

Voluntary sector involvement in criminal justice: controversies and challenges

Anthea Hucklesby, University of Leeds, UK (A.L.Hucklesby@leeds.ac.uk)
Mary Corcoran, University of Keele, UK (M.Corcoran@keele.ac.uk)

<http://www.law.leeds.ac.uk/research/projects/the-third-sector-in-criminal-justice.php>

Historical presence of VSOs in criminal justice

- Long history as service providers, advocates and reformers
- Diversity of the sector
- Traditional roles
 - Supplementary services
 - Filling gaps
 - Not involved in the serious/difficult end of process
- Funding
 - Diversity of sources
 - Government /statutory sector funding including in-kind payments
 - Trusts/Foundations/Lottery
 - Membership/individuals

Commonly cited strengths of VSOs

- Independence
- Innovative
- Flexible
- Diversity of clients – hard to reach groups
- Alternative to the statutory and private sectors
- Commitment
- Altruism/values

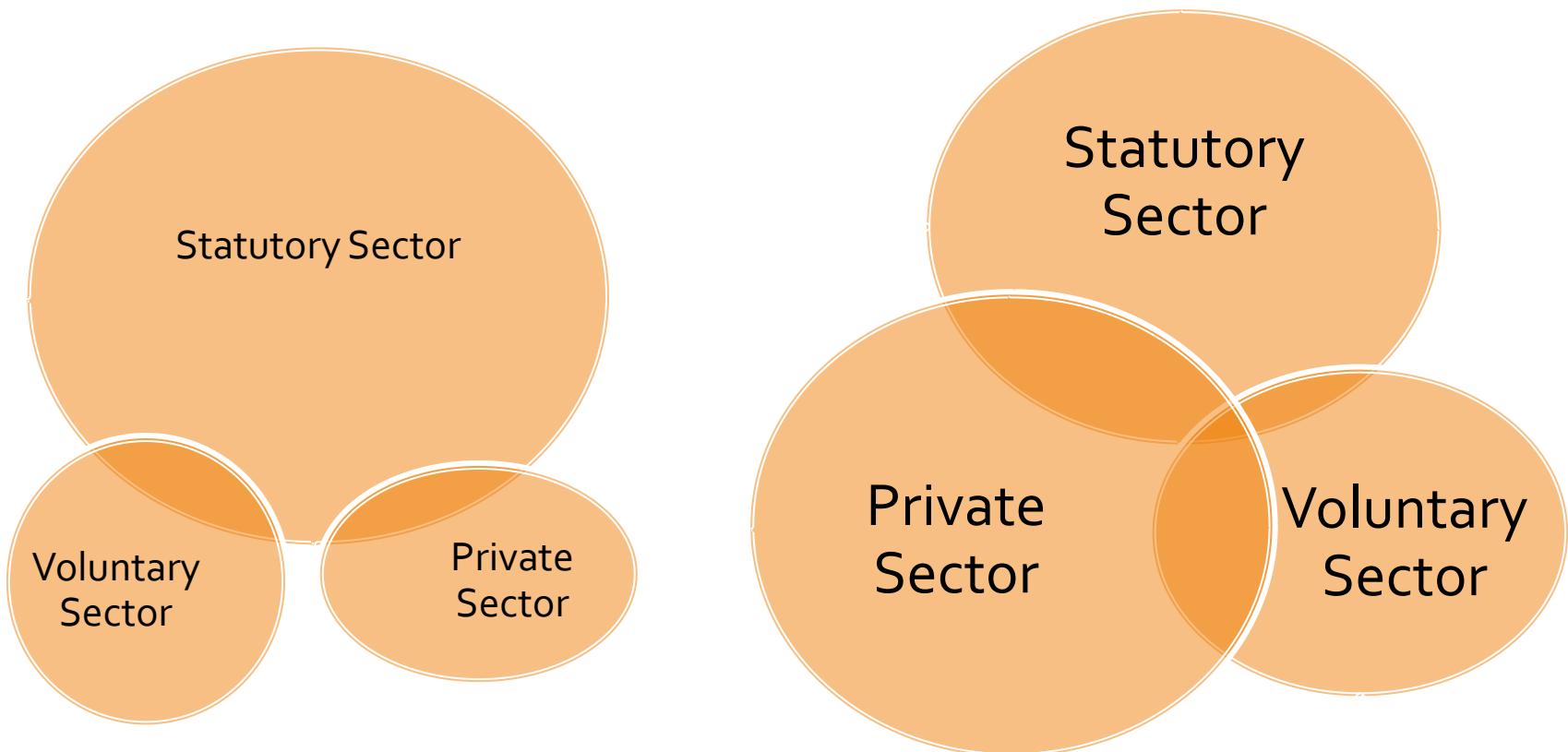
Unanswered questions about VSO provision

- How many services provided by VSOs?
- How many VSOs are involved overall and in different sectors/localities?
- What services are they providing?
- Are the services provided what are needed?
- Is the most appropriate organisation providing the services?
- Do the services 'work'?

