

the Joseph  Rank trust

# Collaboration or Competition?

## Cooperation or Contestability?



**Best practice among voluntary sector agencies  
in the Criminal Justice System**

Report on research carried out by Theos  
on behalf of The Joseph Rank Trust



## Authorship and acknowledgements

This report has been written by Paul Bickley, Senior Researcher at Theos, based on research carried out by Paul in conjunction with the wider Theos team, including Paul Woolley (Director), Nick Spencer (Director of Studies) and Jennie Pollock (Executive Administrator). Theos interns Jessica Allen, Jack Reid, Melinda Mabbutt, Kat Brealey and Emily Lightowler also ably assisted with aspects of the research, for which we are grateful.

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# EXECUTIVE SUMMARY

In January 2010 the Joseph Rank Trust (JRT) commissioned Theos to carry out research into aspects of the work of charities with offenders.

**In particular, the JRT asked that the research project to investigate a perceived lack of cooperation, collaboration and partnership between voluntary sector agencies work in the criminal justice field, and to consider the extent to which closer collaboration would add value to organisations active in the field.**

After initial desk research into the field, Theos carried out twelve qualitative interviews with individuals with a strategic insight into the work of the voluntary sector in the criminal justice field. These interviews included those engaged in service delivery, but also senior civil servants and policy professionals.

The interviews were used to develop a series of propositions about the work of charities, and the extent to which they collaborate. These propositions were tested more widely amongst voluntary and community sector professions working in the criminal justice system through an online survey.

## Findings: interviews

Interviewees were strongly supportive of the work of charitable agencies in the criminal justice system. They argued that they had distinct advantages (for example, they are perceived as independent of public authorities, they draw the wider community into the engagement with the criminal justice system, they are capable of creating innovative services and so on).

Interviewees suggested, however, that it was difficult to operate in the criminal justice system. They pointed to the resource pressures that have been brought to bear on criminal justice institutions and the procurement systems which are now being used to engage and pay for the services that the voluntary sector provide.

In terms of collaboration, interviewees pointed to some existing good practice, though some argued that it was organic, and had yet to be mainstreamed. Through the interviews Theos distinguished between different

orders of collaboration – ranging from informal networking to high level formal partnerships, often formed in order to bid for public sector contracts. Some interviewees suggested that some forms of collaboration might be too onerous for small charitable agencies, while others argued that agencies might only be able to win public money exactly through collaborating in formal bidding consortia. Similarly, some interviewees argued that the commissioning system tends to encourage agencies to compete against each other, while others argued that the commissioning system, as it is, encouraged agencies to work together.

### Findings: survey

Findings from the survey indicated that charities working in the area were, in general, well disposed towards collaboration and cooperation, but that there were certainly some agencies that were not working with similar organisations even at the most basic level (i.e., by meeting frequently). For example, over 30% of respondents said that they were not meeting frequently or liaising in order to identify gaps in provision.

Again, the resource pressures and the commissioning system are perceived to be barriers to collaboration. Around 80% of agencies report that resource pressures have a negative impact on their work, and a similar number suggest that they are less likely to cooperate with others because of current commissioning procedures.

### Conclusions and recommendations

The report makes three recommendations:

1. A key finding of the report is the presence of a wide diversity of experience, thinking and progress in collaboration within the sector, as well as diversity in the kind of practices that a commitment to collaboration might involve. One practical way to promote more joined-up thinking is to promote realistic and achievable forms of partnership for smaller agencies. This would distinguish between legally and financially complex forms of partnership, which might only be attractive or appropriate to a limited number of agencies, from the essential and local ways of working together which can still yield real improvements in services. Any programme should draw on the work of agencies who have already built expertise in the field.
2. Grant-making trusts are one of the most significant funders – if not the most significant funder – amongst charities working in the criminal justice system. Those, like JRT, who want to promote greater cooperation

amongst the agencies they fund could re-focus grant making on agencies that can demonstrate their ability to operate not just an effective service, but to operate that service effectively and intelligently with other services.

3. On the basis of this research Theos believes that there is a case for suggesting that contestability and competition in the commissioning system is subtly reshaping the beliefs and practices of charities. Theos recommends further research to establish if and to what extent this is the case, and to consider if this would have negative effects for the voluntary sector and the wider community and, if so, what these might be.



# FOREWORD

As a society, are we sending people to prison for appropriate offences? Can we afford the current levels of imprisonment? What should we do with prisoners in order to reduce reoffending and reintegrate them into society? Are the alternatives to incarceration cheaper and more effective? Are they palatable to the public?

These are big – and live – questions, appearing on the political agenda with renewed force in the wake of the banking crisis and ensuing cutbacks in public spending. Behind them all lies the wider issue of who is **necessarily** best at punishing and rehabilitating offenders? Parliament legislates, the courts administer the law, and the police enforce it, but the question remains as to what space there is for business and charitable agencies to provide many of the services ultimately guaranteed by the State.

The matter has been settled in favour of a mixed economy for some time: ten prisons and some other security services are already privately run. Many of the housing, resettlement, educational and drug treatment services provided to offenders and ex-offenders are already delivered by the 'third sector' or charitable agencies, though they are often still paid for with public money. The value that charitable agencies add – often described as 'the willingness to go the extra mile' because of their innate belief in the dignity of the human person, with its attendant benefits – is already widely recognised. But the irresistible forces and immovable objects of criminal justice policy in the 2010s – the challenge of reducing cost while simultaneously improving outcomes for offenders, their families and, indeed, wider society – may force the extension of the role of charitable agencies still further. In short, voluntary and community agencies, and the grant making trusts behind them, look set to pick up the slack as government tries to extract more 'outcome' from less investment.

This is the politics of the 'Big Society', and the context for this research project, initiated by the Joseph Rank Trust – a grant making trust with a long history of supporting work with offenders and ex-offenders, shaped by the Methodist social conscience of its founder, social philanthropist Joseph Rank. Its experience from many years of supporting projects that generate change in the lives of offenders and ex-offenders is that while much good work is done, it is difficult to plan services effectively and efficiently. There is no easy way of

ensuring a match between particular aspects of provision and particular aspects of need, a fact as true for charities as it is for public agencies. Gaps can occur between different services and clients, particularly when the given group is already 'hard to reach', and this leaves some offenders without the services they need to move away from offending behaviours or reintegrate into the community in a sustainable way.<sup>1</sup> In light of this, better coordination and organisation between disparate providers is crucial to achieving better outcomes from the existing resources.

It goes without saying that the Joseph Rank Trust is far from the first charity to realise this. Some charities have already struck out from the relatively safe ground of service delivery to focus on helping diverse agencies – public, private and charitable – function better together for the sake of the whole community.<sup>2</sup> But there has been no serious attempt to begin to map or audit the diverse kinds of partnership activity within third sector organisations. Consequently, this research is an important part of understanding how the Voluntary and Community Sector (VCS) can ensure it is well placed to deal with the challenges and increased expectations of the coming period.

The question behind this research is not, therefore, 'does the VCS have anything to add to the criminal justice system?' (it clearly does). Rather, it is 'can it do what it is already doing better, more comprehensively, and more coherently?' More specifically, do VCS agencies work together effectively, and are there examples of good practice and ways of working that can demonstrate how partnerships may improve outcomes, and so be spread more broadly in the sector?

The research, split broadly into quantitative and qualitative sections, shows that there is cause both for celebration and concern. While there are clear examples of agencies acknowledging the need to integrate their work with the work of other organisations, public and charitable, and indeed of finding ways to do so, there is also evidence to suggest that many agencies do not see partnership and collaboration as an important tool for their work. Why? Some – it seems – have simply failed to consider it. Others, however, argue that partnership is not 'a gimme' – it may in its own right be costly, time consuming and ultimately a route to a diffusion of energy and focus. So this research serves to expose another crucial question: what exactly do we advocate when we advocate partnership, and is it genuinely beneficial for agency and service user?

The third sector is rightly confident of its ability to contribute to the criminal justice system in changing times. However, it faces challenges. Some, like the sheer resource pressures at play in the system, are 'external'. Others,



like developing and retaining the ability to be flexible, innovative and to adjust to new ways of working when appropriate, are challenges which agencies working with offenders, ex-offenders and their families, must answer for themselves.

This research is the first word in what I hope will be a significant conversation on improved partnership and collaboration. I commend it to the Joseph Rank Trust, and to a wider audience.

**Paul Woolley**  
Director, Theos



## 3 / INTRODUCTION

Since the emergence of the modern criminal justice system in the nineteenth century, the Voluntary and Community Sector (VCS)<sup>3</sup> has sought to improve the lot of those imprisoned or affected by imprisonment.<sup>4</sup> In the United Kingdom, early social welfare campaigns were often driven by religious communities on the basis of ideas of human dignity and moral and spiritual redemption. Famously, for instance, probation services developed on a model of intervention generated in part by the London Police Court Mission.

Over time, charitable engagement – religious and secular – with the criminal justice system has flourished. In 2005, the Home Office estimated that somewhere in the region of 1,500 VCS organisations were working directly in prisons or with probation agencies. This figure probably omits hundreds of organisations that work ‘below the radar’ (i.e., those that are not registered as charities) and the thousands of others who, though not ‘officially’ working with offenders, ex-offenders, or victims, are meeting the complex needs of those that are in contact with the criminal justice system.<sup>5</sup> In other words, the significance of the VCS is beyond debate. Its vitality, engagement and contribution are clearly crucial to the effectiveness of the criminal justice system.

According to the Ministry of Justice, the VCS has both distinct advantages and a distinct role: ‘The third sector has a critical role to play as advocates of service users and communities, as partners in strategy and service development, and as service providers. We value their role as enablers of effective community engagement, volunteering and mentoring’.<sup>6</sup> VCS agencies act, therefore, as significant service providers in housing, education and mentoring – often through the arts, drug treatment, financial advice and training, the creation of peer support networks, and family and relationship support. However, while the state and the market also deliver services, the VCS performs functions that the state and the market cannot. Not least, it draws the wider community into societal practices of justice, punishment and rehabilitation. The National Offender Management Service believes that 7,000 volunteers are working in prisons through the Prison Service Chaplaincy and faith-based organisations alone.<sup>7</sup> For reasons already stated, this is likely to be an underestimate.

Meanwhile, the criminal justice system has grown in size and expense. Nineteen new prisons have been built since 1995, increasing the operational

capacity to 87,728 places. Between 1995 and 2009, the prison population grew by 32,500, or 66%. The prison population on 8 October 2010 was 85,325, compared to 84,521 on the corresponding date in 2009. The Ministry of Justice estimates that 78% of this increase came about through courts sentencing more people and for a greater length of time, and 16% came about through recall of those breaking the terms of their release.<sup>8</sup> Legislative changes, and a more serious mix of offending coming before the courts, have driven these developments.

It is widely recognized, even by successive governments, that prisons should be more effective rehabilitative institutions. Currently, nearly half of all prisoners are reconvicted of a criminal offence within a year of release, leading to a 'revolving door' of incarceration, release, reconviction and re-imprisonment. The reoffending rate (including among those having served non-custodial sentences) had been falling since 2000 (with 40.1% of the 2008 cohort being reconvicted of an offence within a year, down from 43.0%). Recently, however, reoffending rates have begun to creep up again. Aside from the high human costs of policy failure, it is estimated that the cost to the tax payer of a single prisoner is roughly £38,000 per year.<sup>9</sup> Many have concluded that, particularly given the emphasis on custodial sentences, the criminal justice system is too large, too expensive, and ineffective.

