

BEYOND BARS: MAXIMISING THE VOLUNTARY SECTOR'S CONTRIBUTION IN CRIMINAL JUSTICE



Executive summary
Grace Wyld, James Noble
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We have a window of opportunity for cultural change in the criminal justice system. Prisons are under pressure, reoffending rates remain high, and charities are struggling to access service users in need. Meanwhile, government have proposed a new policy agenda that puts rehabilitation at the heart of prisons' purpose. The crucial question is: how will they achieve it?

The voluntary sector's contribution to criminal justice matters now more than ever. The system relies on the work charities do daily to reduce crime and rehabilitate offenders. But criminal justice charities are not adequately supported to fulfil their role in prison and probation reform. We risk losing a valuable resource to society; it cannot be taken for granted that charities will always be there to pick up the slack.

About this research

At NPC we are interested in how the public sector and voluntary sector work alongside one another, and this is our most recent exploration of the boundaries between the two.

We conducted 20 in-depth interviews with stakeholders from across the voluntary, public and academic sectors, which we analysed and tested against an expert roundtable. Conducting extensive desk research, visiting HMP Pentonville with the charity User Voice, and attending the annual conferences of Clinks and The Centre for Crime and Justice Studies supplemented our research. We are grateful to those who contributed, especially to Clinks for their input and feedback.

KEY FINDINGS

Charities make a unique contribution to the criminal justice sector

Charities working in criminal justice form a **unique central relationship with service users**, which is vital to their work. This is possible partly through their **independence from the state** and from prison, which is one of their strongest **assets**—alongside their volunteers, their community links and their ability to cross-cut different service user needs. As a result their work is often **local, long term and preventative in scope**. Through all of this, charities **listen to and amplify the voices of people involved in criminal justice**: offenders, their families, victims and their communities.



Criminal justice charities face many challenges

A primary challenge for charities working in the criminal justice space today is that they struggle to access service users in need. Prisons are often too understaffed for officers to be able to unlock prisoners from their cells. Purposeful activity in prison is at the lowest levels inspectors have ever recorded.

We have identified 8 priority concerns:

1. The funding environment has changed	There has been a drop in traditional grants whilst contract funding has increased in popularity. Charities are often having to subsidise contracts by other means because the contract does not fully cover costs.
2. Transforming Rehabilitation (TR) has altered the commissioning landscape	The reorganisation of probation into large contracts with a payment by results element has led to: grass roots organisations ' <i>being exploited</i> ' by providers; independent funders growing cautious; and discouragement from working with the hardest to help. ' <i>I'm not sure if TR is the Titanic or the iceberg, but it's one of the two</i> ' said one interviewee.
3. Charities risk drifting from their mission	Some charities will ' <i>bid for anything to stay afloat</i> ', moving away from their stated mission in order to receive funding.
4. Fewer charities appear to be campaigning	The space for speaking truth to power is shrinking. Campaigning has been ' <i>the first thing cut in many organisations</i> '. Some funders are resistant to campaigning and as a result only a handful of voices dominate the debate.
5. It is unclear how charities can innovate	Drive for innovation for innovations sake can be damaging for charities where there is evidence of what works. But charities could be more innovative in existing delivery by, for example: co-designing interventions with prison residents and officers for greater sustainability and impact; and engaging with the devolution agenda.
6. Collaboration is limited	A culture of collaboration is limited across the wider voluntary sector. But competitive commissioning has not helped collaboration: charities are resistant where it implies 'bid candy' for a partnership contract, or cost-cutting through an acquisition.
7. Service user involvement is not yet the norm	Mobilising social capital and creating a sense of involvement in society are important intermediate outcomes for desistance from crime. There is a desire to do this better, but it is not currently commonplace.
8. The sector is not evidence-driven enough	Many charities are unwilling to test themselves. Meanwhile, there is competitive pressure that incentivises charities to use evidence to justify themselves rather than to learn. We would like to see: fewer, but higher-quality and more collaborative evaluations; commissioners and funders choosing services on the basis of evidence; and an open culture of publishing findings and learning from one another's work.

KEY MESSAGES

How funders can do better

Provide more core funding, which is particularly vital in the criminal justice sector because of a lack of public fundraising. It enables a charity to: pursue policy objectives for reform; build crucial relationships with prison staff; safeguard an institutional memory of ‘what works’; collaborate and merge if necessary; and bid for contracts.

Don’t be put off by changes in public sector commissioning. Some funders have been reluctant to fund the criminal justice sector because of changes in public sector commissioning, not wanting to subsidise either the state or private sector profits. But government provision in criminal justice is not extensive or adequate enough to meet service user needs. Withdrawing or withholding support could have a devastating effect on beneficiaries.

