



**ESRC Seminar Series**

**The Third Sector in Criminal Justice:  
a critical relationship?**

**Seminar One – 10<sup>th</sup> February 2011**

**University of Leeds**

**Report**

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## Programme

- 9.30-10.00 Registration and refreshments
- 10.00-10.30 Introduction to the seminar series  
*Anthea Hucklesby University of Leeds*
- 10.30-12.30 The role of the Third Sector in government and social policy  
*Tina Jenkins (Ministry of Justice)*  
*Commander Jim Webster (Metropolitan Police)*  
*Peter Wells (Sheffield Hallam University)*
- 12.30-1.15 Lunch
- 1.15-3.00 Third Sector perspectives on their role in delivering criminal justice services  
*Clive Martin (CLINKS)*  
*Margaret Carey (Chair, Circles UK)*  
*Steve Woodford (Foundation Housing)*
- 3.00-3.45 Workshops  
Benefits and barriers to Third Sector involvement in criminal justice
- 3.45-4.30 Feedback and summing up

The first of six ESRC seminars on the involvement of the voluntary sector in criminal justice was held at the University of Leeds on the 10<sup>th</sup> February 2011. The event was attended by representatives of voluntary organisations representatives from statutory bodies academics from a range of Universities and research students from the Universities of Leeds, Manchester and Salford.

Much of the day's discussion focused upon the changes proposed by the Coalition Government as outlined in the Green Paper 'Breaking the Cycle' (Ministry of Justice, 2010). The morning's presentations discussed how the coalition's plans may generally affect Third Sector Organisations (TSOs) and the importance of TSOs in the 'Big Society'. An optimistic picture was presented, suggesting that the government and statutory bodies would take a new and different approach to TSOs, using the ethos of localism and decentralisation. As such, TSOs could benefit from greater financial support and be able to undertake innovative work with offenders. This framework could theoretically enable TSOs to develop less 'top down' targets, which have tended to restrict creative work. Illustrations of current practice were provided, such as acknowledgment by the police representative that they alone could not control crime. As such, collaboration between the police and TSOs has allowed TSOs to provide visibility and reassurance to the public more promptly than by the police working alone.

Attendees cautiously noted that the rhetoric of increased localism and improved financing protocols and evaluation techniques may be misleading. Many TSOs, particularly medium sized organisations, were concerned about possible funding issues, leading to a narrowing of their scope. Other's claimed TSOs would have to merge with similarly-minded groups if the funding issues/cut-backs are not resolved. The picture which emerged was that the present and future position of TSOs was uncertain. Participants noted concerns about the level of control and bureaucracy which could be demanded from TSOs, which may lack the infrastructure to cope.

The emergent themes for discussion were procurement procedures; the myth of 'innovation'; the idea of payment by results; and the fear of being consumed by the private sector which are discussed below.

Regarding procurement procedures, a significant concern was apparent. In an era of localism and the 'Big Society', it was peculiar to have such vast 'contract areas' in terms of geography effectively de-centralising service provision but failing to localise it. By introducing such large geographical regions, TSOs would, generally speaking, be unable to compete with either the statutory bodies or the private sector financially or in terms of resources. There was also a feeling among delegates that the procurement procedures were too rigidly designed, and the TSO's general inexperience in tendering for contracts would further bolster the private sector's position. However, it was also proposed that, in this new era of 'all-sector' involvement, TSOs must become more commercially aware and begin to take more responsibility for their plight if they are to survive.

Whilst acknowledging the perceived benefits of Third Sector involvement in the criminal justice system some doubts were cast on its ability to engage effectively in the criminal justice system. Concerns were also raised about the number of critical assessments of TSOs performance in the criminal justice system. Despite TSOs being regarded as innovative organisations with flexible structures and good links to

the community, some are said to be operate more informal structures than the private sector which put them at a disadvantage. In particular, there was a feeling that some smaller organisations lacked the dedicated resources to, and commercial awareness of, health and safety obligations which derive from work within the criminal justice sphere. As such, there was a feeling that some TSOs, by virtue of their status, were too simply labelled as innovative, without necessarily being deserving of it. However, it was also widely acknowledged that producing innovative and effective solutions is easier when finances are not restricted.