## The terms of engagement

Prisons, of course, are just one part of the criminal justice system – a system which, as a whole, has undergone substantial reform under Labour administrations since 1997. The creation of the National Offender Management Service (NOMS) in 2004 as an executive agency of the Home Office heralded the combination of various functions of the Probation Service, Prison Service, and Home Office with a view to providing end-to-end management for offenders and distinguishing between commissioners (those that identify need and allocating resources to best meet that need) and providers of public services. This instituted a competitive environment between providers and the terms on which the VCS engaged in the criminal justice system substantially changed. Now, VCS agencies and the services they provide are not optional extras, analogous to colourful and pleasant soft furnishings; rather, they were perceived as one among a range of potential providers of public services.

Under the Offender Management Act 2007, the Probation Service has also undergone considerable reform. Regional probation agencies have now been established as Probation Trusts, giving them greater freedom in operation but again exposing them to greater competition, including competition with the voluntary sector. In sum, the public services collectively

called the criminal justice system have been in a state of considerable flux for some time. In part, this has meant the creation of a steadily more plural set of institutions. The State ensures service provision, but it is no longer the sole service provider.

The Carter Review of 2004, which developed the principles on which NOMS was founded, had as its logic 'diversification' and 'contestability' as drivers of improvements in public services.<sup>10</sup> This was consistent with New Labour's approach to a range of public services and opened the way for increased engagement of VCS organizations in the delivery of criminal justice services. To speak of 'privatization' would therefore be overly simplistic. Yet the bases on which VCS agencies have been expected to participate has been the market principle of competition. The older tradition of volunteerism and individual philanthropy has remained and continues to figure highly in the sector's understanding of itself. The disjuncture between the two modes of participation – the background tradition of voluntarism and the newer model of public service provider – has created something of a crisis of identity and purpose for the third sector.

*It appears that the co-option of community based organisations into public services provision is to the detriment of their potential role as agents of civil renewal and their role as community anchors and advocates on behalf of their local communities. In effect, the 'voice' function of community-based organisations is in danger of being silenced... for those who wish to remain not only community based, but also working alongside local people to plan for, meet and advocate on behalf of local needs, [this] raises profound concerns.<sup>11</sup>*

In addition, our research suggests that the expectation that VCS agencies will compete with each other and with corporate and public agencies, in a market environment, may be contributing to a change in the psychology of organisations. How do they configure their work? Cooperation does not easily flow from competition. On the other hand, do charities need to conglomerate precisely in order to effectively compete with private providers for public sector contracts? Different agencies are responding to changing circumstances in different ways.

## Political developments

The formation of the coalition government and the appointment of Ken Clarke as Justice Secretary heralds another period of change and disruption to the system. For obvious reasons policy and practices look certain to change.<sup>12</sup> Downward pressure on budgets, plus upward pressure on prison

numbers, have resulted in a determination to adopt more 'positive policy making', taking advantage of 'the chance to re-think from first principles how we can deal with the problems we face and provide the services that the public interest demands in a more targeted way'. Indeed, in a memorable sound-bite, the Justice Secretary has called for a 'rehabilitation revolution'. Again, the scope for voluntary sector involvement looks set to grow, though again with increased emphasis on efficiency and value for money.

*The voluntary and private sectors will be crucial to our success. We want to make far better use of their enthusiasm and expertise to get offenders away from the revolving door of crime and prison. The most radical part of our new approach will involve paying independent organisations by results in reducing reoffending. They would have clear financial incentives to keep offenders away from crime... The intention of our policy in Opposition was to pay for this new approach through the cash savings it was hoped it would generate for the criminal justice system. In Government, we intend to pursue this virtuous circle: reduced reoffending, fewer victims and value for money for the taxpaying public. Eventually, our aim is to expand payment by results to other groups of offenders. We want to encourage third sector organisations to grow so they can support more and more people, and work to turn around more and more lives.<sup>13</sup>*

In short, the financial crisis and consequent growth in the deficit have forced the hand of the present Government. It must reduce reoffending not only because it is desirable on an ethical level, but because a reduction in reoffending is now a fiscal imperative. The innovation of payment by results/social impact bonds (though initially agreed by Jack Straw as Justice Secretary) is again indicative of the need to find models of funding that match investment to outcome, and also of the belief that support offered by third sector agencies to offenders can be effective in reducing reoffending, and therefore worthy of the attention of private investors and even the endowments of grant making trusts.<sup>14</sup>

## The genesis and purpose of the research

With the criminal justice system in a state of flux, and both the opportunities and challenges for charities working in the criminal justice system multiplying, there is a need for the VCS to identify and reflect on its strengths, weaknesses and ability to contribute good outcomes for prisoners. In order to encourage and sustain the conversation.

## The Joseph Rank Trust (JRT) commissioned Theos to find out about outcomes and which projects/methods achieved the best longer term outcomes around the theme of inter-agency partnership.

The research would answer the following questions: How and where are charities working with offenders and ex-offenders working together with positive results? What areas of best practice are worth identifying and disseminating? Where is there scope for collaboration, and how can this be best achieved?

These questions stem from the JRT's experience of funding VCS agencies working in the criminal justice system. Organizations can become fixated on one element of a service-user's needs, ignoring the ways in which offenders or ex-offenders present a complex range of problems which few single agencies could hope to meet. Furthermore, there might be waste of resources – financial and otherwise – if VCS groups are seeking to do the same or similar things with the same group of clients.

Similarly, high rates of recidivism pose questions not just against the state's approach to criminal justice, but also about the all-round effectiveness of the criminal justice system, including the VCS. Are they doing all they can to meet the needs of their service users in the criminal justice system? It is the Joseph Rank Trust's contention that all organisations have an obligation to acknowledge the complex and interrelated factors that influence behaviour, and seek to develop partnerships with organisations that will identify and plug service 'gaps', and thus improve outcomes.

It is worth noting that some interviewees contested the proposition that lack of coordination characterised the work of the third sector, and pointed to examples of charities working together and developing, for instance, regional partnerships for supporting prisoners' families. However, other organisations existed precisely to promote models of partnership working, improving the quality of relationships not just between community organisations but also between charities and statutory agencies. This suggests that, in spite of protestations, the issues which the JRT has anecdotally identified are significant. At the very least, they are live enough for parts of the sector to recognise and seek to correct.

### Being realistic about partnership and collaboration

What do we mean by partnership or collaboration? What concrete forms of activity are denoted by the phrase 'working together'? All too often these

idioms function as 'purr words', inducing a positive emotional response in the hearer and generating a sense that 'it should be so', without entering into the complexities of realising the aspiration.

During the course of this research, we have encountered a variety of different forms of engagement: partnerships amongst voluntary sector criminal justice agencies can be extremely informal – a factor of organisations simply 'rubbing along together' or making sure that clients are signposted to appropriate services. Alternatively, partnership may take a more fixed form, with groups in a particular locality meeting regularly to discuss the needs of a particular shared client group with a shared need, and plan services cooperatively.

Given the growing commissioning system, collaboration looks increasingly like formal consortia bidding for public contracts in partnership. Even here, however, there is a variety of different and distinct ways in which to go about partnership bidding (for example, by establishing a new independent body, working with a lead agency, or subcontracting once a contract has been won).<sup>15</sup> Behind these various forms of activity lie the questions: does an organisation have a culture of partnership? Does it have a positive and open approach? Does it demonstrate the ability to trust and find compromises with peer VCS organizations?<sup>16</sup> It is these underlying questions, along with its corollaries, which we have sought to answer. Do agencies have an open and positive approach? If not, why not? In what ways does that approach take concrete form?

Though this research does not address the issue directly, it may be worth noting that collaboration is not necessarily beneficial. Parts of the VCS certainly have philosophical concerns about the notion of charitable agencies partnering with private companies in order to run prisons. Though this research does not focus on inter-sector partnerships – and collaboration between agencies within the VCS does not generate *ethical* questions of the same magnitude – we attempt to avoid the assumption that agencies can practice partnerships without incurring costs or having to overcome significant obstacles. Challenges can include defining roles, responsibilities and work shares, and creating sufficient common ground in terms of the vision, ethos and objectives of different organisations. As one of our interviewees put it simply: 'partnership isn't easy'.



## 2 / RESEARCH METHODOLOGY

### Review of desk and literature research

The scope, remit and terms of the third sector's engagement in the criminal justice system have changed significantly in recent years. The available corpus of research thus resembles an evolving body of reflection on developing challenges and practices, rather than settled descriptions or analyses. This research tends to focus on a series of 'live' themes within the sector, including the rationale in general for the continued involvement of the voluntary sector (and its appropriate limits); the relative position of the sector vis-à-vis public and private providers; the unique difficulties of operating within the prison environment; and, less frequently, the legitimacy of incorporating faith-based services into the tapestry of public services.

In terms of extant material and projects, the Third Sector Research Centre is currently engaged in a programme of research into stakeholder perceptions of the role and strategic position of the third sector in the criminal justice system. Carried out by Rosie Meek, Dina Gojkovic and Alice Mills (University of Southampton), the Third Sector Research Centre published the findings of stage one of their three part research project which this consisted of interviews with twelve key national stakeholders, in April 2010.<sup>17</sup> The key findings from this study reveal a considerable lack of confidence in the role of the existing commissioning model (a theme which came up frequently in our own interviews) and caution about working in inter-sector partnerships between private and voluntary agencies (such as the Serco-Catch 22-Turning Point consortium which has recently been commissioned to operate Belmarsh West prison).

Meek, Gojkovic and Mills report, however, that roughly half of their interviewees voiced broader concerns about the development of consortia-based bidding. Their reasons for doing so included a sense that the 'winners' in such consortia would be larger partners, rather than the smaller agencies that consortia putatively exist to support and enable. Other interviewees in this project argued that because the development of consortia, along with close formal partnerships and mergers, is driven partly by fear of not surviving without access to public contracts, agencies are tempted to compromise their values or organizational focus. The point was contested: others argued that the pros and cons of particular partnerships naturally had to be weighed carefully. Still others suggested that new third sector consortia, even when in



place, are disadvantaged by having no track record of service delivery, or – on a more ideological level – that the ongoing contestability agenda was privatization by stealth, and that charities were colluding in that process.<sup>18</sup> Again, Meek et al., encountered diversity of opinion in the third sector; some interviewees were far more indifferent about the boundaries drawn around particular providers of services. In a sense, there is not disagreement over ‘the facts’ of developing processes, but it is the case that some interpret developments more positively than others.

This research points to many of the live issues in the sector, and helps focus our theme of partnership onto a number of more specific questions: what practical forms might partnership take? How do the wider realities of VCS engagement, such as the commissioning system, affect collaboration? Are these necessarily always in the interests of the agency or their clients? Do these forms of partnership, in the views of our interviewees, actually yield the supposed benefits? What are the challenges of partnership? We have sought to address these questions in our own research.

Further to this, a series of other ‘infrastructure’ agencies create a body of working research and advice for the VCS, both within and beyond the criminal justice system. Of particular interest is the work of the Revolving Doors Agency, who recently reported on their National Development Programme of nine pilot projects designed to improve outcomes for people with multiple needs – usually including mental health – who were coming into regular contact with the criminal justice system. For them, key lessons included the need for better coordination of services and appropriate agency partnerships, particularly given the current spending conditions.

