

## Briefing Paper 34

### The role of the third sector in work with offenders: the perceptions of criminal justice and third sector stakeholders

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Third sector organisations (also known as TSOs) currently provide a range of services to offenders in the criminal justice system (CJS) including advice, education and training, spiritual and faith guidance, mentoring, arts projects and peer support schemes. TSOs perform an advocacy function through organisations such as the Independent Monitoring Board, and they are also involved in the provision of core rehabilitative and resettlement services, most prominently in drug and alcohol treatment, employment and training, housing aid and financial advice, but also in providing support and advice for offenders' families. In 2005, it was estimated that over 1,500 TSOs work in prisons or with probation (Home Office 2005), with 7,000 volunteers now working in prisons through the Prison Service Chaplaincy and faith-based organisations alone (Ministry of Justice (MoJ)/National Offender Management Service (NOMS) 2008a). **The current number of organisations is not known, however, the above figures are likely to have been based on the number of registered charities, thus omitting those which operate 'below the radar'.**

Recent reports suggest that TSOs have a number of strengths in working with offenders in the CJS (NPC, 2009; Silvestri,

2009; HM Prison Service/Clinks, 2002; NOMS/IVR, 2007) and these are detailed in the Working Paper.

Current developments in criminal justice, specifically, offender management, reflect some of the issues discussed above and suggest that the role of the third sector in providing correctional and associated services is likely to be considerably extended. On 28<sup>th</sup> February 2007, the Offender Management Act was passed, which empowered private and third sector organisations to take on some of the responsibility traditionally associated with probation. In a myriad of consultation papers, strategies and action plans, the Ministry of Justice and NOMS have recognised the benefits of working in partnership with the third sector (NOMS 2005, MoJ 2007, 2008), particularly in relation to provision in help to resettle offenders and reduce re-offending (Home Office 2005, NOMS 2005, MoJ/NOMS 2008a, 2008b). The latest NOMS Third Sector Reducing Re-offending Action Plan states:

*'The third sector has a critical role to play as advocates of service users and communities, as partners in strategy and service development, and as service providers. We*

*value their role as enablers of effective community engagement, volunteering and mentoring' (MoJ/NOMS 2008b:7).*

Whilst this recognition and policy developments may vastly increase the amount of third sector provision in this area, TSOs face a number of difficulties and challenges when working within the criminal justice system with NOMS. These include:

- *the highly variable co-ordination, management and support of TSOs within criminal justice organisations. Despite a Prison Service Order issued in 2002 stating that every prison should have a third sector co-ordinator (Home Office 2005), many prisons do not have a named person or manager with responsibility for volunteers (Neuberger 2009);*
- the quality of the relationship between TSOs and the penal system can vary widely, depending on the agenda of the prison governors and probation trust directors;
- *TSOs may be viewed with suspicion by CJS staff who fear that they will be used instead of paid labour (Neuberger, 2009);*
- funding is often scarce and may be short-term with projects left to fold once an initial funding source has been exhausted. Smaller organisations are particularly vulnerable to funding changes as they often do not have the ability, or contacts to seek out funding opportunities (Gelsthorpe & Sharpe, 2007).

Recently, there has been a great deal of speculation in the literature about the current strategic position of the third sector in the criminal justice system, and the course of their future alliance with the criminal justice system to provide joint care and service. One of these issues is the appropriateness of extending the role of TSOs, particularly those

who campaign against increased use of the penal system, to running prisons, or administering punishment in the community (Neilson 2009; Silvestri, 2009; Garside, 2009). To be able to compete in the competitive market, TSOs will need to be able to prove their effectiveness, yet many smaller organisations will not have the money, expertise or capacity to collect data demonstrating outcomes, particularly where longitudinal effects are required. *There have also been considerable concerns that increasing the role of the third sector may lead to statutory providers being divested of their social welfare role (Sharpe and Gelsthorpe 2009).* For example, recent bids for funding to provide services for female offenders in the community were subject to several restrictive conditions, including the requirement that they must be led by TSOs, meaning the expertise of the probation service in this area may be lost.

These are, of course, not the only gaps in research that currently exist in relation to third sector involvement in the criminal justice system. A number of questions arise in light of the recent innovations in the commissioning pathways for TSOs in the criminal justice system, aimed, according to the Government, at promoting inclusion of TSOs as providers and designers of public services such as the Strategic Plan for Reducing Re-Offending 2008-11 (MoJ/NOMS, 2008b).

Some of these questions include:

- *whether statutory contracts will compromise the perceived trustworthy relationship between TSOs and people in prisons;*
- *whether these contracts will call for a restructuring of TSOs;*

- whether the aims and objectives of TSOs will be manipulated by the need to satisfy the commissioners.

