




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

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At NPC we are interested in how the public sector and voluntary sector work alongside one another. We have previously published reports on the role of the voluntary sector in [health](#) and [education](#). This research into the criminal justice sector is our most recent exploration of the boundaries between the state and the voluntary sector.

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# **THE NEED FOR THIS RESEARCH**

# We have a window of opportunity for cultural change in the criminal justice system

Prisons are under pressure, with the highest rates of suicide since records began<sup>1</sup>, epidemic use of New Psychoactive Substances ('Spice'), high profile prison escapes, and riots in multiple prisons across the UK. Prison governors, officers and residents are saying that prisons are not currently safe.

There is consensus on the need for prison reform across the political spectrum and momentum towards making it happen. The government's policy agenda now puts rehabilitation at the heart of prison services. But the crucial question is: how will they achieve it?

**We believe that the charity sector is part of the answer to reforming the prison and probation system, but is not being put to its full potential.** Charities need supporting and marshalling, or else we are at risk of losing an incredibly valuable resource to society. It cannot be taken for granted that charities and their volunteers will always be there to pick up the slack.

During this research we conducted interviews and a roundtable with charities, funders, government, and experts on the topic (see slide 13 for more on the research methodology). We quote from this research in purple throughout this report. Most of the quotes are anonymised.

<sup>1</sup> ['Prison suicides rise to record level in England and Wales'](#) in BBC News, Jan 2017

# Prisons are under pressure

*'Would you be happy, as a governor, to have your child in this prison? We want prisoners to grow as people—it's not enough to be clean and safe.'*

**Former governor**

**Prisons are overcrowded and not fit for purpose, with reoffending rates stubbornly high.**

The prison population of England and Wales on 3 March 2017 was 85,442, just 1,307 away from its useable operational capacity.<sup>1</sup> Prisons have been overcrowded every year since 1994, with around 20,000 prisoners sharing rooms designed for fewer occupants.<sup>2</sup>

**119 suicides in prison** in 2016—the highest rate since records began in 1978.<sup>3</sup>

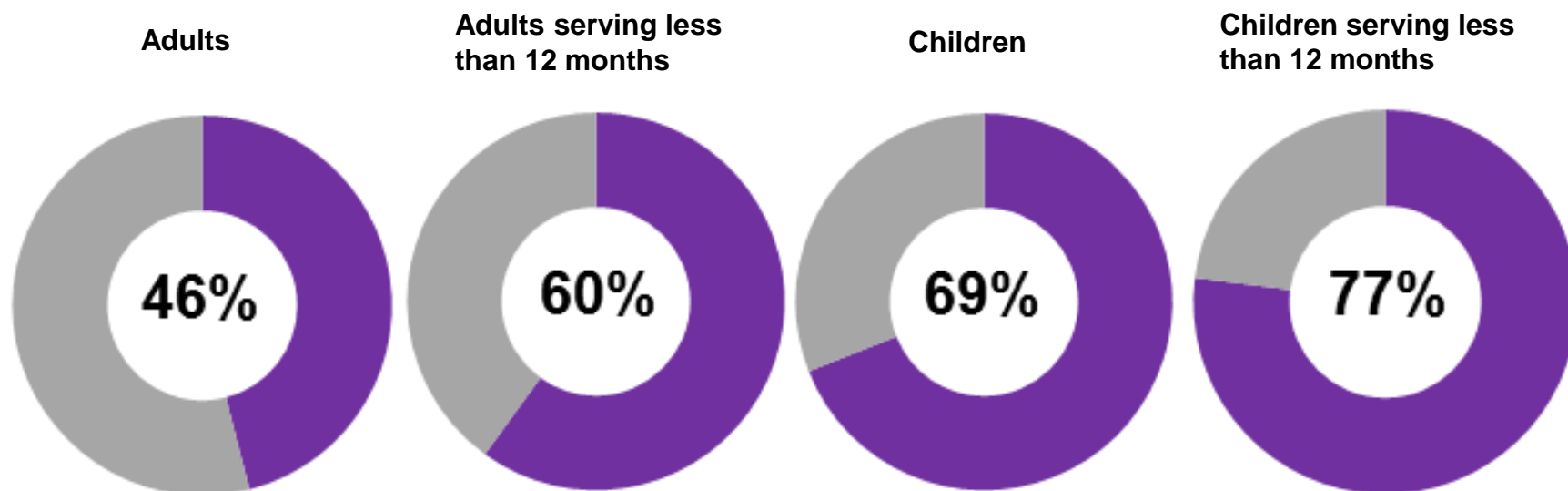
**Serious assaults in prison** have more than doubled in three years.<sup>4</sup>

**Spice use in prison is at 'epidemic levels'**. Seizures of the substance in prisons in England and Wales rose from 15 in 2010 to an estimated 737 in 2014, and Spice related deaths reached 39 in May 2016.<sup>5</sup>

<sup>1</sup> Ministry of Justice (2017) [Prison population figures: 2017](#). <sup>2</sup> Prison Reform Trust (2016) [Bromley Briefings Summer 2016](#), p.5, p.14. <sup>3</sup> ['Prison suicides rise to record level in England and Wales'](#) in BBC News, Jan 2017. <sup>4</sup> Prison Reform Trust (2016) [Bromley Briefings Summer 2016](#), p.2. <sup>5</sup> User Voice (May 2016) [Spice: The bird killer](#).

# Reoffending rates remain high

Figure 1: Reoffending rates in England and Wales, July 2013 to June 2014<sup>1</sup>



<sup>1</sup> Prison Reform Trust (2016) [Bromley Briefings Summer 2016](#), p.44

# Charities are struggling to access service users in need

Because of funding pressures, a lack of incentive or a lack of motivation, **some governors do not engage at all with charities**. This is a major barrier to charities being able to help people move away from crime before they re-enter the community.

**It is increasingly challenging and dangerous to deliver impact in prison**, partly because charities are not protected by a safety net in the same way that prison officers are. Prison officers are often unable or unwilling to unlock prisoners from their cells.

Governors should be equipped, coordinated and funded to get the most from the voluntary sector. We cannot assume this will happen by itself.<sup>1</sup>

<sup>1</sup> [The New Futures Network](#), currently in development, could play a role in brokering this relationship between government, governors, and charities

# The new policy agenda means prisons have a duty to rehabilitate

Under the current Secretary of State for Justice Rt Hon Liz Truss MP's proposed reforms, prison governors will have greater accountability for rehabilitation. The [Prison and Courts Bill](#)—which was published in February 2017 and passed its second reading in the house of commons in March 2017—proposes that the Secretary of State should have a [statutory duty to rehabilitate](#), which will filter down to new [three year accountability measures for prison governors](#).

Measurement of these expected outcomes should be co-designed with charities who, between them, have a wealth of experience rehabilitating offenders.

*'If the governor knows that the bottom line that will get the Secretary of State on the phone and be career limiting is something other than rehabilitation, then whatever you've written in the accountability measures isn't really going to drive behaviours.'*

In other recent policy changes to the criminal justice system, the National Offender Management Service (NOMS) has been restructured and renamed as **Her Majesty's Prison and Probation Service (HMPPS)**. All policy and commissioning will move from NOMS to the Ministry of Justice (MOJ). It is currently unclear how this sits with the plan to give governors more control of budgets and accountability for outcomes.



## ...and charities have centuries of expertise to offer

### **The charity sector in criminal justice is as old as the modern penal system itself**

Since philanthropists campaigned for the end of corporal punishment in the 18<sup>th</sup> century, the charity sector has been ceaselessly pursuing reform to the justice system. It is the charity sector that campaigned for the probation service, prison visiting schemes, prisoner mentoring and independent inspections of prisons.<sup>1</sup> Charities have been a systems changer and advocate for a group of people that remains at society's margins.

