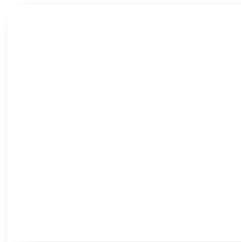
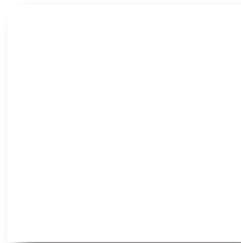


# Cooperating out of crime

**DAVE NICHOLSON**



**CENTRE=FORUM**

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## **■ Executive summary**

### **'COOPERATIVE CORRECTIONS' AND THE 'REHABILITATION REVOLUTION'**

This paper proposes a cooperative and mutual sector contribution to the 'Rehabilitation revolution' through the development of 'through the prison gate' offender cooperatives and mutuals providing employment, resettlement and rehabilitation services to their members in prison and on release.

Cooperative and mutual structures of employment and service delivery foster the development of systems of mutual social and economic support which reinforce desistance from crime. This should begin in cooperative and mutual employment in prison and then continue 'through the gate' in mutual support and employment in the community.

Mutualised prison industries, together with these 'through the gate' mutuals and cooperatives providing real employment and paying real wages, would provide the best means of making prisoners 'pay for their crimes' through financial reparations to victims. Cooperative work would thus provide both reparation to victims and rehabilitation for offenders.

In this way cooperatives and mutuals would not only provide employment and promote rehabilitation, but they should also provide the comprehensive 'after-care' services traditionally delivered by probation and the mainstream community and voluntary sector.

The role of probation and the mainstream community and voluntary sector in offender rehabilitation would then become more one of enabling and fostering the development of these cooperatives and mutuals and less one of direct rehabilitation service delivery themselves.

In the case of 'through the gate' cooperatives, these services would be provided *by* offenders and ex-offenders *for* offenders and ex-offenders. In the case of 'through the gate' mutuals, they would be provided by an equal partnership of offenders, ex-offenders, professional staff and appropriate community members.

A cooperative and mutual sector contribution to the supervision and rehabilitation of offenders in the community and those released from prison on licence should involve a development of the 'Circles of Support and Accountability' model. Offenders, professionals and the wider community would coproduce the care and control, mentoring and monitoring, resettlement and rehabilitation of offenders in the community.

## ■ Introduction

Two key thrusts of coalition policy are the 'rehabilitation revolution' in criminal justice and the use of cooperatives and mutuals in public services. But there has been little consideration of what contribution cooperatives and mutuals might make to this rehabilitation revolution.

This paper advocates an increased role for the cooperative and mutual sector in the rehabilitation of offenders. It promotes a specifically cooperative and mutual approach to offender rehabilitation which it characterises as 'cooperative corrections'. It focuses particularly on the treatment of offenders serving custodial sentences and their resettlement in the community.

The paper emphasises that all these proposals are practical and reasonable. All are either currently operating on a small scale or are in the process of development or have been operated in other places or at other times. The task of cooperative corrections in the rehabilitation revolution is to coordinate their implementation and further development. Moreover, in an age of austerity cooperative corrections offer the National Offender Management Service (NOMS) and the Ministry of Justice the opportunity to do more with less in the field of offender rehabilitation.

## ■ The mutual moment

Cooperatives and mutuals are back on the political agenda. 'Red Tory' ideas of popular prosperity and a civil state appear in coalition proposals for reform across the full policy spectrum, from the Royal Mail to local government.<sup>1</sup> Cooperative and mutual ownership of public services is touted as one way to fix 'Broken Britain' and to build the 'Big Society'. The Conservative party claims cooperation as a central value of conservatism and has established the Conservative Cooperative Movement to promote it<sup>2</sup> and worker cooperatives are claimed by them as the best way of running public services.<sup>3</sup>

During the previous Labour government, Tessa Jowell called for greater involvement of staff and users in public services, so that service users would have a right "to exercise choice over the services provided to them".<sup>4</sup> The government then also announced a Commission on Ownership to investigate how far the John Lewis Partnership model of ownership and management could apply to hospitals, schools and housing as well as to ownership in industry.<sup>5</sup> Currently Labour-led Lambeth plans to become the first "Cooperative Council".<sup>6</sup>

Vince Cable of the Liberal Democrats, echoing Joseph Stiglitz, former Chief Economist of the World Bank, has called for cooperative and mutual solutions to the current world financial crisis,<sup>7</sup> and the Liberal Democrat emphasis on 'localism' in the delivery of public services demonstrates an explicit preference for local mutual delivery mechanisms. The preamble to the Liberal Democrat constitution calls for "...democracy, participation and the cooperative principle in industry and commerce..." And the Association of Liberal Democrat Co-operators exists to promote mutualism and cooperatives within the party and beyond.<sup>8</sup>

But what exactly are these cooperatives and mutuals that are exciting so much interest?

In the case of public services, there is a clear difference between mutual public services and cooperatives running public services. Whether framed in terms of mutualism or coproduction,<sup>9</sup> a mutual approach is essentially about the ownership and delivery of public services being shared between the service provider, the recipient and the wider public, with the role of the professional becoming more that of enabler than direct service provider – people owning and delivering their own public services. Public services run by cooperatives on the other hand merely involve staff in the ownership and delivery of the services. There is no role seen as necessary for service users or the wider public.