A number of concerns were raised in relation to 'payment by results'. These focused on uncertainty about the application of the idea and concerns about measurement techniques. It was feared that the Government's 'Merlin Standard' (the standard which organisations (either private or third sector) must meet in order to be awarded government contracts (see <http://www.dwp.gov.uk/docs/merlin-standard.pdf> for more information on this)) would be detrimental to many TSOs. This was because much of the work done by the TSOs involves a holistic approach to addressing a whole range of difficulties faced by offenders which is not easily measured. Consequently, even if their work reduced reoffending they would be unable to demonstrate this and would, therefore, receive no financial reward. It was recognised that one challenge facing TSOs was to agree on a single, credible performance measurement. Equally, it was felt that the 'Merlin Standard' prioritise and idealise certain interventions and programmes which may be more easily carried out but lack any overall impact upon desistance. In essence, concerns were raised about the present and continuing shifts towards a managerialist criminal justice system. A further and potentially more critical issue to have emerged was that TSOs are motivated by more than profit in contrast to the private sector. As such, it was felt that payment by results may not be particularly useful for the Third Sector and that the approach is likely to favour statutory and commercial operators.

The final concerns were related to competition, and potential takeovers, from the private sector. An increasing concern amongst participants was that the relatively well-resourced private sector would initially work alongside TSOs and even allow TSOs to lead projects. However, over time the private sector would develop their own service providers, mirroring those of the Third Sector or consume TSOs and end up monopolising the market. Later discussions raised the possibilities of small and medium organisations countering such measures by considering shared resources and service provision or by merging organisations. However, it was agreed that TSOs value their independence and this had already lead to some overlap in service provision amongst TSOs. An important point made during this debate, was that the most important result was improved services for the clients, regardless of whether this benefited the Third Sector.

The session ended with a wider discussion about the benefits and challenges faced by the TSO in coming months and years. It was noted that TSOs risk losing their integrity and identity if they become too closely linked to the statutory bodies and that procurement procedures require re-consideration of the localism ethos espoused in the concept of the 'Big Society'. Although it was agreed that the Third Sector bring a unique perspective to the criminal justice system, the omission of the private sector in the day's discussions was notable. Participants hoped that representatives from the private sector would attend future seminars.

## **Questions for further consideration**

During the day, concerns were expressed over academic research being carried in the criminal justice sector. It was noted that methodologies were far too frequently imposed by the Home Office/Ministry of Justice. Participants suggested that such studies do not take into account of the fact that the methodologies may not be appropriate for some organisations. It was agreed that more in-depth qualitative studies were needed to find out what TSOs are actually doing. Some participants saw the case study approach as particularly appropriate.

There were some interesting suggestions about what research would be useful to carry out in the future. These included research into the 'added value' of the Third Sector and, whether the Third Sector wishes to collaborate with the private sector, whether this would be desirable and how this might be done.

Further questions were raised as to how the debate could be taken forward. These included how marginalised communities are served by the TSOs and how specialised services can be provided to minority groups. Concerns were also raised about how removing the commissioning process from the 'community' will impact upon delivery and effectiveness.

The next seminar on the 28<sup>th</sup> June 2011 to be held at the Keele University will take forward some of the issues discussed, with a particular focus on volunteers in the criminal justice system.

## Delegate list

<b>Name</b>	<b>Organisation</b>
Margaret Carey	Circles UK Chair
Mary Corcoran	University of Keele
Sonya Cullerton	HMP Leeds
Susan Field	HM Prison Service, New Hall
Dina Gojkovic	University of Southampton
David Graham	Care Leavers Association
Robert Grice	University of Leeds
Roger Grimshaw	Centre for Crime and Justice Studies
Jim Hopkinson	Leeds YOS
Anthea Hucklesby	University of Leeds
Tina Jenkins	Ministry of Justice
Peter Johnston	West Yorkshire Probation Trust
Hazel Kemshall	De Montfort University
Andrew Lerigo	Langley House Trust
Jackie Lowthian	Nacro
Mike Maguire	University of Glamorgan
Clive Martin	CLINKS
Amobi Modu	Home Office
Jessica Read	Leeds University
John Sephton	NOMS East Region
David Thompson	University of Leeds
Philippa Tomczak	University of Manchester
Jane Trigg	National Offender Management Service
Waqas Tufail	University of Salford

Jim Webster

Metropolitan Police

Peter Wells

Sheffield Hallam University

Paula Wilcox

University of Brighton

Steve Woodford

Foundation Housing

Tony Wright

About Turn