*Stakeholders...agreed that while many services existed to support the target group in the city, there was poor co-ordination between these services and between community services and the prison. Often, what is required is a reshaping of existing services or pathways to better engage people with multiple problems in contact with the criminal justice system. This approach may be cost neutral or require only small amounts of funding and be easier to mainstream...It is clear that in the current climate of reductions in public spending, the reshaping approach provides the most cost effective way to improve outcomes for people with multiple problems in contact with the criminal justice system.*<sup>19</sup>

More broadly within the third sector, bassac – a membership body for community organizations – is particularly active on questions of intra- and inter- sector collaboration, far more broadly than simply in the criminal justice system. They identify a range of types of collaboration<sup>20</sup>, including:

- networking (“Informal networking groups provide great opportunities to build contacts, hear and share experiences and keep in touch with relevant organisations working in the same field”);
- sharing staff or resources (“Sharing staff in Human Resources or Finance, having joint purchasing arrangements or shared IT systems are all examples of how organisations can join up their resources or functions for mutual gain”);
- joint service delivery (“Voluntary and community sector organisations are often well placed to develop formal joint collaborations to bid to deliver public services. The size of some competitive tenders means that collaborative working may be the best way for smaller organisations to secure a role and share their specialist knowledge and reach”);
- and joint business planning (“Voluntary and community sector organisations are often well placed to develop formal joint collaborations to bid to deliver public services. The size of some competitive tenders means that collaborative working may be the best way for smaller organisations to secure a role and share their specialist knowledge and reach”).

This work demonstrates an appetite for greater collaboration in the sector, and a belief that it is clearly beneficial (though needs to be negotiated thoughtfully and with the appropriate training). Bassac is by no means alone in seeking to encourage partnership, particularly in the commissioning environment.<sup>21</sup> Clinks, NACRO and New Philanthropy Capital are all in the process of producing research on guidance around the theme of cooperation.<sup>22</sup>

The Institute for Voluntary Action Research (IVAR) provides more systematic research on the subject of collaboration. Again, much of this research turns on the relationship between commissioning models and practices, and how the VCS might appropriately respond. In research carried out on behalf of Bassac, the authors observed that some stakeholders argue that the present commissioning system ironically has the effect of *both* incentivizing partnership as “a pragmatic response to environmental changes” *and* of increasing competition.

*There was no discernible pattern in Study participants’ comments about the impact of policy and funding changes on their relationships with other VCOs. Some were involved in various forms of collaboration or more formal partnerships as a pragmatic response to environmental changes; for others involvement in VCO partnerships had come about because statutory funders required*

*it. At the same time, Study participants considered that the move towards commissioning of services had led to an increase in competition between VCOs.<sup>23</sup>*

The research above allowed us to develop broad propositions/hypotheses which could be tested in the first stage of the research proper – the qualitative interviews. These are discussed below.

### Understanding the issues in depth – qualitative interviews

Between February and October 2010 Theos conducted twelve one-to-one qualitative interviews with individuals working in the criminal justice system. Interviewees were selected not because they were representative of the diverse range of organisations, but rather because of the particular insight they have into the operation of the VCS in the criminal justice system.<sup>24</sup> Some candidates were identified by the Joseph Rank Trust (having been previously funded by the Trust), others by Theos.

Candidates were contacted by email and/or phone, and a request lodged for an interview lasting approximately 30 minutes. Interviewees were told that their comments would remain unattributed in the research report, and that permissions would be sought for attributed quotes. The majority of those contacted for interview responded positively. Only two agencies failed to reply.

The interviews were conducted at a venue of the interviewee's convenience, often at or nearby their place of work, though some took place in Theos' offices in central London. Nearly all the interviews tended to last more than the allotted time – around an hour – and they were recorded using a digital voice recorder. Extensive notes of the recording were made subsequently. The interview was shaped by a guide sheet containing a selection of the questions/themes identified through desk research as being germane both to the research project and their own organisation. The interviewer used this essentially for reference, prompt, and for directing interviewees' attention to main themes of the project. Where possible, the interviewer encouraged free discussion around relevant themes.

There was a good deal of agreement on what the key challenges for the voluntary sector in the criminal justice system are, if not on how to respond to them. In the main, interviewees didn't volunteer answers which suggested that a lack of inter-agency partnership was a particular obstruction to good outcomes (only two interviews identified coordination between agencies as a significant barrier to good outcomes without prompting.) Rather, resource pressures (both for their own organisation and for the criminal justice system in general) figured highly in most interviewees' responses.

Commissioning/tendering practices were also a key concern for most service delivery agencies; a series of complaints were logged in interview (discussed at length below). Some agreed with the proposition that contestability in public services had diminished the likelihood that agencies would coordinate their work; for others it was a strong motivating factor in cooperation and partnership. The bureaucratic nature of the prison service was a frequently cited complaint, as was the fact that central government is overly sensitive to the retributive element of public opinion.

In addition to the above the project researcher made a field visit to HMP Swaleside, specifically to visit a JRT funded project, with the simple rationale of seeing a project in operation and speaking to that project's beneficiaries. This visit took place on 25 August 2010.

### 'Measuring' the issues – quantitative survey

Using the themes developed in the interviews, Theos designed an online quantitative survey for VCS agencies in order to test opinion around the significance of these factors (survey questions included in Appendix 2). Using a combination of sources (Theos contacts, Joseph Rank Trust contacts, a selection of agencies from the Clinks 'Working with Offenders' directory), 378 agencies were emailed with a request to respond to the survey between 17 September and 18 October 2010.<sup>25</sup> 73 agencies responded without prompting, and a further 34 after being contacted directly by Theos. Over the full period, 107 agencies responded – constituting a 28.2% response rate. This figure is well within expectations for an 'establishment survey'.<sup>26</sup>

The survey tested responses to a series of hypotheses developed from both desk research and qualitative interviews. It also allowed for some open ended comments on the same hypotheses. The findings of the survey tended to bear out those of the qualitative interviews. Respondents demonstrated a high level of confidence in the ability of the VCS to deliver innovative and effective service programmes. However, many also felt very strongly that resource pressure was a problem and were doubtful that the current commissioning system was the best possible one in the sector. As we shall see, results of questions on inter-agency cooperation were more mixed. There is evidence to suggest that many respondents were already working closely with other agencies, but also that amongst some agencies there were signs of a dearth of even the most basic forms of cooperation (e.g., meeting regularly with other agencies in their area).

### A caveat

This research is designed primarily to collect perceptions, opinions, and insights rather than 'facts'. The primary research does not even tell us that

partnership is necessarily a good thing, though that is one assumption that clearly undergirds the project.

Interviewees and respondents to the questionnaire have been strong champions of their own organisations and of the Voluntary and Community Sector in general. They do the work they do because they believe that they are engaged in 'best practice'. As one interviewee put it, *'Ninety six percent of charity workers are satisfied with their work, so they obviously feel that they are doing the right thing'*.

Every effort has been made to ensure that interviewees and respondents reflected critically and dispassionately on their place in the criminal justice system. However, at both interview and survey stage, there was a strong tendency of those that work in the VCS to defend their own position and contribution – and for the most part it is clear that they feel underfunded, undervalued and underrated.



## 3 / FINDINGS: QUALITATIVE INTERVIEWS

The most prominent topics from the interviews are discussed below, with verbatim quotations for illustration. As discussed above, interviews were shaped and directed by a list of questions and prompts but they were, in general, free conversations around these themes.

### The qualities of the voluntary sector

After a series of factual questions on the size of the agency and the nature of its services, interviewees were asked to reflect on the rationale for involving the VCS in the criminal justice system. All emphasised the quality of the services that the VCS delivers, as against those provided by the public or private sectors, though they did so on diverse grounds.

One way of summarising the diversity of responses would be to argue that the delivery of services through the VSC provided a point at which the interests of charitable agencies and state meet. Several interviewees noted that, from the state's point of view, the third sector is potentially a more effective locus of activity and spending. Thus, the VCS represents 'value for money'.

*Without a shadow of a doubt... for every £1 invested in us we save £10 for the taxpayer and we can bring down reoffending rates by 40%. If anything is Big Society, that's Big Society [interviewee 4, housing/resettlement charity].*

To the extent that it is possible to generalise about the 'interests' of such a diverse group of charities, they must be described in less instrumental terms. Engaging the VCS made or makes financial good sense, but only because many agencies operate within the horizons of values and assumptions that help these agencies engage more intensively and effectively with their service beneficiaries. Policymakers know, argued interviewees, that the VCS is more likely to provide people-centred services, independent from – and so more trusted than – public agencies. Working from within communities – faith institutions, for example – also means that they are more likely to offer services which are 'extended' over time. Unlike the state, which must define the offender as other to the 'law abiding majority', VCS agencies identify offenders, ex-offenders and their families as amongst the most marginalised in society. Their work places a strong emphasis on an individual's dignity, not matter what his or her offence is.

*The people that set this charity up believed in something, and what they believed in was the ability of the most marginalised in society to overcome their dependence and become drug free and crime free. It's a classic charity, set up on the emotional belief systems of a few people ... we still have that core belief [interviewee 2, drug treatment charity].*

And:

*Within the prison, for the prisoner to think that someone has given up their time to come and see them week after week because they believe in them and they can see that they might be able to do things differently when very few people have believed in them to that point is an affirming and transforming thing. The volunteers, by choosing to go in ...bring a kind of emotional charge which, in addition to the rigorous structured learning programme we offer, is a very powerful combination [interviewee 7, victim awareness/restorative justice agency].*

Another strand of argument, already familiar from the wider literature, is that VCS agencies have the freedom to think, do and say things that public sector services and public officials do not. Hence, interviewees emphasised the need to secure the independence of the sector both from political pressure through the leverage of funding, but also from public pressure.

We don't have to look over our shoulders at the Daily Mail headlines, and I think that has been a characteristic of the criminal justice system over the last fifteen or twenty years ... We can take risks – informed risks, where we've done the research, done the background – but the problem with the public sector is that they're always looking over their shoulders, they mustn't make a mistake or they'll be taken to the cleaners [interviewee 4, housing charity].

Overall, interviewees displayed a high degree of confidence in the VCS' ability to reduce re-offending and create change.

However, several interviewees did raise general concerns about the work of the sector. These included a lack of professionalism, and that they occasionally place organisational interests above the interests of the client group they exist to serve.

*In the third sector, the outcome can become the organisation – the survival of the organisation, rather than the outcome that they're supposed to have, which is about making a difference or changing people's lives. Sometimes they can be very protectionist [interviewee 3, policy stakeholder].*

On the other hand, others protested against the 'professionalization' agenda and argued that, under its banner, the VCS was increasingly monochrome, dominated by large agencies that exist solely to deliver services in the public sector, and indeed reflect the public sector in the way in which they delivered those services.<sup>27</sup>

Few interviewees alluded directly or without prompting to our core research themes of partnerships or collaboration, as either a strength or a weakness of the sector. However, these issues do lurk beneath the surface of the debate. One interviewee hinted that charities working in social care and welfare in the community were often 'in a state of denial' about their role with offenders and ex-offenders, and the need to develop stronger working relationships with local criminal justice institutions. Contrary to the view that third sector agencies hugely out-perform public services, this interviewee argued that charities relied on prison and probation to take the most difficult service users out of the system.

*There's often almost a denial that on the edge of a city or town there is a prison ... for the most difficult individuals, who create the highest levels of problems, community agencies are often relieved when that individual is imprisoned, not least because that individual won't be committing crime [interviewee 11, infrastructure/partnership development charity].*

It would be wrong to draw general conclusions about the ability of the third sector to form proper partnerships from this, but it sounds a helpful cautionary note about the extent to which some agencies present their service as a cure-all for offending behaviour or attribute all the failures of the criminal justice system to creaking public institutions. More generally, it does show that agencies do not necessarily see networking, relationship building, collaboration or partnership as essential to their purpose.

### The challenges of operating in the criminal justice system

Interviewees argued that there were a series of unique challenges facing VCS agencies working in the criminal justice system. Chief amongst these was the prevailing system of commissioning and procurement (discussed at greater length below). Beyond this, all interviewees spoke about the ways in which operating well within a criminal justice context was extremely challenging.