**Today, charities are at the forefront of work to rehabilitate offenders, reduce reoffending and reduce crime.**

<sup>1</sup>For further reading, see Tomczak, P. (2016) *The penal voluntary sector*, and Fox, A. (2016) '[Liz Truss must turn to the voluntary sector if she wants to reform prison](#),' The Guardian.

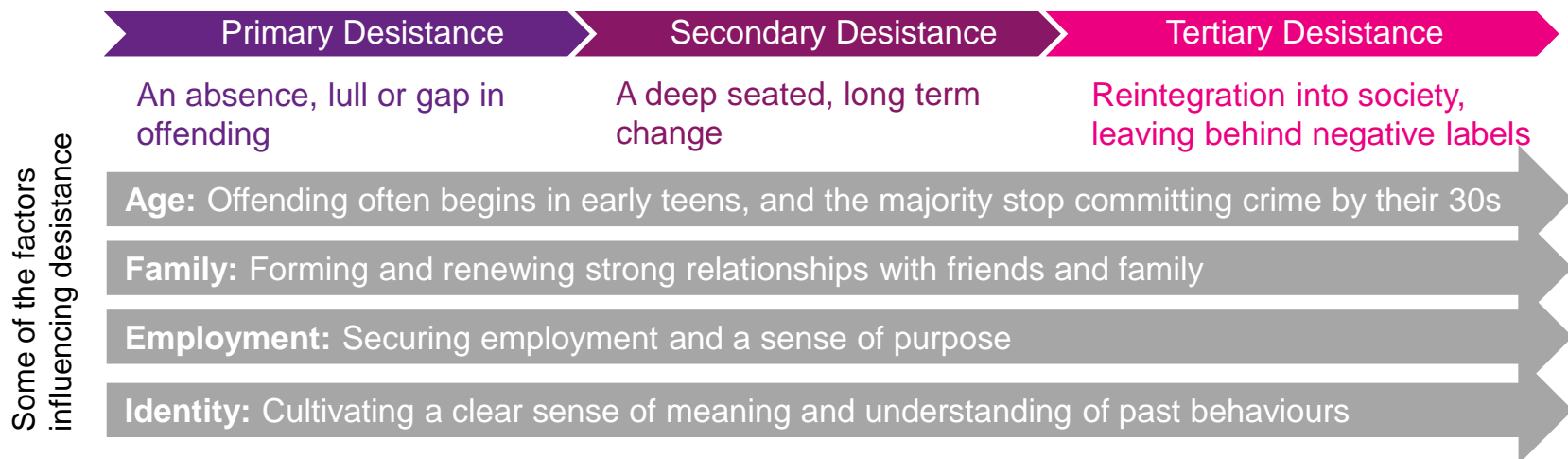
# Charities are well practised in rehabilitation

The voluntary sector has designed and delivered person-centred, long-term approaches to support individuals' rehabilitation. In other words, they work in line with desistance theory.

**Desistance theory** has been a significant focus in criminology in recent years. It is an evidence-based practice that focuses less on just finding out *what* works, and increasingly on *how* change happens. It also recognises that rehabilitation takes a long time, that it is important to work towards—and measure—intermediate, 'soft' outcomes.<sup>1</sup> *[Desistance] is a highly individualised, long term process that stretches beyond the prison walls, and will often involve someone re-lapsing before they stop reoffending altogether.*<sup>2</sup>

Desistance theory should inform government's design of governor accountability measures.

Figure 2: Desistance theory, adapted from Clinks (2016) *The rehabilitative prison*



<sup>1</sup>Clinks (2013) [Introducing desistance: A guide for VSCE sector organisations](#). <sup>2</sup>Clinks and RR3 (2016) [Prison reform and the voluntary sector](#), p.1

## But the government has been slow to recognise what charities can contribute

Despite the reform agenda, government have expressed little interest in the charity sector

The current Secretary of State for Justice, Rt Hon Liz Truss MP, opens her White Paper *Prison, safety and reform* (2016) by quoting 18<sup>th</sup> century reformer Elizabeth Fry. But the words 'voluntary sector,' 'charity' and 'third sector' appear not once in the 61 page 27,765 word report.

With rapid turnover in politics, *'across the board government has become much less knowledgeable about its own history'* and the charity sector's role has been under acknowledged.

Similarly, while the government has made commitments to improving mental health provision in the UK, this has not extended sufficiently to the criminal justice system. 21% of men and 46% of women have attempted suicide before going into custody.<sup>1</sup>

<sup>1</sup>See the Prison Reform Trust website: [www.prisonreformtrust.org.uk/projectsresearch/mentalhealth](http://www.prisonreformtrust.org.uk/projectsresearch/mentalhealth)

## So how can we make the most of what criminal justice charities have to offer?

In the following pages, we explore further the key contributions that charities make in the criminal justice space, drawing on our research.

We outline the challenges that these organisations face in aiding rehabilitation and reducing reoffending.

We then make suggestions to funders, government and commissioners, and charities themselves for how the voluntary sector's assets can be maximised in criminal justice.

For a glossary of the key terms used in this report, please see appendix 1.

# METHODOLOGY AND SCOPE

## **We began this research with key three questions:**

1. What is the added value of charities in criminal justice?
2. What does the current contribution of the charity sector look like, and why?
3. What should charities, funders, philanthropists and government do to improve the impact of the sector?

## **Our methodology included:**

- Desk research and a literature review, including attending the annual conferences of Clinks and The Centre for Crime and Justice Studies, and a visit to HMP Pentonville with the charity User Voice.
- In-depth interviews with 20 key stakeholders.
- An expert roundtable to test initial findings.

## **This report has a specific scope**

Here we talk about charities operating in prison and in the community (both probation and policing). We do not cover overseas criminals, victim support or court processes.

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**THE VALUE CHARITIES  
BRING TO CRIMINAL  
JUSTICE**

# THE SHAPE AND SIZE OF THE SECTOR

The 2010 National Survey of Charities and Social Enterprises (NSCSE) estimated there are 1,475 charities, social enterprises and voluntary organisations in England whose main clients are offenders, ex-offenders and their families.

**As many as 13,596 voluntary organisations work in some way with offenders as part of their wider remit.<sup>1</sup>**

There is huge variety in the sector's size, scope and reach. Charities in the sector vary in relation to their:

- size and income;
- diversity of income;
- business model;
- whether the organisation delivers frontline services;
- whether the organisation campaigns; and
- whether the organisation has political or faith alignments.

The lines between charitable, public and private sector delivery are increasingly blurred and charities have expressed that the idea of a unified charity sector in criminal justice is in many ways no longer helpful.

*'The notion of a sector is falling apart. It is being deconstructed around us, by us, and with us.'*

<sup>1</sup>Cabinet Office, Office for Civil Society (2010) *National survey of charities and social enterprises*. Accessed via Clinks (2014) [Renewing our bond with the third sector](#).

# The single largest percentage of criminal justice charities are small and local



## Small

Local and grass roots

Often service delivery

Less than 10 members of staff

Often reliant on volunteers

51% of the charities whose main clients are offenders, ex-offenders and their families have an annual income of less than £150,000.<sup>1</sup> 61% carry out their activities at county council level or smaller.

## Medium

Increasingly delivering services on public sector contracts

Many are withdrawing from campaigning and advocacy

## Large

Delivering multi million pound contracts

Turnover reinvested into the sector

Often known as 'social businesses', including those that no longer identify as charities

Large organisations in the sector such as Catch-22 and Change, Grow, Live are a minority. Just 4% of organisations working with offenders, ex-offenders and their families have over 100 members of staff. Only 21% operate nationwide.<sup>2</sup>

<sup>1</sup> Centre for Social Justice (2013) *The new probation landscape: Why the voluntary sector matters if we are going to reduce reoffending*; <sup>2</sup> Van Vliet, A., Noble, J. (2015) *Under the microscope*. New Philanthropy Capital.