These are some of the questions and issues which are the focus of a programme of research carried out at the Third Sector Research Centre (TSRC), funded by the ESRC, Barrow Cadbury Trust and the Office of the Third Sector. Although this research will not give definitive answers to all of the questions raised in this paper, it aims to provide insight into the views of:

- national stakeholders in the third sector and criminal justice system;
- prison, probation staff, and third sector staff;
- offenders in contact with third sector organisations and offenders and ex-offenders who volunteer with third sector organisations.

Their views are being sought on issues where there appears to be an evident gap in knowledge including:

- the strategic position of the third sector in the criminal justice system;
- the concept of the 'added value' of the third sector working with (ex)offenders and their families;
- the role of third sector organisations in the resettlement of offenders;
- the impact of volunteering on empowering offenders and ex-offenders to desist from crime.

## The research

The research, outcomes of which are detailed in the Working Paper, consists of three stages:

**Stage 1:** Interviews with key national stakeholders to explore the current situation

of the third sector in criminal justice and identify key issues for further study.

**Stage 2:** Qualitative interviews or focus groups with Resettlement/Offender Management staff in prisons and probation, third sector agency representatives and offenders to examine the value of third sector involvement in criminal justice and resettlement.

**Stage 3:** Qualitative interviews or focus groups to examine the benefit for offenders of being involved with a third sector organization as a service user, and volunteering and working with TSOs for offender and ex-offender volunteers.

The working paper will report the findings of the first stage in this research. This stage served to inform the study about the current position of the third sector in the criminal justice system and to highlight the most important and current issues in the sector, according to those working within it.

## Conclusions: inter-sector partnership working and the future of the sector

Despite a number of concerns voiced in relation to partnership working, the general consensus was that this is the way forward for the third sector and their unique chance of becoming an equal partner with other sectors. This is not to say however, that this journey will be easy - much is still needed to create 'the level-playing field' for all. For example there is a need for more clarity in:

- regional and local commissioning and delivery implementation strategies;
- a 'commissioning and partnership survival guide' for small and local providers;
- a plan for criminal justice services which will undergo re-specification in the next three years' time;

- any future government's plan for third sector involvement in the criminal justice system.

The study has also shown that, aside from promoting partnership working, the competitive policy has already led to the increased competition between sectors for service delivery which could have negative long term effects on the quality of relationships between sectors and organisations. Many of our interviewees said that the Government's policy sometimes promotes partnerships between agencies which may result in them perceiving each other as competitors rather than collaborators; for example the public sector is reportedly often reluctant to embrace partnership with the private or third sector because it may feel threatened by them, as illustrated below:

*'I think Probation have been resistant probably because of the diverse nature of Probation work, but probably because Probation has been seen as the key agent or the central agency that pulls together all aspects of the Criminal Justice agency and seeing [...] that there are other organisations out there who can deliver as well, if not better, some of those roles that they deliver. It's basically a bitter pill to swallow, really, I think.'* [criminal justice stakeholder]

The interviewees thus noted that aside from promoting the involvement of the third sector in the criminal justice system, the policy has also in some ways encouraged the rise in concealed resentment towards third sector providers because the public sector no longer feels that its position in the market is safe.

Another noteworthy finding of this study, in relation to the previous discussion is that there is almost no evidence of the involvement of the third sector in the probation service, as the interviewees almost exclusively referred to prisons. This is particularly important to note due to the recent move to Probation Trusts which will also have a considerable role in local commissioning, and funding given to TSOs to provide services for female offenders in the community (MoJ, 2009). The interviewees who did talk about probation believed that there is a considerable degree of nervousness about this issue in the probation services and that TSOs who want to work with probation will almost always encounter greater challenges than those who work with prisons, because of the increased fears of potential competition. **Yet, there is virtually no research in this area as yet to confirm or disconfirm this view.**

This research is thus the first to throw some light on the reality of current developments in this arena nationally. **It is quite clear from the results of this study that the position and perception of the third sector are not as clear cut as might be suggested and there is considerable division within the sector.** It appears that the DOMS will have an uneasy task of trying to balance these divisions along with the challenge of having three sectors competing for resources which, on several occasions during this study, have been described as scarce. The next phase of this research - in-depth case studies of prisons and probation areas and the third sector- aims to throw further light onto the numerous issues which have been raised in this paper.

This paper is part of the Third Sector Research Centre – Briefing Paper Series see [www.tsrc.ac.uk](http://www.tsrc.ac.uk) for more details and a copy of the full Working Paper 34

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