Most interviewees felt that there had been a step change in the openness of the criminal justice system to the third sector over recent periods. Several spoke of a cultural change in prison leadership, and of a growing understanding that VCS agencies were serious partners in the system:



*In the 1980s and 1990s a large part of the time and energy was to try and convince the authorities of what needed to be done ... now everybody accepts the premise [of VCS involvement], accepts the research – it's just a matter of how much support we can get [interviewee 2, drug treatment charity].*

Aside from the complex issue of commissioning and funding, agencies reported a warm relationship with senior prison leadership. That recognised, some reported what they felt to be a distinction between the views and behaviour of the prison governors, and that of rank and file prison officers. The latter might still view prison primarily as an institution of punishment, and so would question the resources used by the VCS in delivering services to offenders and ex-offenders.

All but one interviewee involved in working in prison reported some disruption to their work because of the wider pressures on the prison system. The unplanned and unexpected movement of prisoners was chief amongst these complaints. Others included the arbitrary cancellation of sessions by prison authorities.

*We get a lot of cancelled days because the prison decides that something else is going to happen that day ... with two hours notice they say, 'Oh, we are going to use the chapel – we're going to cancel your session'. That happens to us so, so often [interviewee 5, music/general rehabilitation charity].*

Charities that work within prisons lament all these pressures, but most responded with a degree of understanding, accepting that the primary responsibility of prison staff was to ensure security and safety. Interviewees in general were philosophical about the need to fit in with these day to day institutional priorities. Nevertheless, some reported what they felt to be an unjustifiably adverse impact on their projects. Three interviewees, for instance, had experienced significant delays in obtaining security clearance for new members of staff. One, running an arts based project, reported repeated disruption to their programme.

*Prison staff are under-resourced ... they're so run to the bone on staff. If one officer is ill then they don't have the resources for us to hold a concert. I think we had four concerts on the trot cancelled on the day of the concert. That was so deflating for the prisoners we work with [interviewee 5, music/general rehabilitation charity].*

The precise nature of the complaints vis-à-vis resource pressures in the prison context was often surprising. One interviewee spoke of the way that resource

pressure encouraged governors to be too indiscriminate in accepting offers of help for VCS agencies – prison governors did not want to turn down extra resources, regardless of whether they fitted into a planned and coordinated range of services. This, she argued, contributed to the unplanned, chaotic and inefficient work of the VCS in some prison contexts. Thus, while some interviewees clearly felt that the primary problem for prisoners was the 'sheer paucity' of services, others argued that the picture was more complex: there are gaps in some areas, duplication in others, together with some comprehensive statutory services that interviewees felt were ineffective or ill-conceived, even though third sector agencies may be contracted to deliver them.

Complaints of this nature were not limited purely to those services offered 'inside the gates'. One interviewee in particular criticised the way in which prison administrators were poor at building relationships with agencies in their locality that would be working with prisoners soon after their release. This hints towards the point made by another interviewee (although not one directly involved in service delivery), that prison staff themselves become institutionalised, set into patterns of thinking and behaviour which mean they struggle to engage with those 'on the outside'.

Similarly, another interviewee (working in post-release accommodation and resettlement) noted that sustaining working relationships with the probation officers was extremely difficult. Morale in the service, he felt, was very low. Staff turnover was high, and there tended to be no handover period between departing officers and their replacement. His service was constantly upset by breaks in the relationship with probation.

In sum, VCS agencies feel that the criminal justice system is more open to their participation than in the past, but that their participation is never comfortable. Interviews give a picture of a series of institutions under severe resource pressure, and desperately needing investment and support, but simultaneously finding it difficult to make the necessary resources available for the VCS to participate. When it comes to the key theme of this research – the development of better working relationships between agencies, be they public or private – then it is very clearly the case that the issue must be considered within the overriding reality of the system as it is, which is that of general resource scarcity.

## Commissioning processes

The morale and confidence of the VCS in the criminal justice system is closely associated with how agencies view the current commissioning process. For most of the agencies we interviewed, it was the gateway through which they

had to pass in order to participate in the system. There was a sense that the issue's significance was more than financial (how are services paid for?), it was existential (will this agency offer services at all, and how?).

As discussed above, the Offender Management Act sought to establish contestability as a key feature of the delivery of public services, thus providing new opportunities for charities to engage in the criminal justice system. This, along with subsequent changes, means that regional commissioning is handled by NOMS' Directors of Offender Management, while local commissioning is handled by the newly created Probation Trusts. Individual prisons then have some money to spend. Distinctions can be made, therefore, between macro- and micro-commissioning, and the different policies and practices of the respective commissioners.

Our interviewees were critical both of local commissioners (as part, for example, of a broader suite of criticisms of poor practice amongst some prisons) and of national commissioning approaches. Several interviews lodged general complaints regarding NOMS, usually with a sense that that rhetoric and reality rarely match (e.g., successfully evidenced VCS projects do not get commissioned in spite of the apparent promises of commissioners).

*[We hear that NOMS] want programmes like ours. They want cost effective programmes. They want programmes that are evidence-based. Yet, there is no money available for these things... if they really want to do it differently they going to have to put resources into it. [interviewee 8, cognitive therapy charity]*

Nearly all interviewees argued that it was not an appropriate 'fit' for the VCS in one respect or another. We turn now to address this in more detail.

### The commissioning process threatens independence

Charities that considered advocacy to be part of their role were fearful of the impact that this might have on their ability to win contracts. Interviewees argued that it can be easier to secure a future for services if charities don't 'rock the boat'. One interviewee, whose agency worked in advocacy in spite of being funded to a significant degree by the taxpayer through public contracts, spoke nevertheless about a perception of risk in doing so.

*There are service providers similar to us who say they will never get involved in some of the controversies and debates because they don't want to upset the budget holders. We explicitly take the view that we are here to lead the debate ... The issue of not raising too*

*many awkward questions because the people you're making life awkward for also sign the cheques – that's real for us [interviewee 2, drug treatment charity].*

Other interviewees had similar concerns about being too dependent on the 'soft money' given by contracts. When money is withdrawn, this can spell the end of the service. As one interviewee put it, this is a by-product of VCS agencies being newly exposed to commercial pressures when they have not had time to make the necessary adjustments by, for instance, ensuring diversity in funding streams.

*Usual commercial pressures have suddenly come onto the third sector – a sector that is not used to operating in that way, probably doesn't do their planning in that way, probably came as a sharp shock, they haven't had the time to adjust by diversifying their funding base [interviewee 9, infrastructure agency].*

These commercial pressures included commissioners (usually at the prison level) renegeing on agreements at short notice, usually because of resource pressures.

*We were thrown out because they wanted to spend money on something else ... **it wasn't that the programme wasn't running well** ... the prison had to cut £2 million pounds from the budget – so they cut the programmes [interviewee 8, cognitive therapy charity].*

Private sector agencies may have been more used to planning for these kinds of eventualities. For the VCS, however, the unexpected cancellation of a major contract may not just mean the end of a project; it could also mean the end of an organisation. Bidding for public contracts or accessing public funding in other ways is thus a game of particularly high stakes – there was a perception amongst interviewees that this was one factor that led to an overly defensive approach amongst charities.

### The commissioning system operates perversely

Interviewees spoke of a variety of ways in which commissioning practices failed to direct resources towards what, in their view, were the best services. One claimed that commissioning tended to buy services in arbitrary 'chunks', which reflected neither the necessity to provide a comprehensive service (i.e., including aftercare), nor the full costs that an agency would incur. Effective services, he argued, could not be 'commoditised' in that way. This came on top of a general pressure to keep costs down. The sector frequently complains about the gap between Voluntary Sector Compact rhetoric and full cost recovery reality.<sup>28</sup>

*Since 1999, in theory they contract organisations like us to deliver the service, and we are meant to get full cost recovery under the voluntary sector compact ... But as a market develops, the commissioners always hold the whip hand and say, 'if you don't want to be undercut by competitors then you better bring it down to this price'... We bid low, keep the contracts, but we're not paid the full cost [interviewee 2, drug treatment charity].*

It is important to note that this is not a universal complaint. Another agency, running victim awareness programmes, stated that they had no problem in recovering full cost, while acknowledging that others struggle so to do. However, this agency was running a time-bound educational programme, which involved no further contact or support of prisoners. This contrasted with services that were relational in nature, requiring long-term and intensive support for offenders.

Two interviewees (running highly-regarded programmes) expressed concern at the fact that it was possible to have accredited or proven programmes, which had been shown by a strong evidence base to reduce reoffending at a relatively low cost, yet for these programmes not to be widely commissioned or to receive only low levels of government support. One argued that, in spite of supportive government rhetoric about supporting the VCS because of the innovation it delivers, agencies often ran successful self- or trust-funded pilots of new services but that these would rarely get the follow-through funding that they deserved. If correct, then this poses a question about the use of a contestable bidding/ commissioning space for contracts to deliver services (i.e., the system results in the procurement of services which are neither the cheapest nor the most effective).

### Commissioning systems disadvantage charities as against public sector

Most interviewees suggested that the commissioning system is unhelpfully bureaucratic and places undue financial and administrative burdens on smaller charities. The result was yet another competitive disadvantage vis-à-vis both the larger agencies and 'in-house' services, who are more used to bidding for public sector contracts.

*It's not a level playing field. Commissioners are biased towards their in house programmes. They're protected. But as soon as we do something wrong we get kicked out... We're all for best value, but you have to have a level playing field, you have to apply the same criteria ... There's not a pure market [interviewee 2, drug treatment charity].*

One interviewee observed that even when openly contested, contracts are often awarded to incumbent providers who have the inside track on how things work. Another interviewee spoke of not even being able to get into a position to bid for public sector contracts (the organisation had not been able to meet pre-qualification requirements under The Transfer of Undertakings [Protection of Employment] Regulations 2006).

We had to go through a pre-qualification questionnaire to be considered for commissioning. It took me nearly the week to complete this questionnaire. We were rejected ... we can't possibly meet their criteria – small organisations can't possibly meet their commissioning requirements. The large organisations can do this and then subcontract to the smaller organisations [interviewee 5, music/general rehabilitation charity].

There was broad support for the idea that commissioning procedures needed, at the least, to be simplified, if not altered on a more substantial level. Most relayed a sense that the commissioning of services in this way was not appropriate to the nature of services that they wanted to deliver. Nor is it a suitable mechanism for engaging smaller agencies who, according to one interviewee, were some of the VCS organisations doing the most interesting work.

*Basically, the commissioning process is geared up for the mega charities ... They can afford to put time and money into writing fifty page documents and bids, whereas the smaller groups – who, often we find are the most effective – the sort of raw, sort of unprofessional but very brilliant groups on the ground, simply haven't got the time or the capacity to go away and spend two months drafting the pitch-perfect bid and win the government contract [interviewee 10, policy stakeholder].*

Of course, it is important to distinguish here between commissioning on the micro and macro levels, but even interviewees from some of the larger charities felt that they were at a competitive disadvantage vis-à-vis public sector bodies.

## Evidencing outcomes

Interviewees were asked how they went about measuring the success of their projects, and in general they were surprisingly confident about their ability to demonstrate the efficacy of their project. The majority were reconciled to the need to prove their value, and were ready to talk in terms of evidencing their ability to reduce reoffending.

*We've never lost our focus on saying, 'we've got to prove our value'. We've done research, we've commissioned independent research, we do our data management – we're always analysing, do we actually achieve reductions in reoffending and the rehabilitation that we claim to achieve? We've got a pretty good evidence base built up over the years ... we're able to put that argument together with figures [interviewee 2, drug treatment agency].*

Many agencies had sought to work with research groups or universities in order to give their work credible and independent evaluation. For some, this was hugely important: they were convinced of the need to demonstrate efficacy in terms of a positive cost benefit analysis for the taxpayer. For others, there was a sense that in creating such an evidence base they were speaking in a bureaucratic idiom which was not necessarily their own. Two interviewees argued strongly that narrative evaluations were far more appropriate to the kinds of holistic services they were seeking to develop and deliver.