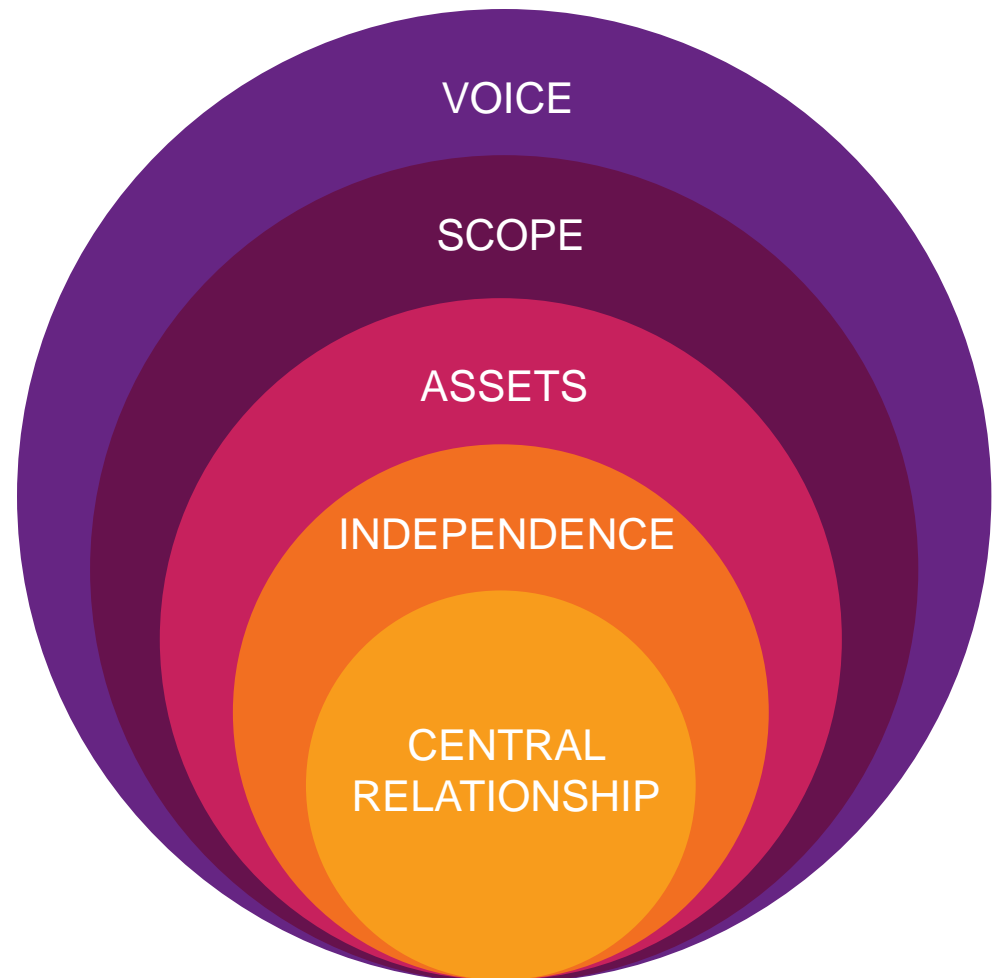
# CHARITIES MAKE A UNIQUE CONTRIBUTION TO THE CRIMINAL JUSTICE SECTOR

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 the 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.



# Central relationship

Trustworthy

Because the voluntary sector is independent from the justice system, it is in a unique and valuable position to build trusting relationships with offenders—which is integral to desistance. Service users are often *‘difficult to engage...with legitimate grounds’*, and mistrust can be deep-rooted.<sup>1</sup> Charities are well placed to overcome this. *‘People respond strongly to someone who is spending time with them because they want to—when sometimes everyone else in their life is being paid to be there.’*<sup>2</sup>

Inclusive

The criminal justice system is, *‘by its nature, an exclusionary set of institutions.’* Charities re-include the individual into society and can help them create positive ‘pro social’ connections—both in prison and upon release.

Person-centred

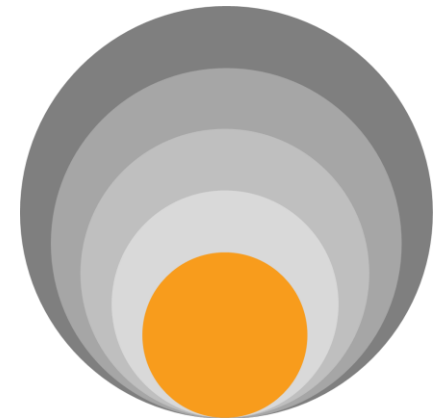
Charities serve the individual’s needs. Being given a chance beyond the mechanisms of the state can have a significant impact on someone's desistance.

Build belief

Being person-centred means working to build in the individual a sense of belief and hope about their future beyond release.

Offer choice

Charities offer options. There is no ‘silver bullet’ to reducing reoffending. Activity that engages one person will not be the same one that engages another.



<sup>1</sup>For instance, children in care are 6 times more likely to be cautioned or convicted of an offence than other children. 61% of children in care are looked after the state due to abuse or neglect. Prison Reform Trust (2016) *In care out of trouble*; <sup>2</sup>Joyce, M. (2006) ‘Throwing away the key? The historical and modern context of charities working in the criminal justice system’ in *Returning to its roots? A new role for the third sector in probation*, N. Tarry ed. The Social market Foundation, p.31.

# Independence

## Neutral

In theory, independence from government means that charities can be '*a neutral, supporting party,*' and can maintain their activities regardless of political change.

## Critical

The charity sector holds government to account for gaps in policy and service provision in the best interests of their service users and victims of crime.

## Innovative

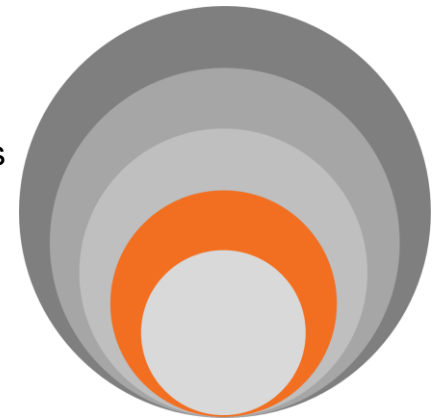
Charities have room to pilot innovative, evidence-based interventions while statutory services may be less able to take such risks.

## Meet demand

Charities can be '*nimble to meet potentially critical demand*'. Clinks found that 53% of charities have developed and delivered new services in the last year to respond to changing service user needs.<sup>1</sup>

## Memory bank

There are few systems to accumulate and use knowledge, with rapid turnover of politicians and officials. The voluntary sector can bring continuity and experience.



<sup>1</sup> Clinks (2016) *The state of the sector*. p.19, n=66.

# Assets

## Volunteer capacity

VSOs add capacity to the criminal justice system—for example in terms of volunteer hours, and the enthusiasm and commitment of their trustees. Mentoring can have a significant ‘double-beneficiary’ impact.<sup>1</sup>

## Cross sector

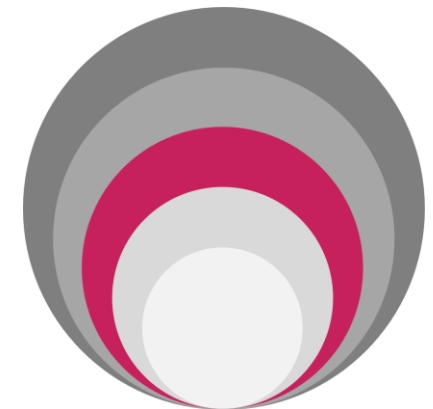
People in the justice system have multiple needs. Charities can work across the ‘seven pathways’ for resettling offenders: housing; education, training and employment; health; drugs and alcohol; finance, benefits and debt; children and families; and attitudes, thinking and behaviour.<sup>2</sup>

## Community links

Charities harness community assets through volunteering and fundraising, as well as by changing public perceptions of crime through campaigning and advocacy.