But this should not be taken as a major ideological difference between cooperatives and mutuals. They perform different functions and benefit different memberships. They are not mutually exclusive alternatives. Much of the difficulty lies in definitions, with 'mutual' and 'cooperative' often used interchangeably. Hunt (2006) clarifies this problem when he differentiates between 'Member Benefit Mutuals' and 'Community Benefit Mutuals', where the former correspond to worker owned public services and the latter correspond to public services owned by staff, users and the wider community.

In an effort to simplify the terminology, this paper will refer to 'Member Benefit Mutuals' as cooperatives and 'Community Benefit Mutuals' as mutuals in order to emphasise that 'Community Benefit Mutuals' are owned by employees, service users and the wider community and not just by employees.

## **COOPERATIVES, MUTUALS AND OFFENDER MANAGEMENT**

Despite all the talk of mutuals, cooperatives and public service reform, there has been little focus on what contribution they might make to reform of the Criminal Justice System. Authors of 'The challenge of co-production', Boyle and Harris, specifically rule them out for policing and justice, but then go on to claim that the specialised public services for preventing and dealing with crime "rely on an underpinning operating system that consists of family, neighbourhood, community and civil society".<sup>10</sup>

They call for public services to operate along lines of 'coproduction' in which all these stakeholders work together with service users and professionals. A mutual in this case is the legal structure within which this coproduction operates.

Boyle and Harris explain one way in which this mutual coproduction approach to preventing and dealing with crime operates in the US:

"One of the early applications... was [the] Time Dollar Youth Court in Washington DC. The youth justice system in the District of Columbia – an area where half of the majority black population under the age of 35 was in prison, on parole or on probation – had been in a state of near collapse, forced to dismiss first and second offences because of case overload. The youth court aimed to turn this around by recruiting young offenders themselves to help combat crime.

If you are a young person arrested for the first time for a non-violent offence in Washington now, the chances are that you will be arraigned not before a judge but in front of a jury of other teenagers, who will question you, judge you and sentence you. The sentence will include serving on a jury yourself. The ultimate purpose is to deliver a youth justice system that not only helps to prevent criminal behaviour, but also changes some of the conditions that cause it in the first place, and it does so by engaging young people as advocates of good behaviour.

In 2007 the youth court dealt with 80% of all first-time offences in Washington. The recidivism rate for youth court participants is only 17%, about half the average in the mainstream juvenile system."<sup>11</sup>

This same approach has been introduced in the UK in Preston in Lancashire and for adult courts in Chard in Somerset.

So Boyle and Harris clearly see a role for mutual coproduction in preventing and dealing with crime, but what about those public services that work with offenders to reduce their reoffending, and the offender management and rehabilitation services which come under the umbrella of NOMS?

NOMS has recently published a report on 'Reducing re-offending through social enterprise', which maps the involvement of social enterprises with prisons and probation services.<sup>12</sup> But what the report doesn't do is differentiate between the work of specifically mutual social enterprises in reducing reoffending and the work of the wider social enterprise sector. Neither does it differentiate between the work of cooperatives and social enterprises. No attention is paid to the actual or potential role of cooperatives and mutuals in reducing reoffending through the rehabilitation of offenders.

Defining social enterprise as 'independent businesses that trade for a social purpose', the report does not bring out the key feature of mutual and cooperative forms of social enterprise – the ownership question – which differentiates them from other models of social enterprise. Such a wide definition of social enterprise could in any case include many private sector businesses – the private prison operator Kalyx for instance describes itself as 'a business with social purpose'<sup>13</sup>.

As suggested above, ownership by staff, service users and, where appropriate, the wider public is the defining characteristic of mutual public services, just as ownership by consumers or by workers is the defining characteristic of the different forms of cooperative enterprise.<sup>14</sup> But the NOMS report pays no attention to the actual and potential contribution of either cooperatives or mutuals to reducing reoffending or to the wider questions of offender management and rehabilitation.

But neither, it must be said, is much attention paid by the mutual and cooperative sector itself. Like the coalition, just as much as the previous government, the sector is much exercised by renewal through mutualism in hospitals, schools and housing, but pays little, if any, attention to what it could do in prisons, probation and in rehabilitation and reducing reoffending generally.

This is surprising, because historically the sector has had a central interest in eradicating crime and its causes. Robert Owen's New Lanark experiment was explicitly designed to promote an alternative to the conventional system of law and punishment and to eradicate the causes of crime by promoting cooperation and education.<sup>15</sup> In the same way, William King, from whom the

Rochdale Pioneers learnt much, explained in the first edition of his periodical 'The Co-operator' (May 1<sup>st</sup> 1828) that:

“The evils which co-operation is intended to combat, are some of the greatest to which men are liable, viz. the great and increasing difficulties of providing for our families, and the proportionate danger of our falling into pauperism and crime.”

However, the modern cooperative and mutual sector appears to have little interest in its own potential to combat crime, beyond the encouragement of community organisations to prevent crime through common neighbourhood-based security measures. It seems to have lost King's vision of cooperation as a means of preventing the potential criminal from falling into crime in the first place and then assisting him to escape from crime if he did fall into it.