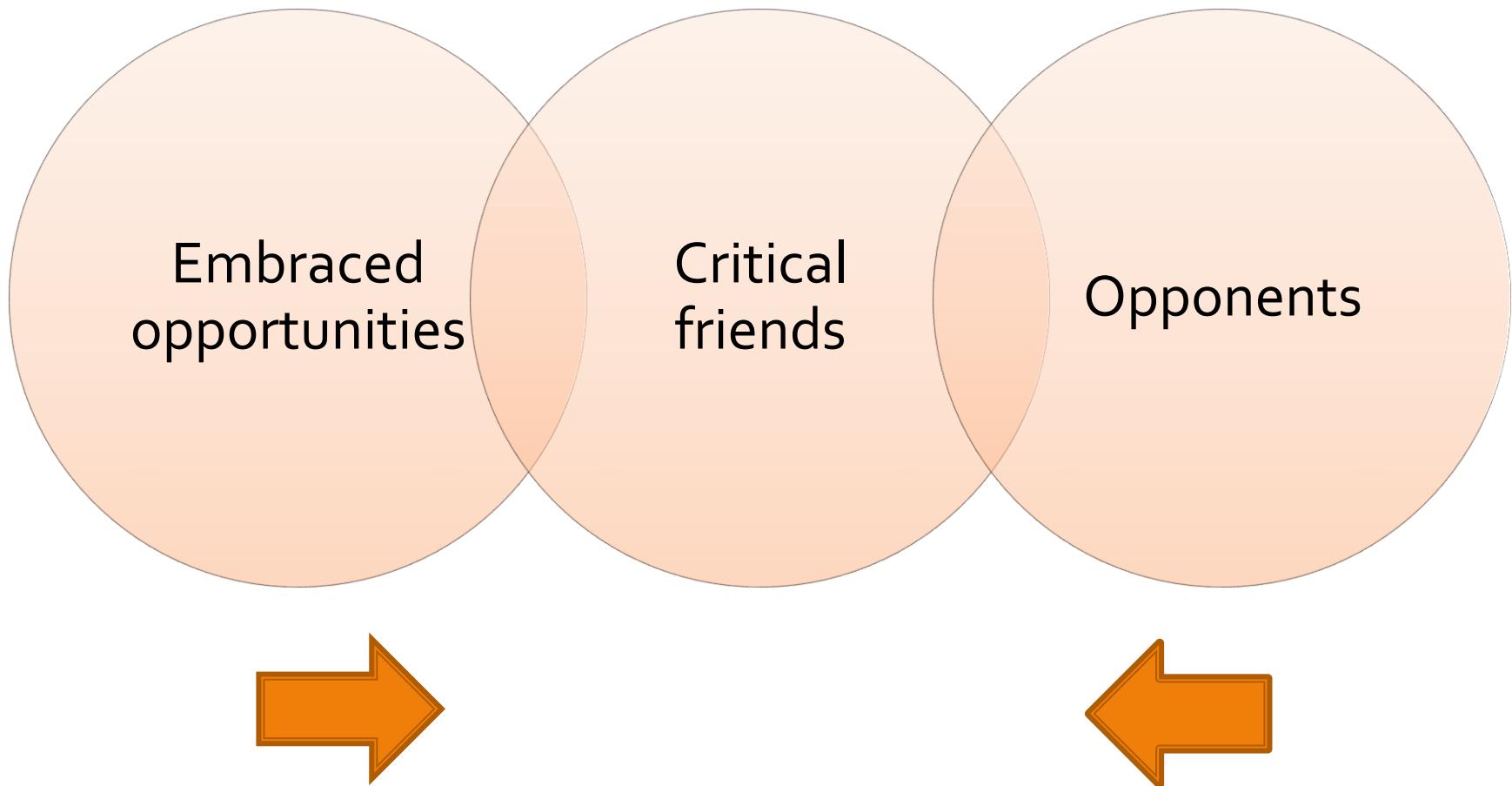
Marketisation, competition and commissioning