## Mission

Led by their mission and not driven by financial gain, charities are accountable to their deeds as registered with the Charity Commission, and to their board of trustees.



<sup>1</sup> Clinks (2016) [Valuing volunteers in prison](#). <sup>2</sup> Gojkovic, D., Mills, A. Meek, R (2011) [Scoping the involvement of third sector organisations in the seven resettlement pathways for offenders](#). Third Sector Research Centre (Working Paper 57).

# Scope

## Local

61% of voluntary sector organisations (VSOs) working with offenders, ex-offenders and their families are doing so at a local level. They provide *'locally based response[s] to local needs.'*<sup>1</sup>

## Provide vital services

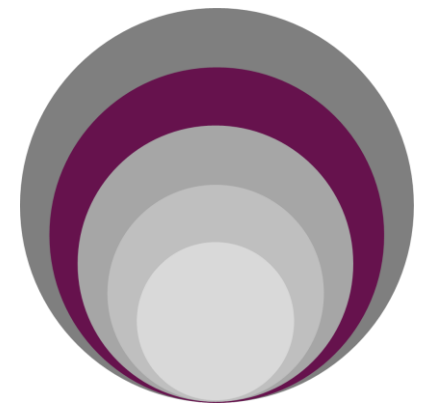
Charities add capacity providing a range of services *'that would not otherwise exist.'*<sup>2</sup> For example, *'the single largest suicide prevention scheme in prisons is provided by the charity sector—by listener schemes like the Samaritans.'*

## Long-term

Charities make a commitment to individuals, regardless of how quickly they make progress. *'Charities are there as long as it takes.'*

## Preventative

Some charities have an emphasis on prevention through education, mental health, and diversion schemes. Though most VSOs' work in the criminal justice sector is around prison and probation, there are a handful working around policing and courts.



<sup>1</sup> The Centre for Social Justice (2013) *The new probation landscape: Why the voluntary sector matters if we are going to reduce reoffending.* <sup>2</sup> Martin, C., Frazer, M., Cumbo, E., Hayes, C., O'Donoghue, k., (2015), 'Paved with good intentions: The way ahead for voluntary, community and social enterprise sector organisations,' in *The Voluntary Sector in Criminal Justice*, Hucklesby, A., Corcoran, M. ed.

# Voice

*'Prison's legacy for me... was alienation from the outside world and an inability to communicate.'*

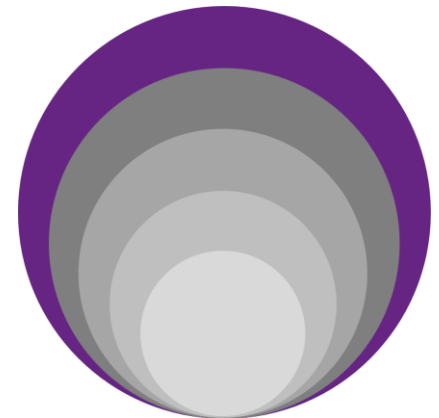
Carl Cattermole, [HM Prison Service: A survival guide](#).

User voice involvement is an intervention itself. Desisting from crime involves feeling part of society rather than transgressing from it: *'There is an "us versus them" mentality in criminal justice. Society is frustrated with people committing crimes, for costing money and at the same time, those people involved in crime are saying they don't feel part of society. You can't reduce crime without healing and bringing together this division.'*<sup>1</sup>

**Charities see prisons from a prisoner's perspective**, helping them to navigate the system, advocating for them and calling to account the failures of the system that prisoners themselves have identified.

Examples of user voice involvement include: mentoring and peer support; prison councils; involving users at all levels of a charities impact practice<sup>2</sup>; services delivered by community led organisations; improving communication and trust between prisoners and prison staff; and restorative justice programmes.

**Charities also support the voices of victims** through restorative justice, which has been shown by MOJ to reduce the frequency of reoffending and give victims a voice, closure and forgiveness.<sup>3</sup>



<sup>1</sup> From User Voice website: <http://www.uservoice.org/our-story/> <sup>2</sup> See Curvers, S., Hestbaek, C., Lumley, T. (2016) [User voice: Putting people at the heart of impact practice](#). New Philanthropy Capital, for a guide to integrating user voice into charities' impact practice. <sup>3</sup> See the Restorative Justice Council website: [www.restorativejustice.org.uk/resources/moj-evaluation-restorative-justice](http://www.restorativejustice.org.uk/resources/moj-evaluation-restorative-justice)

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# **THE CHALLENGES CHARITIES FACE**

# CRIMINAL JUSTICE CHARITIES FACE SEVERAL UNIQUE 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 are at the lowest levels inspectors have ever recorded.<sup>1</sup>

In addition to this, we have identified 8 priority concerns:

|   |  |   |   |
|---|--|---|---|
| 1. The funding environment has changed      | 2. Transforming Rehabilitation has altered the commissioning landscape | 3. Charities risk drifting from their mission   | 4. Fewer charities appear to be campaigning |
| 5. It is unclear how charities can innovate | 6. Collaboration is limited  | 7. Service user involvement is not yet the norm | 8. The sector is not evidence-driven enough |

<sup>1</sup> Prison Reform Trust (2016) [Bromley Briefings Summer 2016](#), p.11.



# The funding environment has changed



**It is increasingly difficult for charities to access the funding they need in order to deliver impact.**

According to Clinks' 2016 *State of the sector* survey, 80% of charities have spent more time on income generation over the last financial year than previously.<sup>1</sup>

**There has always been a lack of public fundraising for criminal justice charities...**

Independent funding to the criminal justice sector comes predominantly through grant making trusts and foundations, because public fundraising is low. As a result, a large portion of funding in the sector is restricted to specific programmes.

**...and the government is increasingly funding through contracts instead of grants.**

Criminal justice charities rely mostly on government funding. Though grants are still the most common method, the number of grants has fallen and contracts have increased, similar to the rest of the charity sector.

<sup>1</sup> Clinks (2016) *State of the sector*, p 17

## ...affecting charities in various ways



Clinks have found that 77% of organisations are funded through contracts and most are unlikely to achieve ‘full cost recovery’ on the contracts they deliver, having to subsidise their work through other means. <sup>1</sup> Interviewees warned that this distorts the market, making it appear cheaper than it actually is. The frequency of re-commissioning can be destabilising for a charity too: *‘no sooner has the service been embedded and they’re going back out to re-commission’*.

Shifts by commissioners towards payment by results (PbR) for some charities has meant a severe cash flow crisis. PbR has also created a risk averse culture where charities stick to the tried and tested work that they know will guarantee payment, or work with service users more likely to achieve outcomes.