Thirty years ago or so there were still some echoes of King's criminological vision in scattered attempts to support ex-offender worker cooperatives – to help ex-offenders help themselves out of crime<sup>16</sup> – and even voices in probation, pointing to the central role of employment in reducing reoffending, suggested that, particularly in times of high unemployment, the encouragement of ex-offender worker cooperatives was a worthy and realistic goal of probation policy and practice.<sup>17</sup>

There is therefore some history of cooperative solutions to crime where ex-offenders help themselves out of crime through their own worker cooperatives. But are there any mutual solutions?

First however a clarification is needed of who the service users of NOMS actually are which a mutual approach would see involved in offender management and the wider rehabilitation and reducing reoffending services.

## **WHO ARE THE SERVICE USERS OF NOMS?**

NOMS defines its purpose as 'providing administration of correctional services in England and Wales through Her Majesty's Prison Service and the Probation Service' and this is expressed in its Mission Statement: '...to protect the public and reduce reoffending. Prison and Probation Services ensure the sentences of the courts are properly carried out and work with offenders to tackle the causes of their offending behaviour'.<sup>18</sup>

NOMS may then be said to have two groups of service users – the public for whom it provides protection and offenders with whom it works 'to tackle the causes of their offending behaviour', primarily through rehabilitation. How then does the call for greater involvement of staff and users in public services apply in the case of NOMS?

Members of the public and victims of crime are increasingly encouraged to become involved in the work of NOMS through, for example, making suggestions for work to be done on Community Payback Orders and in the work of the recently announced National Victims Service. Public involvement in sentencing is also likely to increase as Restorative Justice pilots are rolled out. But there is little or no attention paid to greater involvement of staff, offenders and members of the public in work to tackle the causes of offending behaviour. It is with this side of the work of NOMS that the present paper is primarily concerned – what specifically mutual solutions are there to tackling the causes of offending behaviour? And in the light of the present concern with a rehabilitation revolution, what specifically mutual solutions are there available to support this 'revolution'?

## **WHY INVOLVE STAFF AND OFFENDERS IN THE REHABILITATION REVOLUTION?**

Involving staff and service users in the delivery of public services is nothing new. Essentially all services have some involvement of service users and all require the involvement of staff to deliver them. The question is rather what sort of involvement, and, from the perspective of mutualism, the ownership of the services and the ownership of their delivery. Both these questions are

particularly pertinent in the case of rehabilitation and reducing reoffending.

Boyle and Harris (2010) identify the rise of New Public Management as undermining the relationship between staff and users of public services, where 'a continuing and respectful relationship with a supportive professional is less and less on offer'. This, they argue, is one of the key drivers of the increasing interest in coproduction and mutualism as an alternative. It is also a central theme in debates about how best to reduce reoffending and promote rehabilitation – variously described as the Mentor/Monitor debate,<sup>19</sup> Care or Control or 'casework relationship versus supervisory relationship' between staff and service user.<sup>20</sup>

A continuing and respectful relationship with a supportive professional is thus a core principle of 'traditional' probation:

"Probation recognises the importance of a personal relationship in achieving change."<sup>21</sup>

The essence of this debate is that a Probation Order, as originally conceived, required the active consent and involvement of the offender in a one-to-one relationship with the Probation Officer, whose role was to 'advise, assist and befriend' the offender as a service user – to enable him to desist from reoffending of his own volition, rather than to monitor and control his movements and activities in an attempt to force him to stop reoffending. A Probation Order was instead of punishment, whereas it is now spoken of as a Community Punishment in its own right.<sup>22</sup> Ward and Maruna (2007) similarly see each side of this debate as illustrative of a particular and distinctive approach to rehabilitation and the whole question of how best to reduce crime and manage the reintegration of offenders into the community. On one side there is a risk management approach, based on the principles of New Public Management which regards offender involvement (and welfare) as being of secondary interest to the main aim of increased community safety. On the other side there is an offender-focused approach, based on a continuing and respectful relationship between offender and supportive professional – an approach based on enabling the offender to achieve his ends through legal means, which secures his rehabilitation and which will in turn reduce his

risk to the wider community. A key factor from the perspective of mutualism in this approach is that it requires a more equal relationship between staff and service user and it requires the active input of the wider community in opening up legal means for offenders to achieve their ends.

This debate is perhaps best summed up by Jack Straw's unequivocal promotion of 'corrections as control' in his speech at the National Offender Management Service Annual Conference, 5<sup>th</sup> February 2009:

"Gone are the days when the main duty of probation officers was to 'advise, assist and befriend' offenders. The new stated aim of the probation service is to 'punish, help, change and control' offenders."

Theresa May, the current Home Secretary, on the other hand, suggests that the rehabilitation revolution looks to redress the balance, with more emphasis on rehabilitation whilst maintaining the existing emphasis on corrections as control. She seems to suggest that this implies a return to the traditional probation emphasis on rehabilitation. Speaking of the coalition's intention to replace Anti-Social Behaviour Orders with simpler sanctions, she announced:

*"Where possible they should be rehabilitating and restorative, rather than criminalising and coercive."*<sup>23</sup>

So to find the full implications of mutualism for reducing reoffending and managing offender reintegration, we first explore how far the cooperative and mutual sector is (or is not) currently involved in delivering NOMS services. We then look at its wider contribution to reducing reoffending in the UK and internationally and 'hidden' examples of mutualism in the offender management system. We then look at some of the implications of mutualism for the rehabilitation revolution, sketching the outline of a cooperative corrections strategy. Finally we suggest further work to develop a rehabilitation revolution in non-custodial as well as in custodial sentences, more work to explore if there is scope for cooperative and mutual involvement in management of prisons and probation, and more work to explore what contributions the cooperative and mutual sector could make to a 'prehabilitative revolution' in crime prevention.

