatic of policy embracing market ideology, with public services being privatised 'by the back door'. The voluntary sector would need to recognise that it would be 'buying into' such neo-liberal processes.

Not all agreed that privatisation was necessarily negative: for example, it was argued that local authorities are not always the best providers.

### **The media, the 'public acceptability test' and populism**

There was acknowledgment that criminal justice is a high profile, heavily politicised area. Ministers react to media-driven 'public opinion' by adopting increasingly punitive stances, thereby undermining alternative approaches. Participants were aware of the impact of such political and ideological processes on the sector's ability to conduct innovative and non-mainstream activities (especially if using public funding).

However, frustration was expressed that reform work was being hi-jacked by populist fads. For example, the 'silly excesses' of high visibility clothing for people serving community sentences was seen as the promotion of 'virtual humiliation', and unlikely to help reintegration into the community to which the offenders are meant to make reparation.

### **Rehabilitation and the voice of offenders**

Although it was recognised that rehabilitative principles seem to have disappeared from the public and political stage, it was felt important that the voluntary sector continue pushing them forward, reminding people that rehabilitation is an 'achievable goal'.

An argument was also made that the stubbornness of re-offending rates is partly due to the failure to take on board the views of criminal justice service users, and to admit the possibility that offenders may 'know best'.

## **4. In conclusion**

Key issues that emerged from the debate included:

- The importance of retaining the values underpinning voluntary organisations: its ethical core will be vital in helping the sector tackle new processes and partnerships without becoming assimilated and subservient
- The need to engage with issues of financial robustness in the part of the sector that is involved in criminal justice
- The undesirability of a 'one size fits all' model and the importance of maintaining the diversity and complexity of the voluntary sector, as well as its capacity to campaign, protest and innovate
- The sector's role in providing a voice for the needs of offenders, who have become 'one of the most despised groups in society'.