



Reconciling penal reform and service provision: views from the Third Sector

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Some broad context

- Concerns around the tension between the freedom to campaign or advocate for one's beneficiaries and deliver public services is nothing new
- In a variety of areas the concerns that follow have been voiced before from the introduction of a 'contract culture' in social care to the changes affecting housing associations

Previous concerns

- Under the Major government one review of the voluntary sector went as far as to recommend an enforced split between ‘first force’ service providers (who would have tax benefits withdrawn) and ‘third force’ advocacy organisations
- Lord Dahrendorf (2001) : “quasi-governmental organisations” ...”the “compact sector”

Voluntary sector independence

- Agree values based on their own experience and vision and not external pressures
- Carry out work that delivers the stated purpose of the organisation
- Negotiate robustly with funders and partners
- Challenge others and engage in public debate

(Baring Foundation 2006)

First some positives

- It should be possible for charities to balance service provision and campaigning. When done successfully, the campaigning is borne out of the service provision, often through research
- Market reforms have also led to an increased business focus in criminal justice VCOs, with an emphasis on efficiency and improved accountability

Concerns around market reform

- Market reform has led to confusion both in government and the voluntary sector
- The negative side of the 'business focus': do providers just stick to the contract or genuinely add value?
- 'Bid candy'
- Pushing into 'uncharitable activities'?

A (Big Society) gripe

- Thus far the effect of market reforms have been detrimental to charities, in particular small organisations
- Pressure on commissioners to scale up services. Volume allows savings. Small charities can't compete
- Gap between the political rhetoric and reality: small, local, diverse charity culture being replaced by large, regional/national, isomorphic culture

A blurring between the public, private and voluntary sectors

- ‘NCVO: “If on one side of the street corner is a private sector nursery delivering on behalf of the state and on the other corner a voluntary sector nursery delivering the same service, what makes the voluntary sector provider different? And it is not different, why should it expect to be treated differently?”

The charity 'running a prison' debate

- Nacro/G4S consortium in 2008 – Serco/Turning Point/Catch 22/
- Conflicts of interest: partnering with the profit motive
- Can the carer be the jailer?
- Other practical concerns: reputational risk – the riot or suicide – would the public give?

The Coalition solution: Payment by results

- “We will pioneer a world first – a system where we only pay for results, delivered by a diverse range of providers from all sectors. This principle will underpin all our work on reoffending. This is a radical shift” – Breaking the Cycle, Government response

PBR pilots so far

- Peterborough social impact bond: the 'original' PBR pilot
- Doncaster prison – Serco (in conjunction with Catch 22 and Turning Point running resettlement services)
- Financial incentive (justice reinvestment) model: two pilots in Greater Manchester and across five London Boroughs + youth justice pathfinders (local authority based)

Problems with PBR

- The Howard League has concerns around potential for cherry-picking and how results will ultimately be measured: 'Bob'
- PBR track record in DWP 'pathways to work' schemes not encouraging
- PBR also unlikely to help small charities as the need for statistically measurable offending outcomes will also drive towards commissioning on scale

Issues of ethics and principle

- Around privatisation in particular, we see an 'ideological' versus 'what works' argument developing
- PBR may mean charities are increasingly involved in decisions that do lead to breaches and activities the government certainly sees as punitive (ie. community payback)

Back to the 'charity runs a prison' argument

- The reason this threw stark light on longstanding concerns around voluntary sector independence is the nature of the prison as an institution
- The question of principle: what is prison for?

Prison as necessary evil

- Prison as a tool to 'reduce reoffending' is a prevalent view among policymakers
- Yet prison as an environment is fundamentally hostile to rehabilitation
- Rehabilitation can happen on the fringes but works best in the community, where the pressures that lead to offending lie

Prison as necessary evil

- It is the fundamental misconception that prison makes people 'better' that leads to expanding the system in good faith and talk of market reform and 'payment by results'
- Contrast to the limiting view in Norway and Finland: prison as punishment
- Effort is on simply ensuring people don't become 'worse'

Thank you

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