Recognise that desistance from crime takes a long time, and factor in intermediate outcomes—in line with desistance theory—into evaluations. Invest in evaluation and encourage a culture of learning.

Collaborate with other funders for greater impact. Funders are part of an ecosystem and working together could have significantly greater impact than working in siloes.

There are numerous ways for independent funders to support individuals at different stages of the criminal justice system

	Policing	Courts	Prison	Resettlement	Community
Why fund this area?	<p>Strong evidence-base for early intervention</p> <p>Currently very little VSO activity in policing</p> <p>Opportunities to collaborate with PCCs</p>	<p>Ability to influence the treatment of individuals in the courts system</p>	<p>Custody provides a crucial time period to impact upon an individual’s life.</p> <p>Charities do this through: Education and training Mental health Sports Arts Restorative justice Family ties</p>	<p>This is when individuals are most likely to reoffend, so potential impact is high.</p> <p>On leaving prison, charities support ex-offenders on topics such as: Housing Employment Education and training Re-integration with family and friends Support for family and friends Integration into the community</p>	
Funding tip	<p>Prevention needs substantial investment in pilots and in long term, robust evaluations.</p>		<p>Fund variety: service users have often been ‘turned off’ by multiple things. It could be something very niche that ‘turns them back on’.</p> <p>Be aware that accessing prisons can be practically challenging.</p>	<p>There is great value in small, local charities. It is these organisations that have been cut out from the TR commissioning process. The risk of subsidising the state or private sector here can be reduced. And the drive for devolution and localism offers opportunities.</p>	

How government and commissioners can do better

Though the Secretary of State for Justice, Rt Hon Liz Truss MP, opens her White Paper *Prison safety and reform* (2016) by quoting 18th century reformer Elizabeth Fry, the words ‘voluntary sector,’ ‘charity’ and ‘third sector’ appear not once in the 61 page, 27,765 word report. The relationship between charities and government needs recalibrating and rebuilding. We think government and commissioners need to:

Improve charities’ access to prisons. Give greater clarity on governor empowerment and how you expect charities to be involved. Collect and publish data on which charities are working in which prisons nationally.

Consult and involve the charity sector more and better. Recognise how much VSOs sustain and improve the system. It cannot be assumed that charities and volunteers will always be there to be tapped.

Provide transparency on Transforming Rehabilitation (TR) contracts and support engagement with the voluntary sector. We support the recent recommendations made by Track TR—in their 2016 report *Change and challenge: The voluntary sector's role in Transforming Rehabilitation*—such as monitoring the quality and supporting the sustainability of services.

Level the procurement playing field so that small, local organisations with potentially specialist knowledge are engaged in the process early and co-design the service.

Pay the full price: Do not expect charities to use independent funding to subsidise government contracts.

Recognise that desistance takes a long time and will often include reoffending: 'Softer', intermediate outcomes should be included in measurement and payment mechanisms, as well as focusing on *contribution* towards outcomes, not just attribution.

How charities can do better

'Stop self censoring. Prisons are falling apart—now is the time to be critical.'

Stay loyal to your mission and maintain quality by not bidding for ill fitting contracts that contradict your charity's aims. When bidding for contracts do not use independent funding to subsidise your offer. In the long term we want commissioners to be paying the right price.

Engage with devolution plans as early as possible. Though the devolution agenda is in its infancy we have seen appetite from many Police and Crime Commissioners to deliver charity-led programmes. When there is greater clarity around governor empowerment there is likely to be space to engage in a similar way in prisons.

Speak up louder against systems that are disadvantaging service users and join forces around collective messages. Charities should appreciate the importance of presenting themselves as concisely and coherently as possible to government.

Involve service users in every stage of your activities and your impact practice.

Collaborate more with other organisations where it is in the best interests of your service users.

Use a variety of research tools to understand and learn about your organisation's impact on intermediate outcomes. Make changes and improve based on these findings.

There's more to be done

NPC are interested in undertaking more research in this area. This could include: helping prison governors to co-design new accountability measures for rehabilitation; developing case studies of good practice; aggregating and analysing data on the charity sector's criminal justice activity across the country; creating collaborations between governors, prison officers and charities to co-design sustainable models for rehabilitative culture change.

Read the full report at www.thinknpc.org/publications/beyond-bars. If you would like to discuss this research, or any future work with us, do get in touch via info@thinkNPC.org.

NPC is a think tank and consultancy dedicated to helping charities and funders achieve the greatest impact possible from our unique position in the charity sector

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