

The Mixed Economy of Criminal Justice: the challenges of contestability, privatisation and partnership working

Dr Anthea Hucklesby
Centre for Criminal Justice
Studies, University of Leeds



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Aim of the series

- to critically explore third sector (voluntary, charitable and non-governmental organisations) involvement in the criminal justice system and consider how it might develop in future
- Website:
<http://www.law.leeds.ac.uk/research/projects/the-third-sector-in-criminal-justice.php>

Aims of seminar four

- To debate the issues arising from the third sector tendering for and operating core criminal justice services.
- to explore the implications for the third sector ideologies and traditions as well as their structure, financial arrangements and management and accountability mechanisms.
- to consider how it will impact upon relationships between the third sector, criminal justice agencies and private sector providers.

Government policy

- Competition to run criminal justice services
- Commissioning
- NOMS Business Plan (2011) states that it is ‘creating a functioning market in the provision of legal aid, offender management and rehabilitation, with the aim being to ensure that justice services are provided by whoever can most effectively and efficiently meet public demand’
- NHS model
 - State provision
 - Private providers
 - Social enterprise organisations
 - Voluntary sector organisations

Advantages

- More for less
 - Increased quality
 - Innovation
 - Less bureaucracy/micro-management
 - Concentrates on outcomes not process
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- ‘Competition is embedded in the process, as a powerful tool for commissioners in improving existing service delivery, encouraging innovation and driving value for money’ (NOMS, 2011).

Potential pitfalls

- Mixed economy means private sector
- Viable services may not meet need
- Diverts TSOs away from innovative projects
- Contractual relationships rather than partnerships
- Services provided for the majority not minorities
- Coordination
- Information sharing/exchange
- Accountability

Concerns

- Private sector take over
- Small TSOs lose out
- Large TSOs and social enterprises become akin to private sector
- TSOs used as 'Bid candy'
- Mission drift
- Loss of autonomy/flexibility
- Cost of introducing auditing/accountability mechanisms

Questions

- What are the implications of the new commissioning arrangements for TSOs?
- Will TSOs take an active role or opt out?
- What might the Third Sector look like in medium/long term?
- How and in what ways will the Government's plan pan out?
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