But Clinks also found that 83% of organisations have *not* been contracted to deliver services on a PbR model in the last year.<sup>2</sup> Other interviewees also urged against a fatalistic attitude to the current funding environment: *‘Yes the state has been more generous at times, and yes it is particularly bad now, but it doesn’t mean that all funding is gone.’*

<sup>1</sup> Clinks (2016) *The State of the sector*, p.7, (n=29 and n=10). Note that the sample size is very small; <sup>2</sup>Ibid. p.27, n=64

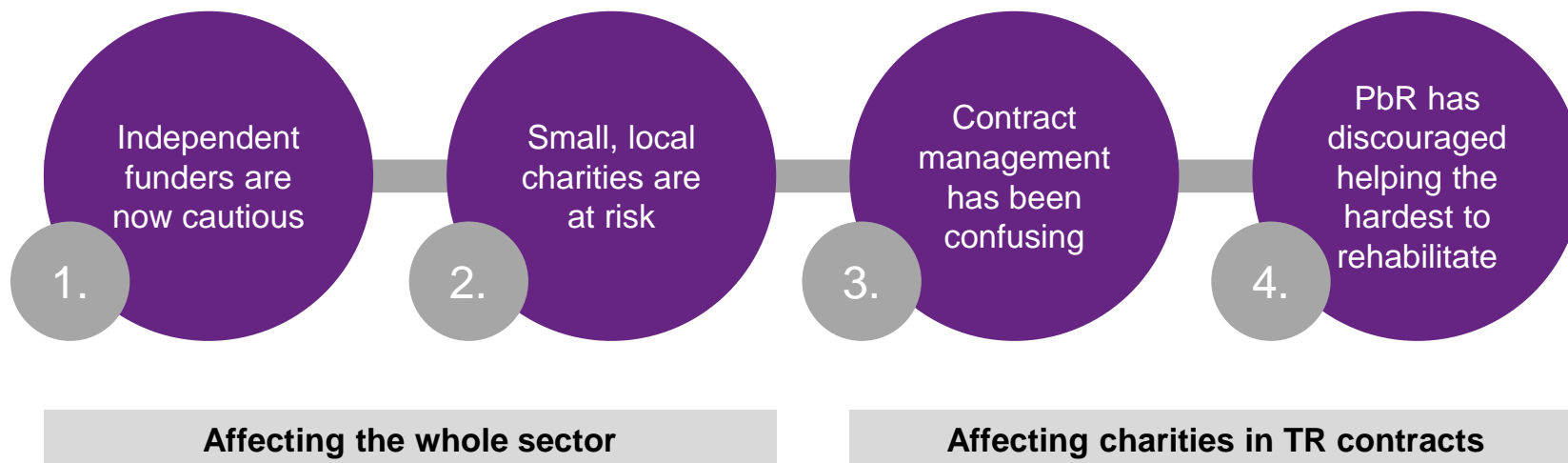
# Transforming Rehabilitation<sup>1</sup> has altered the commissioning landscape



*'I'm not sure if TR is the Titanic or the iceberg, but it is one of the two.'*

There has been very little transparency around Transforming Rehabilitation (TR), and there is uncertainty about its future.<sup>2</sup> Some established providers are finding it hard to continue. Both general and specialist sectors—such as women's services—have found contract design to be at odds with their practice.

Interviewees identified four main challenges posed to the voluntary sector by TR:



<sup>1</sup> See [Appendix 3](#) for an overview of Transforming Rehabilitation <sup>2</sup>Clinks, NCVO and TSRC have also found this in their work tracking TR: (2016) [Change & challenge: The voluntary sector's role in Transforming Rehabilitation](#)

## The four main challenges posed to the voluntary sector by TR

### 1. Independent funders are more cautious

Some grant making trusts and foundations have withdrawn funding from criminal justice out of concern about subsidising the state or contributing to private profits. Other funders have *'redirected their lens'* to other areas like homelessness or employment.

### 2. Small charities are at risk

Grass roots organisations feel they are *'being exploited'* by some TR providers. With services provided through TR thin on the ground and demand increasing, providers refer to local charities outside of the supply chain, who are not only not being paid for their services, but also risk losing other funding sources by engaging.

### 3. Contract management has been

**confusing:** *'Chaotic doesn't cover it.'* Many charity providers have pulled out over lack of clarity, which has cost them significant resource. *'It has been two years and some are only just signing contracts now.'* Others encountered the longstanding problem of being 'bid candy.' One charity we spoke to was named in 9 of 11 winning contracts bids but have never been approached to deliver a day's work.

### 4. PbR has discouraged helping the hardest to rehabilitate:

TR's payment by results approach risks disincentivising organisations from working with the hardest to rehabilitate. Though *'PbR should help innovate...in reality it creates a risk averse culture where charities stick to tried and tested work.'* One result of this is that TR does not adequately address disproportionate outcomes for BME communities.<sup>1</sup>

Affecting the whole sector

Affecting charities in TR contracts

<sup>1</sup> The Young Review (2014) [Improving outcomes for young black and/or Muslim men in the criminal justice system](#), p.27

# Charities risk drifting from their mission



Many charities' missions are about being person-centred, holistic and long-term (see section 1) but it is often a challenge to live up to this:

- Some charities will *'bid for anything to stay afloat'*, moving away from their stated mission in order to receive funding.
- Funding is reducing while demand is increasing. As a result, *'charities are having to raise the criteria to turn people away, which sits uncomfortably with trustee boards.'*
- Arrangement under TR contracts could mean having to deliver a 'penal function' by recording when service users do not show up for probation. This is at odds with the central relationship built on trust that is the focus of so much charitable work (slide 18). Many charities have decided not to get involved in TR for this reason.

*'Traditionally charities have stood apart because they don't deliver punishment. This is increasingly a real point of contention.'*

Mission drift is troubling, and puts charities' service users at risk. Though the funding environment has made it difficult for some charities to resist, good governance should prevent mission drift.

# Fewer charities appear to be campaigning



Though ‘*numerous*’<sup>1</sup> charities say they do policy related work, it seems that only a handful of voices dominate the debate. This is ‘*helping government to say, “we’re not hearing that from anyone else”*’ and allows them to not listen to concerns. It should be remembered that the first principle of the 2010 Compact between government and Civil Society Organisations (CSOs) is ‘*to respect and uphold the independence of CSOs, to deliver their mission, including their right to campaign, regardless of any relationship, financial or otherwise, which might exist.*’<sup>2</sup>

**So why aren’t as many charities campaigning at what could be a crucial time for reform?**

- The effect of government lobbying laws may have made organisations wary.<sup>3</sup>
- Some funders are resistant to advocacy work: ‘*It is deeply troubling to have heard funders not wanting to see anything with the word “campaigning” in it.*’
- Campaigning has been ‘*the first thing cut in many organisations*’, where demand for service delivery outweighs potential long term change.
- Campaigning voices should come from service users, or ‘experts by experience,’ so at least some of the charities campaigning need to have frontline experience.

Charities could collaborate on their campaigning to limit the expense. Frontline charities could share their expert understanding with larger campaigning charities (bearing in mind sensitivities involved.)

*‘While we focused on surviving, campaigning has been neglected. Now is an important time for us to move onto the campaigning on which we were set up to do.’*

<sup>1</sup> Tomczak, P. (2016) *The penal voluntary sector*. p.76. <sup>2</sup> HM Government (2010) *The Compact*. p.65 <sup>3</sup>See NCVO (2014) [Charities and the Lobbying Act](#); and, Boswell, K. “[An echo chamber of worry](#)”: How charities are responding to the Lobbying Act’ 4 February 2016, NPC blog.

# It is unclear how charities can innovate



## We should be careful not to fetishise innovation

There is already a lot of evidence of ‘what works’ in the sector and a demand for innovation by funders can be damaging: *‘It is well known what works in criminal justice, what changes is the political environment. Funders and charities still have an important role in putting forward the case time and time again for what works.’* And innovation may not be encouraged by PbR funding models: *‘If you design the wrong type of PbR model you don’t drive innovation, because innovation means you might go out of business.’*

...but there is a distinction between innovative programmes, and delivering programmes in an innovative way. Charities could do more of the latter.

When delivering programmes in prison, charities could be involved more fundamentally in co-designing interventions with prison residents and prison officers. Rather than delivering a programme and leaving, charities could incubate the skills and knowledge needed, shifting ownership into the hands of prison staff and residents. This would be an innovative and more sustainable way of building trust between prison officers and residents.

## Devolution could encourage innovation

Crime is local and its solutions often are too. Devolution offers great opportunities for collaboration between PCCs and charities. Charities should be clear with PCCs and governors about shared priorities and ways of collaborating to deliver better outcomes for those involved in crime and in the communities alike. Rather than waiting for a public consultation, they should proactively approach PCCs with ideas for collaboration while their ideas are in development.<sup>1</sup>

<sup>1</sup>Wyld, G., Murray, P. (2016) [How can charities maximise their impact by working with PCCs?](#) New Philanthropy Capital.