## ■ Past experience of cooperative and mutual approaches to rehabilitation

The NOMS Social Enterprise Report identifies one or two cases where cooperative and mutual social enterprises currently provide services to NOMS, e.g. Leeds City Credit Union from a mutual perspective and Ex-Cell Solutions from a cooperative perspective. There are also examples, not quoted in the report, where the sector provides rehabilitation services outside the NOMS remit and there are a range of international examples of cooperatives and mutuals providing rehabilitation services. Some examples include:

***The Cooperative Group***, which has piloted an ex-offender project at their Bromborough Non-Food Distribution Centre, aimed at employing ex-offenders to help them better reintegrate into society;

***The Cooperative Bank***, which has piloted a project to enable prisoners to open basic bank accounts in HMP Forest Bank<sup>24</sup>;

***The Big Picture Cooperative***, which provides art materials and funding to organisations working with street children. The children use the materials to create art works which are then sold from the co-op's web site. The pictures are mounted and framed by prisoners from a resettlement prison who, as part of their Preparation for Release Programme, work in the cooperative for a four week period. During that time they are treated as members of the cooperative and have a full say in how the business develops. They learn about the cooperative movement, its values and principles, and receive genuinely democratic work experience.<sup>25</sup>

The first two of these are examples of cooperatives delivering services in the same way as any other form of social enterprise or, indeed, any private enterprise might do. There is no service user, or wider community involvement in the ownership of the service or in its delivery. The third example however begins to show what a mutual offender rehabilitation service might look like. The service users – prisoners preparing for release – are fully involved as members of the cooperative helping to prepare them for release.

This same distinction between a cooperative delivering rehabilitation services and a mutual, where the service users – offenders – are involved in the ownership and delivery of the service, is also seen in some international examples of cooperative and mutual offender management services. This distinction again illustrates the difference between proposals for worker cooperatives to run public services and the promotion of mutuals to run public services.

Perhaps the most widespread of the international examples are the social cooperatives originating in Italy and now found in most countries of the European Union. Where these operate in the field of offender rehabilitation, offenders create their own employment and deliver their own resettlement and rehabilitation services to each other through their membership of the social cooperative; and the role of the professional ‘offender manager’ is to facilitate the promotion, development and success of each social cooperative, rather than directly deliver services themselves.<sup>26</sup>

In contrast to this European mutual approach are examples of worker cooperatives of correctional officers owning and managing their own prisons in the United States – essentially private prisons run as cooperatives. But there are also North American examples of more mutual approaches. The Inside Art Cooperative in British Columbia, Canada takes a mutual approach to rehabilitation by bringing together serving prisoners and ex-prisoners in a cooperative which markets their art through an online virtual gallery.<sup>27</sup> Both groups earn an income from this which contributes to their rehabilitation. A portion of earnings for serving prisoners goes to pay for their room and board and as reparation to victims, while for the ex-prisoners, having a legal income helps in the transition out of

prison and out of crime – prisoners and ex-prisoners are literally cooperating together out of crime.

While there is clearly service user involvement here, there isn't involvement of the wider community as full stakeholders, a characteristic of what could be called the full mutual approach. There are however US proposals on a truly grand scale to do just that. The New Birth Project would replace a prison in Virginia with a mutually-owned institution.<sup>28</sup> The stakeholders would include community members, employees as well as prisoners. Costing \$3.5 billion it is claimed it would pay for itself within a decade due to its double nature as a power plant.

But there have also been examples in the past of US Prisons run by prisoners, prison staff and the wider community. Between January 1972 and July 1973 'the prisoners ran Walpole'<sup>29</sup> and the recidivism rate in Massachusetts fell from over 60 per cent to 23 per cent during this brief experiment in mutual prison management.

There is also a less ambitious – and unfortunately unsuccessful – UK example of a mutual approach to offender services in prison which deserves a more detailed look, to see both how one particular mutual approach works in practice and to demonstrate potential pitfalls for all mutual public services.

Secure Healthcare provided prisoner healthcare at HMP Wandsworth and operated as a mutual. All the prisoners who used its services, along with its entire staff were members of the society, exercised collective and democratic ownership and had rights captured in the legal rules of the society. All members were formally represented up to board level, with their views taken as centrally important when planning or structuring services; and managers were formally accountable to a democratic majority for devolved decisions.

In line with this mutual approach Secure Healthcare aimed to involve prisoners in their own care, encouraging self-management, promoting user choice, and seeking to educate and promote health in the fullest sense of total physical, mental and social wellbeing.

But it all went wrong. Not because of its mutual status but because of the problems that many social enterprises – like

many private sector small to medium-sized businesses – have in raising sufficient capital to see them through tight times. So while this is a good example of what one particular mutual prison service could look like, it also provides a lesson in the potential pitfalls of transferring any public service to mutual status.<sup>30</sup>

## **‘HIDDEN’ MUTUAL SOLUTIONS TO REHABILITATION**

In addition to these examples of embryonic mutual solutions to rehabilitation, offender management and prison services, there are a number of initiatives which do not explicitly see themselves as mutual organisations at all, but which nevertheless show many of the hallmarks of user-controlled offender services – and some of which conform to the pure mutual model of co-ownership by staff, services users and the wider community.