- Competition Strategy for Offender Services (2011); Commissioning intentions (2013-4); Probation Review (2012)
- Pilots of different funding mechanisms within Payment by Results mechanism
- Policies relate to *government* funding of services
- Encroachment of government funded services on voluntary sector areas of expertise

Tri-partite system



Third Sector responses



Opportunities for the voluntary sector

- Secure funding regimes
- Access to infrastructure
- Partnerships
- Innovation
- Scaling up/mainstreaming of innovative approaches

Voluntary Sector concerns

- Uncertainty
- Survival
- Competition with the private sector
- 'Bid candy'
- Take-overs/amalgamations
- Loss of flexibility and autonomy
- Mission-drift
- Capture
- Providing evidence of success

Potential outcomes

- Better organised and more responsive services
- Improved quality of services where required
- Fragmentation of the sector
- 'Turf' wars
- Lack of trust/exchange between organisations
- Blurring of boundaries between statutory/voluntary/private sectors
- Increased tensions between reform/advocacy functions and service provision
- Much of the voluntary sector continues as before?

Potential pitfalls

- Risks – financial and operational
- Engaging volunteers
- Fail to work with minority populations and hard to reach groups
- Evidence of success
- In kind contributions withdrawn
- Move from 'doing good' to 'doing well' (Tonkiss and Passey;1999)
- Voluntary sector organisations become akin to statutory/private sector
 - How different are they?

Blurring boundaries or humanising criminal justice?

- At its essence, punishment is both a moral and a public issue because it involves deprivation or suffering imposed by law, administered by public representatives, without the consent of the person being punished (Logie, INCITE, 1(2) May 1999).
- Punishment of criminal offenders was never a monopolised function of the state. The involvement of religious and other non-profit agencies in correctional tasks has long historical roots. Some call the present drive a mere effort to *re-privatise* punishment (Chan, 1994: 39-40; emphasis in the original).
- '... supplementing, complementing and extending informal and statutory arrangements but also sometimes meeting new needs and using different approaches (Poole 2007: 236).

Penal drift: 'be careful what you ask for'?

1. Failure to secure accreditation for programmes because their approaches were deemed to conflict with approaches favoured by the Prison Service/National Offender Management Service
2. Person-centred methods and practices have to be rendered compatible with 'risk assessment' exercises and security priorities (introducing restrictive practices)
3. Governments highly selective in approving 'spokespersons' and excluding critics.
4. Difficult to campaign against a partner or funder
5. Contractors are obliged to undertake punitive and coercive roles as well as the 'nice work'

Benefits and limitations of the volunteer contribution

- Whose 'community', whose 'justice'?
- Motivations of citizens – social solidarity in the midst of moral panic about crime?
- 'The assertion of the necessity of "community" involvement in efforts to address such problem as crime is not a straightforward one' (Herbert, 2006: 5)
- Volunteering is offered as a panacea to complex needs/problems
- Volunteering claimed to be universally beneficial for all participants (volunteers and clients)
- Too little attention paid to potentially harmful or adverse affects
- Who bears the risks and costs of a 'free' or 'troublefree' workforce?

Volunteering by offenders: views from prisons, community-based partnerships

- Unique challenges which revolve around constraints on offenders as volunteers because of their status as probationers and prisoners
- Benefits of peer-to-peer work: trust; recognition; identity; bridge-building. Tracking autobiographical journey from client to volunteer to staff and beyond...
- Challenges: **the prison environment is the crucial distinguishing factor:**
 - Listeners share the closed environment of the prison with their clients?
 - Mentors are under constant demand, and cannot 'step out of the role'.
 - Listeners face suspicion of being 'grasses' from peers and have to depend on the good will of staff to discharge their role.
 - There is no private places for confidential discussions.
 - Listeners face burnout and exploitation.
 - Many programmes have no exit strategy protocols for offender-volunteers who wish to stop volunteering.

Conclusions

- Direct participation by volunteers supports the work of the police, the courts, prisons and the probation service and facilitates cultural change in criminal justice institutions by challenging them to become more publicly representative and accountable
- TSOs are challenged by the pull towards 'penal drift' where they are likely to be obliged to participate directly or indirectly in imposing sanctions (carrying out court orders; reporting breaches for non-engagement; information exchange pertinent to sentence supervision).
- A balance is needed between the service delivery roles required of TSOs and the values of engagement, trust and social cohesion arising from volunteering.
- TSOs believe that maintaining their distinctive values and standpoints are indispensable to contributing to penal reform and, indeed, gives them a singular level of legitimacy.
- Voluntary sector involvement in criminal justice is a complex social activity that cannot be straightforwardly treated as an extension of state functions of crime control or the management of security.