# Collaboration is limited



## Charities can better serve their beneficiaries by collaborating with other organisations

Charities will better deliver impact for their beneficiaries by identifying what they are best placed to deliver, and working with a network of other organisations who can deliver complementary services.

Collaboration with academics seldom goes further than one-off programme evaluations. There is more potential in sharing best practice around desistance theory and co-designing outcome measurement for voluntary sector programmes.

Merging, or engaging in deeper collaboration, could be a life-line for some organisations by, for example, saving on back office costs and case management systems. Merging can also be a positive way of continuing your mission with the greatest impact. Merging should be thought about proactively, rather than at the last minute.

## ...but competitive commissioning has not helped encouraged collaboration.

Many charities bid in collaboration for community rehabilitation company (CRC) contracts only to find themselves used as 'bid candy' to improve the strength of private sector provider bids.

Often, charities are encouraged to collaborate, but in order to save costs rather than to increase impact. And yet the cheaper option is not necessarily best value for money.

*'When funders say "collaborate", what they sometimes mean is allow an acquisition to cut costs...What they mean is, "do it cheaper".'*



# Service user involvement is not yet the norm



Service user involvement is particularly important in the criminal justice sector, where service users are often disillusioned with society or feel their voice isn't heard, and when minority communities are over represented in the system.<sup>1</sup> Helping individuals to feel part of something is key to desistance. But one interviewee noted that *'substance abuse and homelessness sectors have much more robust service user involvement'* than criminal justice organisations.

Creating an equal relationship could result in better and more honest feedback for impact measurement. This can be difficult to attain in an environment with an inherent power dynamic.

Another concern is that charities are too often labelling service users as 'someone with lived experience', tokenistically used as an example of impact, rather than regularly involving service users in the design and direction of the charities activities.

Co-producing services should be an equal relationship. Mentoring, for instance, should offer training opportunities and career progression. The Young Review also recommend that *'the role of service users should not be limited to that of volunteering as mentors.'*<sup>2</sup>

There is desire to do better by involving service users more, but the right funding is required.

*'The buyer-seller metaphor reinforces the idea that there are only two parties involved... the third party, "the offender" is the ultimate user of the service and they don't seem to feature in this transaction at all.'*

Clive Martin, Clinks, 2015

<sup>1</sup>13.1% of prisoners self identify as black, compared with 2.9% of the over 18 population, and though 2% of the population are Muslim men, they make up 13% of the custody population and 22% of the YOI population. Statistics from the Young Review and from Maslaha website: [www.maslaha.org](http://www.maslaha.org); <sup>2</sup>The Young Review (2014) *Improving outcomes for young black and/or Muslim men in the criminal justice system*, p.13, p.44

# The sector is not evidence-driven enough



Evidence helps us understand what kinds of services work in different circumstances, and to improve performance. But there are several things working against this in the criminal justice system, including:

- competitive pressure that incentivises charities to use evidence to justify themselves rather than to learn;
- unrealistic expectations about how definitive charities can be about impact, given the complexity of the challenges and limited resources for research; and
- charities' own unwillingness to test themselves, as evidenced by the low up-take of the [Justice Data Lab](#).

**We think an effective approach to evidence in criminal justice would involve<sup>1</sup>:**

- services based on good theories of change that reflect the latest academic evidence;
- fewer, but higher-quality and more collaborative evaluations, focused on learning something new rather than justifying the work of individual organisations or programmes;
- a common language of intermediate outcomes and measures to help organisations collect and analyse consistent data across different settings;
- routine use of the [Justice Data Lab](#) to better understand impact;
- commissioners and funders choosing services on the basis of evidence;
- an open culture of publishing findings and learning from one another's work; and
- routinely collecting and act on feedback from service users.

<sup>1</sup>See NPC's 2015 report [Under the microscope](#), based on our work with Clinks for more on this

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# **MESSAGES TO FUNDERS AND PHILANTHROPISTS**

# THE CASE FOR FUNDING CRIMINAL JUSTICE REMAINS STRONG

Trusts, foundations and philanthropist fund the criminal justice sector because there is a clearly identifiable beneficiary group, known solutions and tangible impact. The sector appeals on both an emotional and economic level, and at both ends of the political spectrum. Funders are also aware of how difficult public fundraising is for criminal justice charities.

## **Service users' needs are greater than ever**

People involved in the criminal justice system are at the sharp end of the UK's social problems. Funding criminal justice charities is one of the best ways to reach society's most vulnerable and marginalised.

## **Charities need resources**

Clinks' annual survey showed 50% of their members are not receiving core costs and 65% are using reserves—whilst demand is simultaneously increasing. The most vulnerable in society are falling through ever widening funding gaps.

## **Don't be put off by changes to public sector commissioning**

Some funders are uncomfortable with the possibility of subsidising the state, or funding work it should be doing. Now that private sector organisations have entered the market they are also concerned about indirectly contributing to private sector profits by contributing to the outcomes providers are paid to meet. We recognise that funders will want to be careful, but the charity sector has always plugged gaps in provision, holding government to account for those failures. And there are still ways to fund without subsidising either the state or the private sector...

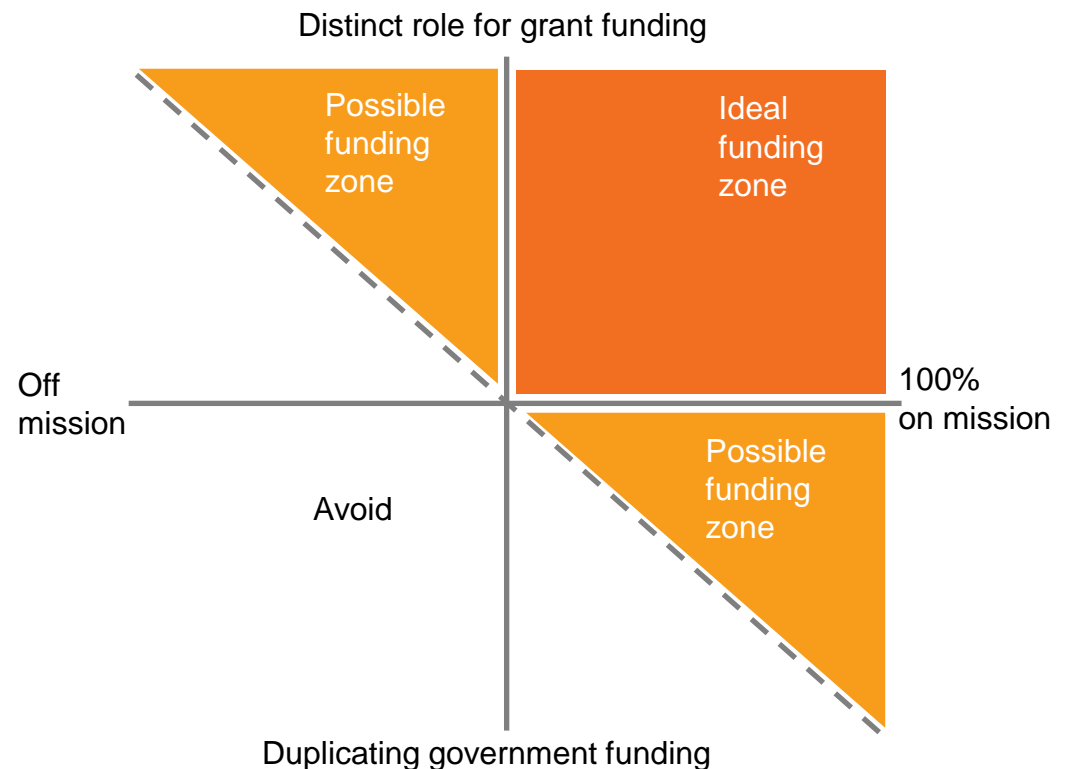
# IT IS POSSIBLE TO FUND THE SECTOR WITHOUT SUBSIDISING THE STATE

Figure 3: Framework to avoid subsidising the state

Government provision in criminal justice is not extensive or adequate enough to meet service user needs.