The first of these is User Voice.<sup>31</sup> Set up and run by ex-offenders, User Voice claims ‘getting offenders to devise their own rehabilitation programmes is the best way to reduce crime’.<sup>32</sup> Mark Johnson, one of the founders, provides an eloquent picture of what mutual reducing reoffending services could look like:

“We’re about user engagement. We believe that only offenders – that is users of the criminal justice system – can reduce reoffending. And we believe it’s time for society to take stock of our burgeoning prison system. It does a great job of containing people, but fails almost totally to enable the change that many inside are ready to embrace, given the chance.

If we want effective rehabilitation programmes inside our jails, they must be devised with the input of the people who’ll be benefiting from them. We need a structure that enables prisoners to participate, that uses their skills to add value to the criminal justice system and ultimately to cut crime. So our main project at the moment is prison councils, which we’re piloting in three jails and hope to roll out across the country...

This democratised model is sorely needed. Whole industries have been created to reduce reoffending, but few employ ex-offenders in any numbers – and those

who are employed are sure to be at the bottom of the pay scale...

If we want a fairer, safer, less crime-ridden society, then power must be shared and user engagement fully funded. When offenders have a real possibility of rehabilitation, and afterwards being accepted into society as equals with equal opportunities and equal pay, only then will our crime and incarceration rate begin to fall."<sup>33</sup>

The second hidden mutual solution is UNLOCK, the National Association of Reformed Offenders.<sup>34</sup> This is an independent charity and membership organisation which, like User Voice, is led by reformed offenders. Its aim is to achieve equality for all people with previous convictions – the 8 million people currently on the Government's Offender Index. UNLOCK campaigns for a society in which reformed offenders are able to fulfil their positive potential through equal opportunities, rights and responsibilities, and provides a structure for mutual help for prisoners and ex-prisoners – a prisoner and ex-prisoner-run Prisoner Aid Society.

The third example comes from a number of initiatives of 'peer group' mentoring, information, advice and guidance. User Voice calls for peer-to-peer service delivery in prisons and there is in fact a number of small examples of this in practice. Thus Greater Manchester Probation trains serving prisoners in HMP Buckley Hall to provide housing resettlement advice to their fellow prisoners. On a larger scale the St Giles Trust runs a Peer Advice project which trains serving prisoners up to NVQ 3 in Information Advice and Guidance, a service which they then deliver to their fellow prisoners.<sup>35</sup> On release they are placed in paid work placements with agencies providing similar services and in time move on to permanent jobs in the sector. This "through the gate" peer-to-peer prisoner service and employment programme also provides a good example of the role of professionals in such mutual services. They train, support and enable the prisoners to deliver their own information, advice and guidance services rather than directly delivering them themselves.

A final example of a hidden mutual shows all the characteristics of the pure mutual model. It operates as a multi-stakeholder mutual (without actually describing itself as such) where

professionals, service users and the wider community jointly control and deliver an offender management and rehabilitation service which effectively transcends the care/control, mentor/monitor debate discussed above. Moreover it can also be seen as a possible model for mutual offender management services in the rehabilitation revolution. This hidden mutual model for the rehabilitation revolution is 'Circles of Support and Accountability'.<sup>36</sup>

## **CIRCLES OF SUPPORT AND ACCOUNTABILITY**

Circles of Support and Accountability (COSA) originated in Canada as a means to manage sex offenders in the community. This new approach sought to preserve community safety whilst at the same time ensuring that the offender himself had adequate support and could be safely reintegrated into the community and successfully rehabilitated. The model was formalised in 1996 and has subsequently spread across Canada and the US. It has been successfully tested and evaluated in the Thames Valley and is currently being rolled out across the UK.<sup>37</sup>

COSA is a professionally supported community volunteer framework to support and hold accountable high-risk sex offenders not subject to statutory supervision (the core members of each Circle). All core members volunteer to join a Circle as an integral part of their resettlement and rehabilitation. There is no question of mandatory involvement and there is a dual emphasis on care and control. The core member is helped to live in the community again – to find accommodation, get a job, deal, where appropriate, with the media, the police and angry community activists concerned at the risk he might pose. In return for this care, the offender is subject to the control of the Circle through being held accountable for his attitudes and actions in the wider community.<sup>38</sup>

What this means in practice is that Circle members visit the core member individually on a daily basis. Weekly meetings of all the Circle members (including the core member) are also held to address any issues that arise – usually informally in the form of a shared meal. Police officers and other professionals are able to join each Circle as a permanent member or as and

when required.<sup>39</sup> Both care and control are available twenty four hours a day, seven days a week. Any signs of relapse into anti-social attitudes or behaviour are immediately reported to the appropriate criminal justice professionals:

“Without the COSA we couldn’t do our job. It’s as simple as that – they are there 24/7.”<sup>40</sup>

## **HOW THEN CAN COSA BE DESCRIBED AS A HIDDEN MULTI-STAKEHOLDER MUTUAL MODEL OF OFFENDER MANAGEMENT?**

It is hidden in the sense that it has never described itself as a mutual (so far as is known). But it displays all the characteristics of a multi-stakeholder mutual model in that it is effectively owned, controlled and delivered by the service user (core member), professionals (police, probation etc.) and the local community (community volunteers). It transcends the ‘control versus rehabilitation’ debate – or the ‘Straw v May’ debate – because it provides care and control; mentoring and monitoring. Professionals act as facilitators of rehabilitation and control, rather than direct deliverers; and community volunteers have a direct ownership of the process and act as a conduit for the core member into pro-social local community and employment networks.