There is, however, a degree of confusion around what nature and level of evidence is expected from funders of all kinds. Trust funds, for instance, are certainly not exclusively interested in recidivism rates. One interviewee relayed her shock at being told by a NOMS official that whether or not a charity could evidence reduced reoffending was not necessarily the primary consideration for commissioners.

*I was told by the Director of Commissioning at NOMS that prisons aren't actually measured on reducing reoffending ... Even if your programme does reduce reoffending it doesn't necessarily mean that it'll be a favourite of the prisons [interviewee 7, victim awareness/restorative justice agency].*

Other interviewees noted the complex nature of the task of measurement and evaluation. In particular, since individuals are in touch with a range of services at any one time, it would be difficult to assess which particular service 'did the trick', or indeed if any single intervention from a patchwork of services was responsible for reducing reoffending. Ultimately, suggested a Ministry of Justice official, the test for VCS services shouldn't necessarily be a direct reduction in reoffending, but more proximate and provisional measures.

## Best practice/partnerships

The case for partnership is made in the introduction. A significant proportion of people offend due to lack of education, work, appropriate housing, mental health care and stable networks of relationships. Reducing reoffending is therefore contingent on offenders and ex-offenders accessing

the services and support appropriate to their needs, along with a settled and supportive community. The absence of cooperation between different agencies working with the same offender can mean that elements of the complex range of needs can go unmet. As one interviewee put it, for many people trapped in the cycle of offending, custody, reoffending and repeated custody, the services that would break the cycle of reoffending are 'not in the gift of the criminal justice system'. The criminal justice system, this interviewee argued, must necessarily form relationships beyond itself to function effectively.

Equally, a lack of coordination can result in confusion and duplication of services. The organic nature of the VCS too often results in fragmented care and a poorly planned service for prisoners in prisons. Partnership, by contrast, can create the context for effective and comprehensive service delivery. Some interviewees suggested that the most significant imperative for partnership was to address a 'frequent flyer' effect, where small groups of socially excluded individuals with complicated needs – often in mental health, are responsible for a disproportionate amount of crime. If, in collaboration, a range of agencies could identify why such individuals were drawing to a disproportionate degree on health and social services then the same agencies might be able to understand and respond to the causes of repeat offending.

From the perspective of the majority of our interviewees, it would not be fair to say that there was a systematic lack of cooperation between VCS agencies. However, majority sentiment gathered around the view that whilst there were a good number of examples of effective partnership working, it relied on random factors and a certain kind of entrepreneurial and relational approach. The net result was that such good practice 'was unlikely to be mainstreamed'.

Further to this, for most agencies there were different levels of partnerships, ranging from the formal (i.e., working directly with an agency on a shared project) to the informal (e.g. signposting of other services, or advertising opportunities for volunteering). The latter was common, a natural part of the working practices of virtually any organisation. Not a single interviewee engaged in service delivery would have been without such partnerships. It is the partnership in the prior sense of formal working relationship and active collaboration on individual cases or projects that was rarer, apparently more difficult, and for which interviewees were less likely to show enthusiasm.

Similarly, some interviewees argued that there was no systematic reason why agencies should join up. In other words, interviewees agreed that partnership working was possible and desirable, but that 'the system' did not beg it.



*We're pretty good at joining up – we like each other and we work together wherever we can but it's not systematised. NOMS could get great efficiencies if they could develop consortia contracts [interviewee 2, drug treatment charity].*

There was, perhaps, something of a division between those who saw collaboration and partnership working as an *ad hoc* optional extra – something that may or may not occur but need not necessarily be a systematic part of the work of the VSC – and those who saw clear imperatives and even felt it should be structurally encouraged (as above).

This begs the question, what exactly do VCS agencies think hinders cooperation (aside from the fact that no-one is forcing them to work together)? Interviewees suggested a variety of factors. The unforeseen movement of prisoners in particular, argued one interviewee, would make coordination *vis-à-vis single individuals* all the more difficult. It is simply too hard for agencies to track them round the system to ensure continuity. The allegedly chaotic nature of some prison administrations in general was held to be another part of the picture. As we have already reported, so desperate are some prison governors for extra resources and support that they may not even be aware of the range of VCS agencies operating within their walls (a surprising finding, since there was a Prison Service Order in 2002 stating that every prison ought to have a third sector co-ordinator).

Here there is a further distinction between large agencies and small agencies. As with their participation in the contested market space, the larger agencies seem simply to have greater capacity to invest in building networks or developing collaborative projects, and seem more favourably disposed to developing formal partnerships – perhaps for the sake of securing contracts, though also for more effective service delivery. In contrast, another interviewee, a director of a smaller arts-based agency, suggested that while there is an expectation that his staff will make connections with other groups or organisations (though they didn't report as many as he would have liked), there is a danger of seeing the development of partnerships as more important than the organisation's core work. His caution grew partly from a desire to see his staff spend their time and energy with clients, not with other service providers. Heavier regulation, (data protection, etc), had added an incremental administrative burden, and so partnership had become 'more difficult than it used to be'.

*It depends on the size of the charity. If you're the NSPCC, or another big organisation, then you're more likely to have an awareness of the wider market around the country, more likely to partner with other agencies to avoid duplication. But if you're a smaller charity,*

*you're less likely to have the time or awareness to look beyond what you're doing... you'll know what's going on in your area, and you're not normally in danger of duplicating with other people [interviewee 10, policy stakeholder].*

In simple terms, interviewees from smaller agencies tended to be more pessimistic about the added value that could be garnered through partnership working.

The commissioning system figured so prominently in the thinking of interviewees, it was logical to ask how it affected working relationships with other service providers (primarily but not exclusively others in the VCS). Here we begin to develop a sense of both centripetal and centrifugal effects of the commissioning environment on partnership and collaborative working.

On the centripetal side, there was a sense amongst some interviewees that the only way for smaller agencies to gain access to 'the market' is to bid in consortia with a lead contractor. This is certainly an emerging model amongst charities working in the criminal justice system, and it is hoped that smaller agencies will benefit substantially from this. We have already observed that interviewees believe that many of the administrative hurdles are too high for smaller agencies, and the bureaucratic requirements of engaging in public tendering processes put significant contracts out of the reach of small charities.

One interviewee's organisation was essentially seeking to act as a prime contractor for significant public service bids. This would, the interviewee argued, make sense both for commissioners – since, having tasked a lead contractor, they would be able to liaise with only one agency – and the VCS, since the prime contractor would have a greater implicit understanding of smaller agencies and their work. The prime contractor would take on the responsibility for logistics and management of a diverse but planned VCS programme, and some of the institutional barriers to VCS agencies would be removed.

*It's too burdensome for their prison staff to spend time engaging with everyone who wants to work in prisons. Their logic is that it is this that makes it harder for the smaller agencies to get access. It's easier for the prisons to say we only want the big colleges and the established programmes to come in [interviewee 9, infrastructure agency].*

Underlying this form of partnership is a clear acceptance that, as another interviewee suggested, VCS agencies simply do not have the scale to compete with other providers, such as SERCO or G4S.

But the commissioning system also applies a centrifugal force. Charities, some interviewees argued, perceived other agencies as competitors for the same pots of funding, and were not therefore proactive in seeking ways to work with each other. They had, as one interviewee put it, 'not yet worked out' how they should behave toward each other in the new commissioning environment. Should they be collaborators or competitors? Ironically, it is the smaller agencies who stand to benefit most from appropriate forms of collaboration that can feel the most defensive. As suggested above, they may feel that they have better things to do (concentrate in the immediate term on delivering their own service well). Alternatively, though no interviewee put this view (though it is present in some of the literature) they may feel that the prime contractor would cream off the profit, and reputational benefit, from services they have delivered.<sup>29</sup>

There is a real tension between operating in a system that prioritises contestability and acting in a spirit of collaboration, though it is not simply a matter of cause and effect. Rather, the resource pressures and the feeling amongst charities of consistently getting a raw deal, together with a difficult commissioning environment (one which the Ministry of Justice would admit is less mature than, say, the prevailing models of commissioning in the healthcare environment), has a kind of chilling effect on the cooperation of agencies, breeding suspicion amongst peers and draining energy.

By way of illustration one interviewee, working for a charity whose purpose was to promote joined-up service delivery, argued that a reorganisation of their agency and a stepping back from service delivery helped them act as an honest broker amongst other services.

*Because we have taken ourselves out of the service delivery arena we can talk to individuals and services without that being on the agenda – the idea that we might be bidding to run something. That's often a factor that helps us work in partnership... Then everybody wants to talk... I can go there as an honest broker [interviewee 11, infrastructure/partnership development charity].*

## Qualitative summary and conclusions

These interviews paint a seemingly contradictory picture, witness perhaps to the diversity of views even amongst a relatively small number of interviewees. On the one hand, interviewees were highly confident of the ability of their agencies to serve the needs of offenders, ex-offenders and their families. On the other, they were pessimistic about their position within the wider criminal justice system. They felt something of the pressure brought to bear by the overloading of the system with financial pressure and public expectations, yet

self-consciously saw themselves as bringing things that are beyond the gift of the criminal justice system: hope, community and compassion. They need the funding and access, but fear the implications of the commissioning system as it is for the integrity of their organisations and their missions.

The logic of this research was questioned, but ultimately affirmed. The interviews gave a sense of the diverse and organic nature of the VCS and the significant challenge to ensure that organisations operate effectively with each other and with statutory agencies which constitute the criminal justice system. Agencies do work with each other all the time, informally directing service users to other agencies, for example. However, the very existence of VCS agencies and social enterprises that intend to facilitate collaboration indicates that there is a level of partnership that VCS agencies do not generally attain, or alternatively, are only beginning to attain. Beyond this, there are the few that question outright the wisdom on focusing too much on collaborative working: will small agencies 'get enough out of' partnerships? Don't they carry their own unique set of risks? Couldn't they prove a distraction from the essential business of providing a client with a service?

And what, according to these interviews, does best practice look like? It is not without interest that the interviewees who were furthest down the line on partnership suggested that it had to be both local and situation appropriate – the needs in one geographical area, or amongst one group of service users, are not the same as those of another. It is a matter initially of relationships and communication. The first step might not necessarily be to bid jointly for a major government contract, but simply to know the other agencies operating with a given client group in a given area. These insights formed the basis for our online questionnaire.



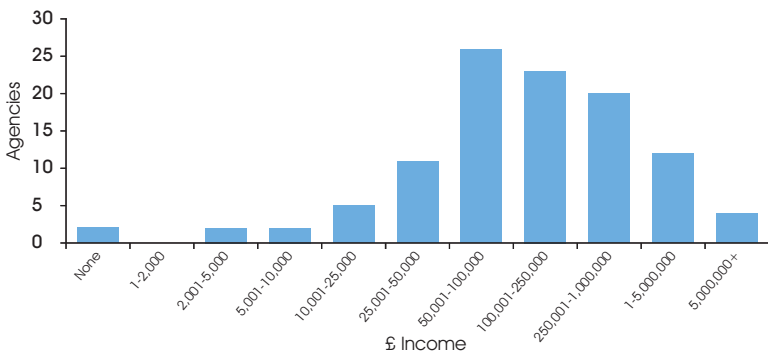
# 4 / FINDINGS: QUANTITATIVE SURVEY

Three hundred and seventy-eight agencies were emailed with a request to respond to an online survey between 17 September and 18 October 2010. The questionnaire itself can be found in Appendix 2. After having received 73 responses, we telephoned agencies with a further prompt to respond, resulting in 107 complete replies. As discussed above, the 28% response rate is acceptable for an establishment survey of this kind, and certainly constitutes a significant sample of the whole 'population' (that is, the total number of agencies engaged in this kind of work).