Independent funders may feel it is important to avoid duplicating statutory funding. However, this does not rule out funding areas that may overlap with government provision if it is in line with your mission, as the framework here suggests.

**Funders should not feel deterred by a risk of overlap. Withdrawing or withholding support could have a devastating effect on beneficiaries.**



# THERE ARE NUMEROUS WAYS TO SUPPORT INDIVIDUALS AT DIFFERENT STAGES

*The focus of this report*

|                     | 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:<br/>                     Education and training<br/>                     Mental health<br/>                     Sports<br/>                     Arts<br/>                     Restorative justice<br/>                     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 in areas such as:<br/>                     Housing<br/>                     Employment<br/>                     Education and training<br/>                     Re-integration with family and friends<br/>                     Support for family and friends<br/>                     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>   |           |

# MESSAGES TO FUNDERS AND PHILANTHROPISTS

1. **Don't be put off by changes in public sector commissioning.** Consider investing in small, local charities: these are not involved in delivering public services and are under threat.

*'When the value of local is really recognised, this loss will be seen as devastating.'*

2. **Core funding is vital in the criminal justice sector because of the lack of public fundraising. It enables a charity to do the following:**
  - **Talk about their work and their impact.** There is an opportunity for charities to pursue policy objectives for reform, which they may have been developing for years. There is a shrinking space for speaking truth to power and it needs to be funded.
  - **Build relationships with prison staff to reach service users in need.** Charities working in prison rely on building these relationships and need to be funded to do so.
  - **Safeguard an institutional memory of 'what works'.**
  - **Collaborate and merge if necessary.** Funders have a role to play in facilitating collaboration through both financial and non-financial support.
  - **Develop capacity and skills to bid for contracts.**
3. **Desistance from crime takes a long time. Factor this into evaluations.** Desistance theory recognises the intermediate outcomes in reduced reoffending. Invest in evaluations of these factors and encourage a culture of learning from evidence and data.
4. **Funders should collaborate for greater impact.** Funders are part of an ecosystem and working together could have significantly greater impact than working in siloes. Funders could also invest in co-ordinator roles that would support charities themselves to collaborate and share best practice.

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**MESSAGES TO  
GOVERNMENT AND  
COMMISSIONERS**



# MESSAGES TO GOVERNMENT AND COMMISSIONERS

*'It's really frustrating that we are still seen as "the care bear". Evidence [of charities' value-add] is absolutely available and impressive if you are ideologically driven enough to look for it.'*

## Improve the charity sector's access to prisons

- **Give greater clarity on the agenda to empower governors and how you expect charities to be involved.** Consider how it fits with the restructuring of NOMS to HMPPS, now that commissioning sits within MOJ.
- **Collect and publish data** on which charities are working in which prisons across the country.

## Consult and involve the charity sector *much* more

- **Re-calibrate the relationship:** Acknowledge how much VSOs sustain the sector, improve communication and rebuild trust with them. It cannot be assumed that charities and volunteers will always be there *'to be tapped'*.
- **Facilitate and enable:** Provide clear expectations and workable processes for engaging the voluntary sector in governor empowerment plans. It cannot be assumed that this will happen organically.

# MESSAGES TO GOVERNMENT AND COMMISSIONERS

## Consider the following in procurement:

- **Pay the full price for quality impact:** Don't expect charities to use independent funding to subsidise government contracts. Make decisions based on what impact can be delivered and pay the full price for the quality that is needed.
- **Acknowledge the value of local:** Think consciously about how small, local organisations with specialist knowledge can be engaged in procurement processes. Co-design services and contracts with them.
- **Recognise that desistance takes a long time and will often include some reoffending:** Reward providers that can demonstrate that they *move people along the desistance journey*, rather than making payments dependent on the long-term outcome of reduced reoffending. The 7 pathways provide a good framework and working model for helping people move away from crime.<sup>1</sup>
- **Clarify Transforming Rehabilitation's past and future:** Through the current inquiry into TR, ensure more greater transparency on TR contracts and reward CRCs that engage with the voluntary sector. We support the recent recommendations made by Track TR, such as monitoring the quality of services and supporting the sustainability of services.<sup>2</sup>

<sup>1</sup>Gojkovic, D; Mills, A; Meek, R (2011) [Scoping the involvement of third sector organisations in the seven resettlement pathways for offenders](#). Third Sector Research Centre (Working Paper 57). <sup>2</sup>Track TR (2016) [Change & challenge: The voluntary sector's role in Transforming Rehabilitation](#), p.8

# **MESSAGES TO CHARITIES**

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# MESSAGES TO CHARITIES

We asked interviewees what they think charities should stop, start or continue doing into 2017 and beyond. The most consistent theme was preventing mission drift and communicating clear and consistent messages. Now is a critical time for change in the criminal justice sector and charities should put themselves in the best position to engage.

1. **Stay loyal to your mission.** Maintain quality by not bidding for ill fitting contracts that contradict your goals. When bidding for contracts don't use independent funding to subsidise your offer. In the long term we want commissioners to be paying the right price for what charities provide.
2. **Engage with devolution plans as early as possible.** We have seen appetite from many PCCs to deliver charity-led programmes. Once there is greater clarity around the empowerment of prison governors, there should be space to engage in a similar way in prisons.
3. **Speak truth to power.** Speak up against systems that are disadvantaging service users and join forces to deliver a collective message. Charities must not underestimate the importance of presenting themselves as concisely and coherently as possible to government. Understand and work with government where it will help.
4. **Work out how you can engage service users** at every stage of your activities and your impact practice.<sup>1</sup>
5. **Collaborate** more with other organisations.
6. **Evaluate your work.** Use a variety of research tools to understand and learn about your organisation's successes and failures. Work hard to make changes based on what you learn.

<sup>1</sup> See Curvers, S., Hestbaek, C., Lumley, T. (2016) [\*User voice: Putting people at the heart of impact practice\*](#). New Philanthropy Capital, for a guide to integrating user voice into charities' impact practice.

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

*‘Start saying no to contracts [and] being assertive about what you are willing to take on.’*

*‘Charities should know their worth and refuse to provide services without full cost recovery.’*

[Charity Commission Parliamentary Briefing](#)

# CONCLUSIONS

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# THE VOLUNTARY SECTOR'S ROLE IN CRIMINAL JUSTICE MATTERS MORE THAN EVER

Charities across the country equip individuals with the tools to turn their lives around and desist from crime. This is in the interest of society as a whole.

Charities have a key role to play in delivering a criminal justice system that is driven by rehabilitation. But the sector is not currently supported, funded, or involved enough to fulfil this potential. In particular, small, locally focused, often specialist organisations are a valuable resource—and they are at risk.

The relationship between the charity sector and the state has deteriorated in this area to the extent where some independent funders have pulled out of funding criminal justice charities entirely. **We are at risk of losing a valuable resource to society: it cannot be taken for granted that charities will always be there to pick up the slack.**

Charities themselves have a responsibility to improve, collaborate and change, and now is the time to speak up louder against systems that disadvantage their beneficiaries. They are accountable to their mission and most importantly to their service users, whose views and ideas are one of their most valuable assets.

The charity sector is resilient and its history of standing up for society's marginalised is extensive. We are confident that, with the right support, it will continue to best serve those involved in the justice system long after today's policies are history.