COSA is therefore a mutual model of offender management providing both care and control. But it is also claimed to create community:

“This is meant in two senses of the word. Firstly the Circle acts as a “personal community”<sup>41</sup> for the core member – a specially created community of volunteers drawn from the wider community. This is particularly important for sex offenders who tend to be shunned by previous friends or family and for whom the forming of pro-social friendships, learning to form pro-social relationships of all kinds and becoming part of a community or social group are all key factors in reinforcing and maintaining desistance and hence preventing recidivism.<sup>42</sup> Community here can therefore be said to be used in a therapeutic sense.

The second sense of community is the way in which COSA is claimed to increase the social capital of the wider community and thereby contribute to civic renewal.<sup>43</sup> Wilson et al (2007) might argue that this is perhaps not so much the case in the UK, but certainly in Canada the community itself takes responsibility for caring for and protecting itself through the medium of COSA. Risk management and resettlement are undertaken by the community itself, facilitated by the criminal justice system, rather than directly delivered by the criminal justice system to the community. So community is used here in the sense of community governance. But the key point is that the care, control and community are all delivered through the medium of the face-to-face interaction of volunteers with the core members."<sup>44</sup>

This emphasis on building community can be seen as one aspect of building the Big Society. Defined by its supporters in terms of empowering communities to come together to address local issues, the Big Society in this case involves communities coming together to address the local issue of the rehabilitation and control needs of serious offenders in their midst. In this view COSA can be seen as a revolution in the field of rehabilitation and reducing reoffending; an example of 'the "little platoons" of civil society – and the institutional building blocks of the Big Society'.<sup>45</sup>

The potential importance of this is that if such a mutual model of offender management can work with dangerous sex offenders, why can't it also be employed with a wider range of less serious offenders; why can't the local community be involved in this way in delivering rehabilitation, resettlement and offender management services, with professionals acting as facilitators and offenders themselves as active participants in the process? And, moreover, in a period of austerity can this be seen as a way of delivering 'more for less' in the particular field of offender management and rehabilitation?

## ■ The rehabilitation revolution

“Over the last two decades empirical evidence has increasingly supported the view that it is possible to reduce reoffending rates by rehabilitating offenders rather than simply punishing them. In fact, the pendulum’s swing back from a pure punishment model to a rehabilitation model is arguably one of the most significant events in modern correctional policy.”<sup>46</sup>

In this view there is nothing particularly revolutionary about the rehabilitation revolution. It is simply a case of policy and practice catching up with the empirical evidence of what works – the pendulum’s swing from Jack Straw to Theresa May. But for practitioners and service users alike the implications of this may well be revolutionary.

There are two main aspects to the ‘rehabilitation revolution’. Firstly, as indicated in Theresa May’s words, the emphasis is on making both custodial and non-custodial sentences rehabilitative and restorative rather than purely punitive. This was spelt out in the Conservative’s policy green paper No. 4 ‘Prisons with a purpose: our sentencing and rehabilitation revolution to break the cycle of crime’.<sup>47</sup> The implication is that the punitive element in sentencing should remain but should be confined to the deprivation of liberty in the case of a custodial sentence and the restriction of liberty in the case of a non-custodial sentence. But the main purpose of this deprivation or restriction of liberty should be to enable the offender to compensate victims and to help him go straight.

Furthermore, both of these aims – restorative and rehabilitative – are to be achieved through work. The Prisoners’ Earnings Act of 1996 is to be implemented to allow prison governors to deduct from prisoners’ earnings and transfer the money into

the Victims' Fund. In order to do this in any meaningful way they will have to be paid real wages in order to be able to pay real compensation. In the rehabilitation revolution prisoners will essentially be sentenced to earn, to repay the victims of their crimes. Their punishment will be literally to pay for their crimes.

But helping people to earn is also one of the best ways of helping people who want to go straight; helping people to earn is a central tool of rehabilitation. Employment has long been recognised as one of the major pathways to reducing reoffending, both through its role in accessing a legal income for the offender and in its role as a vehicle of (re)socialisation – work discipline and the work ethic are seen as engendering pro-social behaviour.<sup>48</sup> Paid work is thus an offender behaviour programme in its own right.

Sentencing prisoners to earn is therefore designed to meet both the restorative and rehabilitative aims of imprisonment. If fully implemented, it will have a real revolutionary impact on prisoners and prison regimes alike with the private sector and social enterprises required to provide real, through-the-prison-gate employment for prisoners. Paid employment will become the main occupation for prisoners, leading directly to paid employment on release. Victims will be compensated and offenders rehabilitated through real work paying real wages.