## The profile of responding organisations

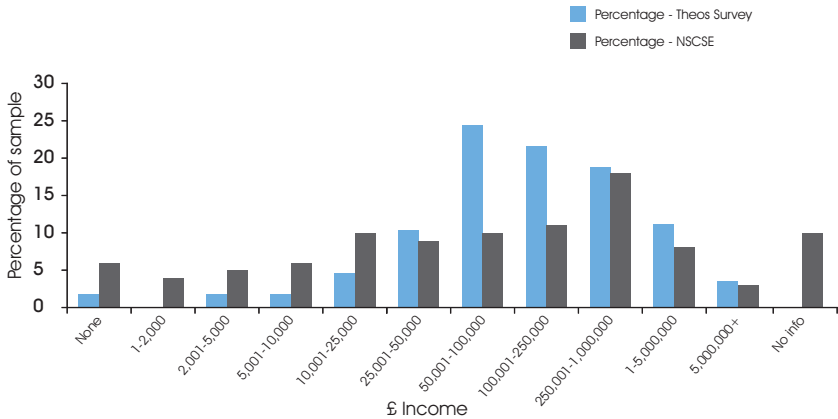
In terms of size of organisation, a broad range of agencies responded, with four reporting an income of over £5 million, two reporting no income at all, with the largest single group having an income of between £50-100,000 (see figure 1).

Figure 1: Respondents by income



As discussed in the introduction, there is no comprehensive taxonomy of the VCS within the criminal justice sector by which we could establish whether the sample is representative of the diversity of agencies in either size or nature of service. However, the National Survey of Charities and Social Enterprises (NSCSE)<sup>30</sup> can give us a sense of the income distribution of charities working in the criminal justice sector, and thus provides a useful comparison for our own sample.

Figure 2: Income comparison: Theos survey/NSCSE



The NSCSE (with around 5,000 agencies listed as working with offenders, ex-offenders or their families) showed a fairly even distribution of incomes. Respondents to Theos’ survey, however, are grouped disproportionately in £50-100,000 and £250,000-1 million categories. We have, therefore attracted more middle income respondents, and fewer low income respondents.

Respondents were functioning across all reducing reoffending pathways (we allowed multiple answers).<sup>31</sup> 67 respondents stated that they were working in education, training an employment; 65 in attitudes, thinking and behaviour; 47 in health; 46 in drugs and alcohol; 44 with children and families; 42 in finance, benefits and debts; 37 in accommodation and 29 in other areas not covered by the pathways. 52.3% reported that they ran services both in prison and in the community, 31.8% solely in the community and 15.9% solely in prisons.

It is interesting to note that, of the agencies responding, 63.9% stated that charitable trusts were a major source of funding, making this the funding stream with the greatest reach in the sector (though not, of course, necessarily the largest). Following this, 39.3% said that voluntary donations were a major source of funding and 36.4%, statutory contracts. From these figures, we cannot determine what the ‘most important’ funding stream is, but it seems that charitable trusts still have the broadest reach and continue to support a significant proportion of agencies that might never deliver statutory contracts.

As we will see below, the quantitative results tend to bear out the qualitative findings. The VCS is a strong believer in its own ability to deliver innovative, independent services to offenders or ex-offenders. Again, results appear to

demonstrate a high level of dissatisfaction with the current commissioning system along with a high degree of frustration around the difficulties of operating in prisons. On the questions relating to partnership working, the survey sought to do two things. The first was to establish levels of cooperation amongst respondents, the second to test sentiment around particular forms of partnership. As with the qualitative work, there are signs of good practice but it is not comprehensively spread. For instance, surprisingly high numbers of agencies stated that they do not meet regularly with other agencies to coordinate their work.

### The place of the Voluntary and Community Sector

A series of general propositions on the place and advantages of the VCS in the criminal justice system, distilled from the qualitative interviews and desk research, were included in our questionnaire. These included, the VCS 'brings extra human and financial resources into the criminal justice system', 'is able to act as an independent advocate for service users' and 'creates innovative strategies to reduce reoffending'.

Figure 3: Positive self-perception

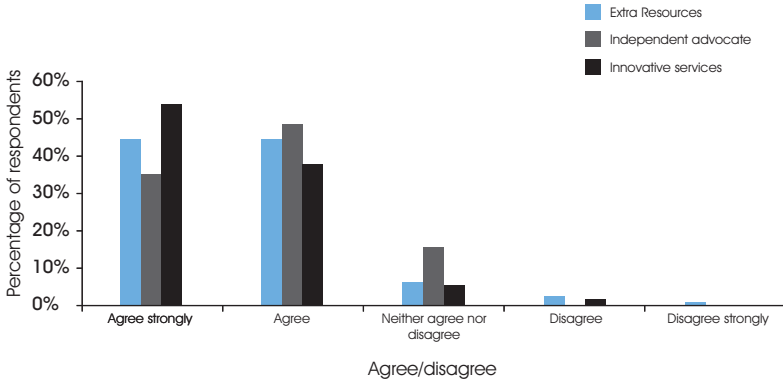


Figure 3 shows that that the VCS in the criminal justice system, for all that it feels itself to be undervalued, is confident of its own ability to act as an important partner in the criminal justice system. In spite of indications from the qualitative interviews that the independence of VCS agencies has been threatened by being overly dependent of statutory contracts as a source of revenue, not one respondent in the quantitative research disagreed with the proposition that VCS agencies often act as independent advocates for their service users.

Similarly, respondents tended not to agree with propositions articulating negative perceptions of their work. Respondents generally disagreed with the proposition that there is much duplication of services offered by VCS agencies: 28% agreed or strongly agreed, 36% disagreed or disagreed strongly. There was a high degree of ambivalence on this question (i.e., respondents checking 'neither agree nor disagree'), hinting perhaps at a highly variegated situation with regard to duplication.

68% of the survey respondents were operating in prisons, which, it is clear, is generally found to be a challenging environment for VCS agencies. The quantitative study tested propositions like, 'The effectiveness of the VCS is limited by resource pressures on the wider system', 'The effectiveness of VCS agencies is limited by the unplanned movement of prisoners' and 'Prison officers view outside agencies with distrust'.

Figure 4: The prison environment

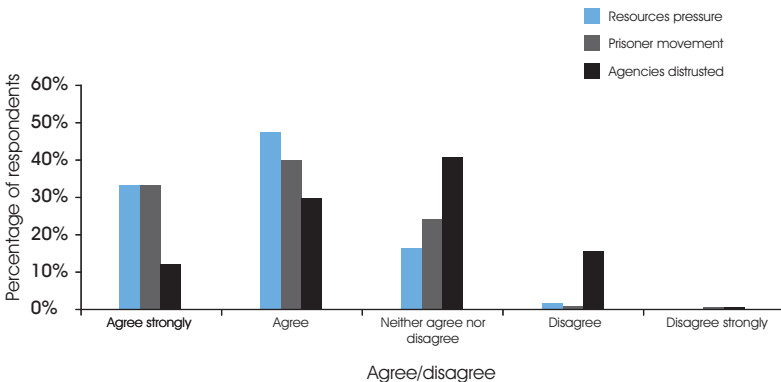
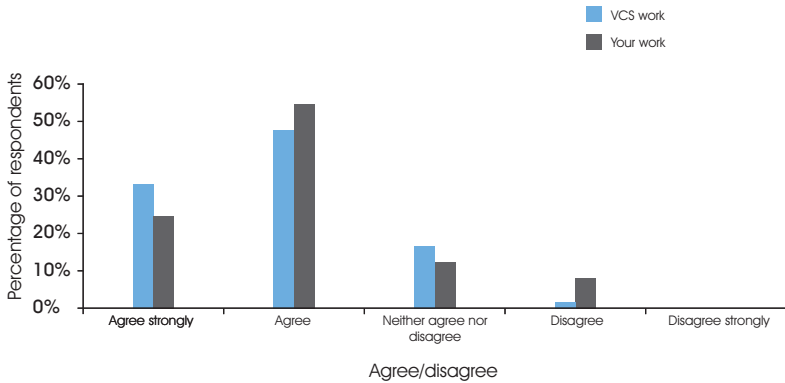


Figure 4 shows that over 40% of VCS agencies operating in the criminal justice system feel distrusted by staff. Over 80% see the resource pressures on the wider system as negatively impacting their own performance – intimating, perhaps, the difficulty in assuming that the charities will be able to take up much more slack after further budget cuts in the criminal justice system. Note also that these propositions were general: when we personalised the question (i.e., changing, 'The effectiveness of VCS agencies is limited by resource pressure on the prison system' – to – 'Our effectiveness is limited...'), respondents as a whole answered consistently. In other words, these were not just problems that existed elsewhere in the system while agencies' own experience was broadly positive. Rather, they are pressures that agencies feel have come to bear directly on them.



Figure 5: Resource pressure affects VCS/affects your work

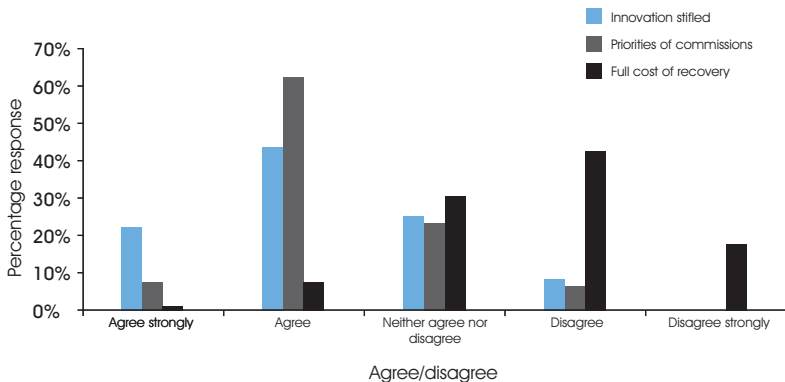


### The commissioning system

As we have seen, many of the controversies around the place of the VCS in the criminal justice system are related to the way its services are commissioned. It comes as no surprise, therefore, that only 7% of respondents agreed with the proposition that 'Overall, the current system of commissioning VCS services in the criminal justice system is more or less the right one'. In contrast, 55% either disagreed or strongly disagreed with the statement.

We tested some of the complaints familiar from our interviews: 'The contract culture is stifling innovation', 'VCS agencies are adjusting their work to follow the priorities of commissioners' and 'Agencies are mostly able to recover the full cost of service provision', amongst others. Again, we found anxiety about the nature and effects of the system.

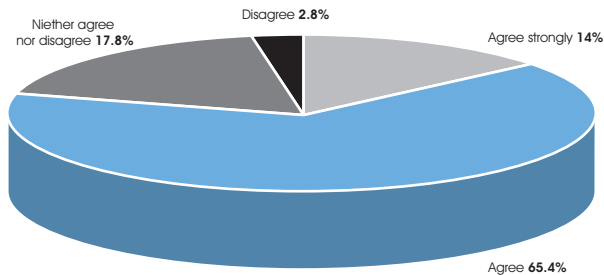
Figure 6: Problems with the commissioning system



In figure 6 we see that respondents tended to believe that the commissioning system undermines some of the VCS's advantages, and a majority believe that, ultimately, it does not enable full cost recovery. Further to this, and in line with the interviews, 59% respondents felt that they were not consulted sufficiently early in service design. There was, however, some sense in which the respondents felt that this was partly down to the relatively recent developments around the role of the VCS in the criminal justice system. For instance, over 77% of respondents either agreed or strongly agreed with the proposition that smaller VCS organisations need to work harder to understand how to bid for public sector contracts.

