



**ESRC Seminar Series
'The Third Sector in Criminal Justice'**

**Towards a new agenda for the third
sector and criminal justice – lessons for
research, policy and practice**

Seminar Six – 14th June 2012

University of Leeds

Report

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(University of Leeds)**

Programme

- 9.15-9.45 Registration and refreshments
- 9.45-10.00 Welcome and Introduction
- 10.00-11.30 The Third Sector in Criminal Justice: feedback from the seminar series
Mary Corcoran (University of Keele) and Anthea Hucklesby (University of Leeds)
- 11.30-11.45 Refreshments
- 11.45-12.45 Reflections on the seminar series by participants
Gill Brown (CEO, Brighter Futures)
Jane Dominey (University of Cambridge)
Neena Samota (Senior Consultant Evaluation and Research, Social Justice Solutions)
Jane Trigg (NOMS)
- 12.45-1.30 Lunch
- 1.30-3.00 The Third Sector in Criminal Justice: future roles, opportunities and challenges
Bettina Crossick (NOMS)
Mike Maguire (Universities of Cardiff and Glamorgan)
Clive Martin (CLINKS)
- 3.00-3.15 Refreshments
- 3.15-4.15 The politics and policies of the third sector and its engagement in public services
Pete Alcock (Director, Third Sector Research Centre and Professor of Social Policy and Administration, University of Birmingham)
- 4.15-4.30 Next Steps

The aim of the final seminar in the series was to explore the main themes of the series and to look forward to how current practices and concerns might play out in the future. The first session of the day provided an overview of the discussions which had been explored in the previous five seminars. These were dominated by the implications for the Third Sector of current policy agendas which aim to increase the involvement of Third Sector Organisations (TSOs) and the private sector in the provision of core criminal justice services which had hitherto been provided by statutory sector organisations and marketisation. The Government claims that introducing a truly tri-partite structure for the delivery of criminal justice services will reduce costs and improve efficiency and effectiveness. Whilst some elements of the proposals were welcomed by many participants, they were viewed generally as ill-conceived and a threat to the autonomy and survival of the traditional roles and values of the Third Sector. At various points in the day discussions included an examination of broader debates relating to current government policies including: tensions between economies of scale and localism; blurred boundaries between commissioners and delivery agents; the potential for fragmentation of services and providers; and proposals to scale back services provided by Probation Trusts under proposals in the Probation Review (Ministry of Justice, 2012)

During the day's discussions, several themes emerged which are discussed below.

1. The heterogeneity of the Third Sector was stressed alongside the dangers of treating all TSOs as the same or as an amorphous mass. They share being organisations based upon values which are linked to conceptions of social justice but are otherwise diverse in terms of size, missions and working methods. This led to questions about how the NOMS can collate the views of the Third Sector and gauge the consequences of policy changes in such a diverse sector. Inevitably any exercise to assess views will prioritise larger organisations and those with the time and skills to allow them to have a voice. TSOs who operate under the radar will be ignored. The role and purpose of umbrella organisations such as CLINKS was discussed especially in relation to making the voice of the whole sector heard.
2. It was agreed that the boundaries between sectors were becoming increasingly blurred. Not only were the traditional distinctions between existing statutory, private and Third sectors becoming less clear but the creation of new types of organisations such as social enterprises were muddying the waters still further. Concerns were expressed about the nature of social enterprises and their status as non-profit making entities. It was acknowledged that a key driver for blurring distinctions was the movement of people between sectors and the fact that many trustees are, or have been linked to, other sectors.
3. Although TSOs were generally concerned about the impact of commissioning on their work, they acknowledged that the risks to TSOs could be overcome by Commissioners being clear about what they wanted. Concentrating on what makes TSOs unique would ensure their competitiveness. An analogy was made with the retail sector where what is viewed as unique and boutique is generally of a higher quality and people expect and are willing to pay more. It was argued that Commissioners need to realise what TSOs have to offer rather than making them change into organisations akin to the statutory or private sectors. At the same time, TSOs need to become better at marketing their contributions.
4. Many concerns were raised about the impact of commissioning generally and on TSOs particularly. These included an acknowledgement that commissioning makes all

services and organisations risk adverse which is likely to stifle innovation and reduce the work undertaken with minority and hard to reach groups. Issues of legitimacy were also discussed particularly in relation to how service users view the motives of organisations they are working with and to volunteers who may not wish to work with organisations involved in providing core criminal justice services

5. There has traditionally been a clear relationship between organisations and service users and the responsibilities of each party have been transparent. The introduction of contracts means that relationships between organisations and service users become more complex. Questions were raised about who is the service user – is it the commissioners or suspects/defendants/offenders or victim and which of these user groups have priority?
6. Though the threats posed to TSOs from commissioning dominated discussions speakers and participants also acknowledged the need to look for solutions. Most participants recognised that some TSOs need to evolve thereby reducing costs, becoming increasingly professional and ensuring that they provide services which are needed and meet the dual needs of the criminal justice system and service users.
7. Particular concerns were raised about the impact of Payment by Results and Police and Crime Commissioners on TSOs.
8. The lack of robust evidence of effectiveness relating to TSOs and their work was highlighted. It was also recognised that the processes involved in operating TSOs especially the work of Trustees was not always transparent and that the collection and collation of data and auditing was not a routine activity. The need for independent research and evaluation of TSO's work was acknowledged alongside the need for research into the organisations themselves and their governance structures. However, problems existed in relation to questions about what constitutes robust evidence and a lack of consensus about what a good service looks like. It was suggested that the need for large sample sizes for valid quantitative research will always limit TSOs capacity to provide the evidence of effectiveness that government departments are increasingly demanding.

Towards the end of the day, discussions turned towards much broader questions relating to whether current policies are part of a fundamental change in the nature of the state and its relationship with individuals. Questions of trust and legitimacy were also explored. The importance of building trust between TSOs and the communities they work in and with was stressed.

Overall, changes in the policy landscape were viewed as opportunities as well as threats for the Third Sector. It was acknowledged that TSOs would survive by optimising the opportunities whilst working to meet the challenges posed. One area where opportunities were viewed as existing was in relation to attempts to reduce the prison population. It was suggested that this was becoming increasingly important because of the need to drive down costs and that TSOs are in a good position to capitalise on their experience of providing such services which meet the needs of government.

Remaining confident in their own ability to provide services which are valued and building up government and Commissioners' confidence in their services and organisations should ensure that TSOs survive what were acknowledged to be uncertain and turbulent times.

References

Ministry of Justice (2012) *Punishment and Reform: Effective Probation Services*. Consultation Paper CP7/2012. London: Ministry of Justice.