But compare these coalition proposals with the present reality of prison and it might all seem like pie in the sky. Currently only about 10 per cent of prisoners actually work in prison industries. Nick Hardwick, the new Chief Inspector of Prisons, sees 'a lot of sitting around playing cards' in prison workshops and says 'the jails are like dustbins, and inmates are treated as rubbish'.<sup>49</sup>

Ex-prisoner Mark Johnson from User Voice says 'prisoners working is a rubbish idea'<sup>50</sup> pointing out firstly that the current prison regimes would not be able to accommodate all prisoners working nine-to-five; secondly that the 60 per cent of prisoners with mental health and addiction problems are simply incapable of working anyway; and thirdly that the only labour-intensive jobs available would be 'rubbish jobs', the payment for which would 'simply incentivise prisoners to turn their backs on education and other interventions.'

Clearly then the implementation of coalition proposals would constitute a considerable revolution. But a cooperative and mutual approach would begin to move prisons in the direction of government aspirations and provide a practical and value for money means of beginning to implement this aspect of the rehabilitation revolution.

Firstly, developing and working in their own cooperatives is a widely recognised therapeutic intervention for people with mental health and addiction problems – Mark Johnson’s 60 per cent of the prison population. This is particularly shown in the work of the European Social Cooperatives referred to above but is also prevalent in North American approaches to mental health and addiction and has had some history in the UK.<sup>51</sup> A cooperative and mutual approach to this would therefore encourage cooperative development bodies and drugs and mental health agencies to work with serving prisoners to develop their own cooperative employment while they’re still in prison, and then to provide paid employment and therapy through the prison gate, effectively creating working cooperative therapeutic communities. Investment to support this could come both from the existing NOMS ESF Programme and from making serving prisoners eligible for the proposed New Enterprise Allowance Scheme.

Secondly, there is evidence that gang membership in prisons is causing problems in maintaining good order. Membership of cooperatives and mutuals in prisons should be promoted as an alternative means of mutual support that also provides something the gangs cannot offer – a legal income.

Thirdly, there is also evidence that many offenders have an entrepreneurial disposition which, given the right education and encouragement in a controlled environment (i.e. prison), could result in them successfully creating their own jobs – the ability to support a drug habit for instance requires a considerable degree of illegal entrepreneurial activity. Why not redirect that ability in a cooperative direction during a prison sentence so that it can be put to legal use on release?<sup>52</sup>

And finally, the existing prison industries clearly need to be run as real businesses providing real jobs that do not just involve workers ‘sitting around playing cards’. One possible contribution

to this from the cooperative and mutual sector would be the development of joint ventures between existing cooperatives and mutuals and an externalised prison industries run as a multi-stakeholder mutual.

So much for this first aspect of the rehabilitation revolution. The second aspect is described in the Ministry of Justice Draft Structural Reform Plan of July 2010:

*“Establish an offender management system that harnesses the innovation of the private and voluntary sectors, including options for using payment by results, to cut reoffending.”*

The emphasis will be on developing

*“...options for contracting out rehabilitation to third parties, including contractors commissioned by the Department for Work and Pensions (offender employment) and Department of Health (alcohol and drug rehabilitation).”*

And to achieve this, the Ministry of Justice intends to

*“Launch and evaluate a pilot rehabilitation scheme, funded by a Social Impact Bond, to reduce reoffending by paying private sector and third sector providers by results.”*

So the rehabilitation revolution could involve making both custodial and non-custodial sentences rehabilitative and restorative as well as punitive. Paid work will be a major contributor to both rehabilitative and restorative aims and it will be delivered, together with other services such as drugs and alcohol rehabilitation, by private and third sector providers.

We have looked briefly above at where the cooperative and mutual sector might make a contribution to this rehabilitation revolution. But is there a unique selling point for the cooperative and mutual sector?

## **THE UNIQUE SELLING POINT OF COOPERATIVES AND MUTUALS**

The emphasis on the centrality of reciprocal relationships and mutuality in rehabilitation is the unique selling point that

cooperatives and mutuals have to offer the rehabilitation revolution. It is spelt out in more detail by Rumgay (2004) in her consideration of factors that promote and reinforce the ongoing desistance from crime. She argues that there is a need for rehabilitation to focus not just on fixing individual shortcomings, but also to help offenders develop social capital – systems of mutual social and economic support – as well as individual skills; to achieve perceived self-efficacy by offenders in avoiding further offending by empowering them to participate in broader social and economic infrastructural developments. These systems of mutual social and economic support include not only employment and accommodation, but also pro-social community networks and the whole gamut of aftercare services traditionally delivered by probation and the mainstream voluntary and community sector. Rumgay's argument is that offenders and ex-offenders providing these services for themselves has a more sustainable outcome in terms of rehabilitation and desistance from reoffending.

Cooperative and mutual structures of employment provide an ideal framework to help offenders develop these systems of mutual social and economic support. It is cooperative and mutual structures that foster the development of systems of mutual social and economic support which reinforce desistance from crime. Ideally this begins in cooperative and mutual employment in prison and then continues through the gate to continued mutual support and employment in the community.

Conventional employment helps fix individual shortcomings with regard to vocational skills, work experience and the work ethic and acts as an offender behaviour programme in its own right. But cooperative and mutual employment does all this too, and also helps offenders develop mutual social capital which reinforces desistance.