On the question of how the commissioning system affects partnership working (which is explored in greater length below) we tested the proposition that the growth of a competitive market model had increased rivalry in the VCS.

**Figure 7: Competitive tendering increases rivalry between VCS agencies**



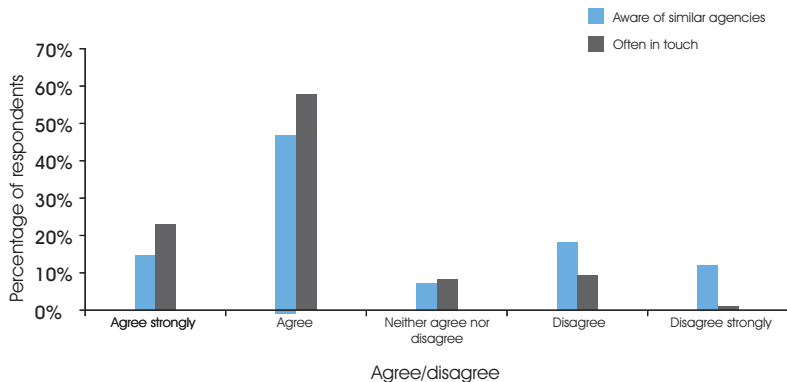
In figure 7 we see that 79% of respondents felt that they were less likely to cooperate with others because of the commissioning system. They see other voluntary sector agencies that provide similar services as competitors – indeed, they are competitors. Of course, in the logic of the market, this is in some senses at least a beneficial situation. The purpose of contestability is to ensure that service users receive the best available service, whoever the provider. The question remains, however, are there 'negative externalities'<sup>32</sup> in this market? Even if a more or less competitive commissioning system (some interviewees argued that it was not, in fact, a properly open market) delivers the best service, considered in isolation from the wider whole, does it reduce the likelihood of offenders and ex-offenders accessing the comprehensive range of services they need? While a conclusive answer is beyond the boundaries of this research, there is a strong possibility that contestability is negatively shaping the behaviour of VCS agencies.

## Are agencies collaborating?

Are agencies doing the things that seem to signal cooperative working? The interviews established that agencies would understand 'cooperation' to mean a number of different things, ranging from forming consortia to bid for major government contracts, to the formation of coordinating networks around specific groups of offenders or ex-offenders, to the natural collaboration of individuals working in the same institution.

A first step here might be a simple awareness of other agencies working in the same area. We tested the proposition, 'As an organisation, we are aware of agencies providing similar services to us in our area'. Results are presented graphically below, along with responses to the proposition, 'We are often in touch with other organisations working with offenders and ex-offenders in our area'.

**Figure 8: Awareness and communication with similar agencies**



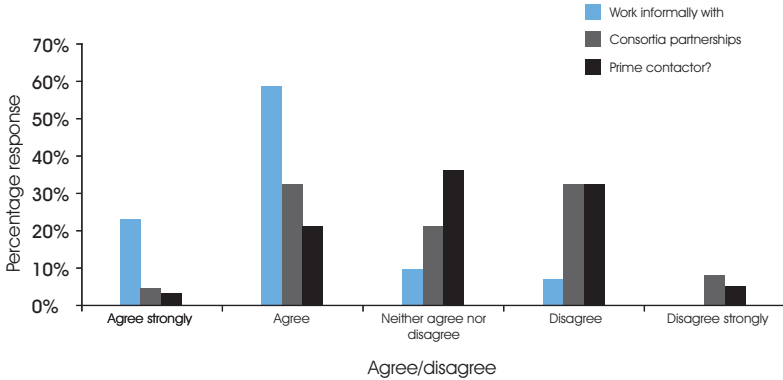
In figure 8 we see that a significant majority of agencies feel that they know and are communicating with agencies doing similar work in their area. Of course, even where respondents disagreed with these statements, it does not necessarily mean that agencies are failing to be cooperative – some agencies responding negatively to these may be providing specialised services. As one open ended response to the survey stated:

*We are a very small charity with a unique service so whilst we do work with other agencies who may be able to provide additional support there are no other charities providing a similar service.*

We see, therefore, a comparatively high level of engagement between VCS agencies. It is possible, nevertheless, to distinguish between this level of activity and more concrete forms of partnership. The following chart

compares responses to the propositions, 'We tend to work informally with other VCS agencies who serve the same client group (e.g., signposting services)' and 'We have participated/are participating in formal consortia to bid for public sector contracts' – the latter, of course, being a far more formal form of partnership.

Figure 9: Informal vs formal partnerships



From the data presented in figure 9, we can draw the obvious conclusion that agencies are far more likely to engage in softer forms of collaboration than to work with other agencies to bid for contracts.

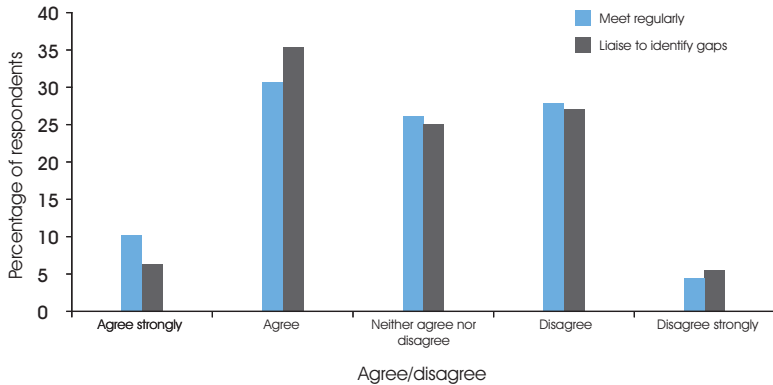
The third column in Figure 9 shows the ambivalence that respondents showed towards the proposition, 'Services would be better coordinated if prisons were dealing with a consortium led by a prime contractor' – the balance of which felt that this would not be the case. It is not possible to conclusively adjudicate on such a claim, but the fact remains that in the view of the VCS is that not all forms of partnership are good forms of partnership. In particular, they are resistant to responses to the commissioning system founded in 'market logic'.

### Quantitative summary and conclusions

Voluntary and community sector agencies are collaborating all the time. The question is, how are they collaborating? The survey suggests that most of the sector is content to collaborate on an informal level but that the prospect of more formal working relationships is treated with more suspicion. The indications are that, for whatever reason, agencies feel that these forms of engagement would not yield the intended benefits.

Meanwhile, there are still parts of the VCS that do not practice even the most simple forms of collaboration. For instance, we tested the propositions, 'We meet regularly with other VCS agencies and relevant statutory bodies to coordinate services' and 'We liaise regularly with other VCS service providers to identify gaps in service provision'. In both these cases, the majority said they were regularly meeting and liaising with other agencies. But a surprisingly high minority – over 30% – were not. For all of the good practice, there are parts of the VCS that are either not convinced of the need to work together effectively, or do not have the capacity to build relationships with their peer organisations.

Figure 10: Practical forms of collaboration



In the conclusion and recommendations, we will consider challenges on two levels. First what measures can be taken to ensure that all organisations practice these simple forms of cooperation and collaboration? To do this would be to take the simplest form of best practice and ensure that it is widely disseminated in the sector. Second, what can be done to assist small agencies to consider more formal partnerships with other agencies? This seems to be the direction of travel for the VCS as a whole. If small agencies do not respond to this imperative to partner, then they may not survive.



## 6 / CONCLUSIONS AND RECOMMENDATIONS

**We began with the Joseph Rank Trust's sense that the organisations in the field were failing to coordinate their services.**

This research suggests that this fear might be justified; at the least, there is a significant proportion of agencies who are not engaging in even the most basic form of collaboration – meeting with similar agencies and discussing the needs of the community or client group with whom they are working.

This research has explored why this might be the case. There is little or no evidence – either at the quantitative or qualitative stage – that agencies actively believe that some form of collaboration or partnership would not be beneficial. Rather, charities would explain any lack of collaboration by pointing to mitigating factors: agencies are trying to do inherently difficult things yet are also resource poor; there are aspects of the criminal justice system as a whole that make collaboration difficult; contestability forces agencies to compete rather than cooperate; and so on. Beyond these factors, there are some who are thoughtful about what can be achieved through partnership, but who argue strongly that partnerships must be appropriate and that agencies need to be realistic about the implications for an individual organisation.

The commissioning system is a key part of this picture, applying both centripetal and centrifugal forces. With medium sized and small agencies finding it increasingly hard to gain access to public sector contracts, the most obvious next step for some is to pool resources and competencies with other charities with similar objectives. Such is the logic behind the development of consortia bidding, one emerging model of partnership amongst others. For other agencies, however, the commissioning environment creates a sense of greater competitiveness. As we have argued, when financial resources are scarce the stakes in the game become higher. Charities have always competed for funding, but the contestability agenda expects VCS agencies to evolve this to a new level, vying with private and public providers for the same contracts.

Nevertheless, it is important to state clearly and unequivocally that all this sits in the context of numerous examples of collaboration, small and large, as

well as a great deal of positivity around the idea of working closely with other agencies. In an open-ended response to the online survey, one respondent suggested that, 'Working with other agencies has always been a very positive experience', and another,

*We are very active as an organisation in seeking to identify gaps in provision and opportunities for partnership working... we are building up good relationships with other organisations and agencies in order to deliver the best service we can to [those] we work with.*

## Recommendations

The brief tasked the research to locate best practice and to understand how it should be disseminated. As we conclude on this point, it is crucial to observe that a series of infrastructure agencies already have work underway in the field and that any future programme should pay due regard to the ongoing development of other projects. Nevertheless, there is a series of measures that could helpfully raise the level of partnership and collaboration amongst VCS agencies in the criminal justice system. We conclude with these three key recommendations.

- One of the findings of this research relates to the diversity of experience, thinking and progress in the sector. As we have observed, significant forms of collaboration are already in place in parts of the sector, while for others the hurdles seem to be much higher. There is a case for a programme of work – drawing on existing resources and working with those who have a developed expertise in the area – specifically designed for those that have not started to think about partnership or collaboration, or for those that have thought about it and believe that it is not actually in their interests. This programme would promote realistic, local and achievable forms of coordination and cooperation, and transfer experience on how small agencies can overcome barriers. In so doing, it would split relatively risk-free collaboration from complex legal and financial partnerships which could result in a small agency losing its identity. Beyond this, it would continue to be useful to have open events where the basic case for partnership is made and remade, along with case studies of what has worked well and what has not.
- As grant-making trusts remain a significant funder – perhaps *the* significant funder – of VCS agencies working in the criminal justice sector, they have the option of focusing grant making on agencies that demonstrate the ability to coordinate their services with those that operate around them. One of the surest ways of achieving change in this area would be for

funding structures to be changed. As one interviewee hinted, this could also operate at a macro level commissioning (*'NOMS could get great efficiencies if they could develop consortia contracts'*). Alternatively, grant making trusts could proactively offer funding for partnership research and development programmes within infrastructure agencies.

- There may be areas covered superficially in this report which require more research. In particular, we have tentatively proposed (interviewees and survey respondents certainly agreed) that the contestability agenda in public services has significant implications for voluntary and community agencies, collectively now known as the 'third sector'. Respondents disliked commissioning – partly on the basis that they felt they were at a disadvantage, but also with a view to the possibility that it has long term and subtle effects on their language, practices and beliefs – and it is certainly the case that the VCS is having to innovate, for example, in the way that it bids for services. Does such a focus on engaging them in bureaucratic and market practices fundamentally change how and why charities do what they do? If so, is its impact negative or positive? Does engagement in pseudo-markets turn charities into pseudo-commercial concerns, corrode the added value that they offer and detract from their charitable spirit?