# MORE CAN BE DONE TO UNDERSTAND THIS ISSUE

NPC want to do more research in this area, particularly around:

- Helping prison governors to co-design new accountability measures for rehabilitation. Charities with expertise on reducing the risk of reoffending can add value to this process.
- Developing case studies of good practice, and what the barriers are to effective impact.
- Aggregating and analysing data on what the charity sector's activity looks like across the country and in different prisons.
- Creating collaborations between governors, prison officers and charities to co-design sustainable models for rehabilitative culture change in prison.

If you would like to discuss this paper, or any future research with us, do get in touch via [info@thinkNPC.org](mailto:info@thinkNPC.org), or through our website [www.thinkNPC.org](http://www.thinkNPC.org).



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Tim Coleman, Only Connect

**Special thanks to Clinks for their consultation and feedback, and to User Voice for inviting us to the Prison Council Elections at HMP Pentonville in November 2016.**

# APPENDICES

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# APPENDIX 1

## Glossary of terms used

**VSO:** Voluntary Sector Organisation

**MOJ:** Ministry of Justice

**HMPPS:** Her Majesty's Prison and Probation Service, announced in February 2016 to replace **NOMS:** the National Offender Management Service, in April 2017. Under the HMPPS, policy and commissioning will move to MOJ, where it previously sat in NOMS.

**TR:** Transforming Rehabilitation, the name for government's reorganisation of probation in England and Wales in 2013.

**CRC:** Community Rehabilitation Company. There are 21 CRCs that form the majority of probation services under TR.

**NPS:** National Probation Service, the last remaining public sector managed part of probation under TR, for high risk offenders.

**PbR:** Payment by Results, a funding model whereby providers are only paid for specified outcomes achieved.

## APPENDIX 2

### NPC's work on criminal justice

Over the past few years at NPC, we have worked with clients across the sector in criminal justice, and with Clinks—the infrastructure organisation for the voluntary sector in criminal justice—to help improve the voluntary sector's impact in this space. Most recently, we campaigned for the creation of the Justice Data Lab, set up by MOJ in 2013 and in 2016 researched how charities can maximise their impact by working with Police and Crime Commissioners. In the criminal justice sector we have produced the following public reports to date:

[\*Breaking the cycle: Charities working with people in prison and on release\*](#) (2009)

[\*Trial and error: Children and young people in trouble with the law\*](#) (2010)

[\*Teenage kicks: The value of sport in tackling youth crime\*](#) (2011)

[\*Improving prisoners' family ties\*](#) (2011)

[\*Measuring together: Impact measurement in the youth justice sector\*](#) (2011)

[\*Unlocking value: The economic benefit of the arts in criminal justice\*](#) (2011)

[\*Unlocking offender data\*](#) (2012)

[\*NOMS commission on shared measurement\*](#) (2012)

[\*When the going gets tough: Charities' experience of public service commissioning\*](#) (2012)

[\*Trial and error\*](#) (2012)

[\*Transforming Rehabilitation consultation response\*](#) (2013)

[\*Through the gate\*](#) (2013)

[\*G4S roundtable\*](#) (2013)

[\*Letter to Chris Grayling on Transforming Rehabilitation\*](#) (2013)

[\*Improving your evidence\*](#) with Clinks (2013)

[\*Under the microscope: Data, charities and working with offenders\*](#) (2015)

[\*Transforming Rehabilitation: The voluntary sector response\*](#) (2015)

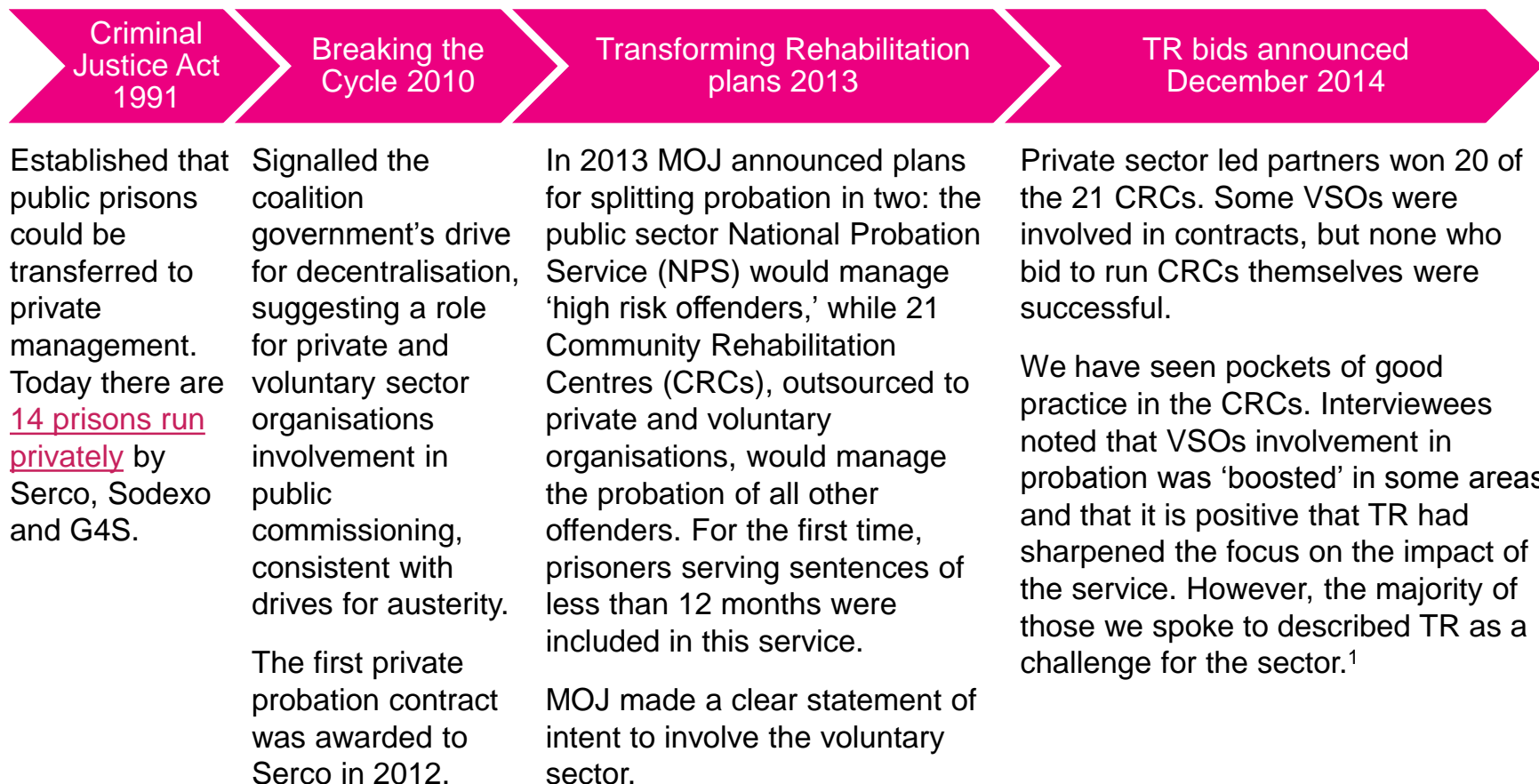
[\*Justice Data Lab development and support\*](#) (2013–present)

[\*How can charities maximise their impact by working with PCCs?\*](#) (2016)

## APPENDIX 3

### Key policies on the road to Transforming Rehabilitation

Probation is the supervision of ex-offenders in the community after release. In 2014 probation services for ‘low risk’ offenders were outsourced, mainly to the private sector, in substantial contracts with a payment by results element involved—a programme known as Transforming Rehabilitation.



<sup>1</sup> See also Noble, J. (2015) [Transforming Rehabilitation: The voluntary sector response](#). New Philanthropy Capital.



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**TRANSFORMING THE CHARITY SECTOR**