This is the unique selling point of offender cooperatives and mutuals in the rehabilitation revolution. Not only do they provide paid employment with all its associated fixing of individual shortcomings and the means of financial reparations to victims, but they also provide the framework for systems of mutual social and economic support which reinforce desistance from crime; the framework for a comprehensive aftercare rehabilitation and resettlement service provided for offenders, by offenders in equal

partnership with professional staff and the wider community; a framework that helps offenders help themselves out of crime; a framework for 'cooperating out of crime'.

So the cooperative and mutual sector clearly has a key and unique role in the rehabilitative and restorative aspects of the rehabilitation revolution. But as a major third sector provider it also clearly has a central role in the revolution in the delivery of rehabilitation and offender management services.

## **■ Cooperative corrections and the rehabilitation revolution in practice**

What might all of this look like in practice? It would build on what is already beginning to happen and has happened in one way or another at other times and in other places. What it would look like would involve a coordination of some of the already emerging themes and initiatives to form a clear and distinctive strategy and practice of Cooperative Corrections based on a clear and distinctive theory of Applied Cooperative Criminology.

Through the gate cooperatives and mutuals are all well and good for local prisons where most of the prisoners come from, and will return to, the local community. But a question arises here – don't they lose their point in prisons where the majority of prisoners are far from their local communities?

The answer is yes, if through the gate cooperatives and mutuals are confined to relatively small local organisations. To cater for all the prison population the involvement of national through the gate cooperatives and mutuals and national networks of similar organisations would be required. We have seen how hidden mutuals like User Voice and UNLOCK already provide some support and resettlement services to their members on a national scale. Developing partnerships between national organisations like these and national providers of cooperative and mutual employment would provide one means of beginning to develop national coverage for through the gate cooperatives and mutuals, while initiatives with local prisons would continue to develop through the gate provision at the local level.

To summarise: a cooperative and mutual sector contribution to the rehabilitation revolution involves through the prison gate offender cooperatives and mutuals providing employment and resettlement and rehabilitation services to their members in prison and on release.

The mutuals would provide employment and promote rehabilitation but would also provide the comprehensive aftercare services traditionally delivered by probation or the mainstream community and voluntary sector.

In the case of through the gate cooperatives, these services would be provided by offenders and ex-offenders for offenders and ex-offenders. In the case of through the gate mutuals, they should be provided by an equal partnership of offenders, ex-offenders, professional staff and appropriate community members. Both the cooperatives and mutuals in some ways resemble Offender and Ex-Offender Friendly Societies – or prisoner-run Prisoner Aid Societies, ‘coproducing’ offender resettlement and rehabilitation services in the context of paid cooperative and mutual employment.<sup>53</sup>

Cooperative and mutual structures would provide the best means both to make prisoners pay for their crimes through financial reparations to victims, as well as to rehabilitate and resettle themselves through mutual self help.

It would also contribute to the supervision and rehabilitation of offenders in the community, based on the ‘Circles of Support and Accountability’ model, where offenders, professionals and the wider community ‘coproduce’ the care and control, mentoring and monitoring, resettlement and rehabilitation of offenders in the community.

## ■ Postscript

This outline of cooperative corrections has concentrated on the rehabilitation revolution in prisons and its implications for those leaving prison. But what about those offenders serving non-custodial sentences? The importance of a rehabilitation revolution in the delivery of non-custodial sentences will presumably assume greater importance as the coalition's policies on sentencing reform begin to bear fruit – reform that looks forward to a decline in custodial sentences and an increase in non-custodial alternatives.

But the rehabilitation revolution rhetoric is surprisingly quiet when it comes to non-custodial sentences. Ken Clarke claims:

“Retribution can be combined with a greater emphasis on rehabilitation and reform to give [the public] a safe affordable system.”<sup>54</sup>

But there have been very few specifics on what a greater emphasis on rehabilitation and reform means for non-custodial sentences – how they can be made rehabilitative and restorative as well as punitive. And the cooperative and mutual sector has similarly had little or no history of involvement in non-custodial sentences and so far no work at all has been done on what cooperative corrections might mean for non-custodial alternatives to prison. A second area requiring further work concerns the ownership and management structure of Probation Trusts and Prisons. How far is the multi-stakeholder mutual model appropriate for Probation Trusts? How far is the ‘Cooperative Prison’ a desirable or practical objective?

And a final area requiring further work is the potential contribution of the cooperative and mutual sector to crime prevention – particularly crime prevention in the sense of ‘prehabilitation’:

“A substantial programme of ‘prehabilitation’ aimed at potential offenders and targeted on deprived communities with the objective of heading off the drift into crime and custody is needed.”<sup>55</sup>

The link between poverty and crime is complex but it is nevertheless virtually unanimously recognised that the majority of offenders are poor and disadvantaged and that reducing poverty and disadvantage will result in fewer offenders.

“Those we punish are largely the poor and disadvantaged, those with mental health needs and drug or alcohol addiction.”<sup>56</sup>

This is not something new. We have seen earlier how William King was concerned about ‘pauperism and crime’ in the late 1820s.<sup>57</sup> But King also had a substantial programme of ‘prehabilitation’ in mind – cooperating out of both poverty and crime.

There is also a pressing need then to reinterpret King’s ‘Cooperative prehabilitation revolution’ in the context of the early 21<sup>st</sup> century.

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