In the coming years existing pressures on the criminal justice system will combine with cutbacks in government spending to create a perfect storm. On the one hand, the VCS agencies clearly feel demoralised, uncertain if the quality of their services alone (of which they are clearly confident) will ensure their continued survival. The environment will certainly prove difficult, but one of the necessary skills – both for their continued existence and continued improvement of their projects – will almost certainly be the capacity to recognise, grow and sustain appropriate forms of collaboration. This research demonstrates a willingness – even an eagerness – on the part of VCS to do exactly that. It also demonstrates that there are some agencies that need further advice or support.





# APPENDIX 1 / **SAMPLE QUALITATIVE INTERVIEW GUIDE**

## Background to the project

The Joseph Rank Trust (hereafter, JRT) have commissioned Theos to research “best practice models among charities working in this area [i.e., in the criminal justice system and with offenders and ex-offenders], promoting new, effective and efficient ways of collaborative working and thereby helping to close the gaps through which prisoners and ex-offenders are currently falling”.

We are using a two stage research process, the main focus of which is opinion research. The first being 1-1 interviews with agency leaders working in the sector, some previously funded by JRT, which will scope their objectives, funding, working practices, challenges and long-term concerns. Issues raised in these interviews will then be tested quantitatively, with a wider sample, through web based survey.

## General questions

- There’s massive variety in the kind of organisations that constitute the VCS – small to large, volunteer based to quite technical, different sources of funding to government funding.
  - How would you describe your agency?
  - What’s turnover? What’s the profile of the staffing (volunteer v paid)? How do you fund your work?
- What, for you, are the key rationales for the participation of VCS agencies, as opposed to the statutory or private providers?

## Best practice

- Do you maintain relationships with other agencies working in the same field? Of what kind?
- How, does this practically affect your services?
- How do you measure or evidence the success of your services? What are the criteria for success of a project? To what extent can you take account of the fact that prisoners are often subject to a series of services?

- How would you like to see agencies scaling up effective charitable activity? What are the right ingredients for success? What are the barriers to evidenced quality initiatives receiving accreditation, contract, or statutory support?

### Problems/challenges

- There has been some debate about the proximity of the VCS to the state sector, and whether particular kinds of partnership can begin to affect the ethos of the VCS (i.e., when competing for contracts). Is there an independence issue?
- How easy have you found it to negotiate the commissioning process?
- As an organisation actively involved in the prison estate, what are the barriers to working effectively? What would you like to see changed?
- The activity of the VCS can not be planned in the same way as the Prison Estate, NOMS etc. This has led to a sense of their being gaps between VCS services, duplication, and occasionally offenders falling through people falling through.



# APPENDIX 2 / ONLINE SURVEY QUESTIONS

Please help us to understand your work better by answering the following questions.

- 1 What is the name of your organisation? (Optional)
- 2 What is your name? (Optional)
- 3 What is your role in the organisation? (Optional)
- 4 Please give a brief description of the work of your organisation.
- 5 In which of the 'reducing reoffending pathways' do you work?  
Please tick all that apply.

- Accommodation
- Finance, benefits and debt
- Attitudes, thinking and behaviour
- Drugs and alcohol
- Education, training and employment
- Health
- Children and families
- Other areas, not covered by the pathways

If 'other' please specify...

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- 6 Do you run...
  - Services in prison?
  - Services in the community?
  - Both?

7 Please estimate your approximate annual income from all sources.

- No income
- £1 - £2,000
- £2,001 - £5,000
- £5,001 - £10,000
- £10,001 - £25,000
- £25,001 - £50,000
- £50,001 - £100,000
- £100,001 - £250,000
- £250,001 -£1 million
- £1 million - £5 million
- More than £5 million

8 Please indicate how you generate the majority of your income.  
Select up to three of the following.

- Statutory contracts
- Voluntary donation
- Corporate sponsorship/donation
- Grants from statutory agencies (including local authority/NHS trusts)
- Charitable trust funds
- Trading income
- Lottery funding
- Charges to users
- European Social Fund
- Other

If 'other' income source please specify...

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### We'd like to hear your thoughts on the position of the Voluntary and Community Sector (VCS) in the criminal justice system

9 To what extent do you agree or disagree with the following statements?  
(Agree strongly/Agree/Neither agree nor disagree/Disagree/  
Disagree strongly)

- The work of the VCS is highly valued by government
- The VCS is increasingly dominated by large agencies who have the ability to negotiate the complex procedures
- VCS agencies tend not to evaluate their work effectively
- There are sufficient funds available for VCS agencies to work with offenders and ex-offenders
- The VCS is too worried about public opinion on criminal justice issues
- The VCS brings extra human and financial resources into the criminal justice system
- VCS agencies are often able to act as independent advocates on behalf of their service users
- The VCS creates innovative strategies to reduce reoffending
- VCS agencies can create a greater degree of trust between service user and service provider
- There is too much VCS duplication (different agencies doing the same thing with the same client group) in the criminal justice system

Is there anything you would like to add regarding the position of the VCS in the criminal justice system?...

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### Now we'd like to register your views on partnership working and coordination between agencies in the Voluntary and Community Sector (VCS)

10 To what extent do you agree or disagree with the following statements?

(Agree strongly/Agree/Neither agree nor disagree/Disagree/Disagree strongly)

- VCS agencies are often seeking to provide similar services in a similar area
- VCS agencies offering similar services tend to actively look to cooperate with each other
- VCS agencies serving the same client groups often look to work together
- VCS agencies should look to work together more in order to reduce waste and duplication in services

- VCS agencies should look to work together more in order to identify gaps in provision for offenders and ex-offenders
- VCS agencies need to cooperate with each other in order to compete for contracts with private or statutory providers
- There are enough opportunities for VCS agencies to meet together in formal settings to coordinate their work

Is there anything you would like to add regarding partnership working and coordination between agencies?...

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### We'd like to know what you think about the role of the Voluntary and Community Sector (VCS) within prisons:

- 11 To what extent do you agree or disagree with the following statements? (Agree strongly/Agree/Neither agree nor disagree/Disagree/Disagree strongly)
- VCS agencies often have difficulty obtaining access to prisons through, for example, obtaining security clearance for volunteers
  - The effectiveness of VCS agencies is limited by resource pressures on the wider prison system (e.g., lack of spaces, lack of staff)
  - The effectiveness of VCS agencies is limited by risk-averse practices in prisons
  - The effectiveness of VCS agencies is limited by the unplanned movement of prisoners
  - Prison officers view outside agencies with distrust
  - The services commissioned by prisons are chosen because they are cheap, not because they are effective
  - Within prisons, the work of VCS agencies tends to be well coordinated
  - Services would be better coordinated if prisons were dealing with a single prime contractor or a consortia led by a single organisation
  - Prisons administrators rarely have strong relationships with VCS services in their local community
  - There is often duplication of services provided by VCS agencies in individual prisons

Is there anything you would like to add regarding the role of the VCS in prisons?

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**Now, we'd like to know more about your views on how services from the Voluntary and Community Sector (VCS) are commissioned:**

12 To what extent do you agree or disagree with the following statements?  
(Agree strongly/Agree/Neither agree nor disagree/Disagree/Disagree strongly)

- Smaller VCS organisations need to work harder to understand how to bid for public sector contracts
- The growth of competitive tendering has increased rivalry between VCS agencies
- VCS agencies are consulted on the design of services at an early stage
- The 'contract culture' of the criminal justice system is stifling innovation
- VCS agencies are adjusting their work to follow the priorities of commissioners
- VCS agencies are mostly able to recover the full cost of service provision, including overheads, from statutory funding
- VCS agencies are better able to tender for contracts when they form partnerships with other organisations
- Statutory providers have advantages over VCS providers when they bid for contracts or seek accreditation
- Overall, the current system of commissioning VCS services in the criminal justice system is more or less the right one

Is there anything else you would like to add concerning commissioning of VCS services?...

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### Now we'd like to know about your experience of working in prisons:

13 To what extent do you agree or disagree with the following statements in your own experience? (Agree strongly/Agree/Neither agree nor disagree/Disagree/Disagree strongly)

- We often have difficulty obtaining access to prisons through, for example, obtaining security clearance for volunteers
- Our effectiveness is limited by resource pressures on the prison system (e.g., lack of space, lack of staff)
- Our effectiveness is limited by excessively risk averse practices in prisons
- Our effectiveness is limited by the unplanned movement of prisoners
- We feel under pressure to force down costs even though this might affect the quality of the services we provide
- We feel we have strong working relationships with prison staff
- We feel that our service sits well alongside other VCS services available in the prison.

Is there anything you would like to add regarding your experience of working in prisons?

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### Finally, thinking specifically about how your organisation actively seeks to work with other agencies in the Voluntary and Community Sector (VCS):

14 To what extent do you agree or disagree with the following statements? (Agree strongly/Agree/Neither agree nor disagree/Disagree/Disagree strongly)

- As an organisation, we are aware of agencies providing similar services to us in our area
- We have formal partnerships with agencies working with the same client group
- We are often in touch with other organisations working with offenders and ex-offenders in our area
- We have good relationships with statutory agencies in the criminal justice field, including individual prisons



- We tend to work informally with other VCS agencies who serve the same client group (e.g., signposting their services)
- We have participated/are participating in formal consortiums to bid for public sector contracts
- We meet regularly with other VCS agencies and relevant statutory bodies to coordinate services
- We liaise regularly with other VCS service providers to identify gaps in provision

Is there anything you would like to add regarding your work with other agencies?...

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# APPENDIX 3 / RESEARCH BRIEF

## Introduction

Theos has been approached by the Joseph Rank Trust (JRT) to submit a bid to undertake research into aspects of the work of charities with offenders. In particular, the JRT would like a research project to investigate the lack of joined-up thinking between voluntary agencies that work in the area and the extent to which closer collaboration would add value to organisations active in the field.

The Trustees of the Joseph Rank Trust submitted a brief (including expected research outcomes) for consideration and costing by Theos.

## The project: Questions and Methodology

Theos believes that the proposed research represents an important and timely project. All the political signs indicate that the voluntary sector will grow in significance in delivery of public services, among them, public services dealing with offenders and ex-offenders.

The brief outlines seven 'pathways' in which charities operating in this area work:

- Housing
- Education and employment
- Attitudes and behaviour
- Family and children
- Finance and debt
- Health
- Drugs and alcohol

However, the brief also emphasises that many prisoners and ex-offenders may fall through the gaps between these different pathways and charities, stressing that there is a real need to help those working with prisoners and offenders to learn how to operate together more efficiently and effectively than they currently do. The brief asked for a research proposal that would

address this issue and that would explore these four key areas in particular:

- 1 How are charities working together, if at all, in the area of offenders and ex-offenders?
- 2 What areas of best practice are worth identifying?
- 3 How could best practice be disseminated and to whom?
- 4 Is there scope for collaboration and how can this be achieved?

The overall objective of this project will be to extend and disseminate practical knowledge and best practice models among charities working in this area, promoting new, effective and efficient ways of collaborative working and thereby helping to close the gaps through which prisoners and ex-offenders are currently falling.

On the basis of the proposal submitted by the JRT, Theos recommends the following approach:

### Stage 1: Understanding the issues in depth

The first part of the research will involve undertaking qualitative research (in-depth interviews, usually 1-to-1 or 1-to-2) with up to 14 representative organisations engaged in the field (ideally, recruiting two from each of the pathways, identified with the help of the JRT).

These interviews will enable Theos researchers to get a detailed picture of charitable activity in this area, understanding the objectives, funding, working practices, challenges and long-term concerns of the organisations in question.

The interviews will look for models of best practice in work with offenders and ex-offenders and probe the question of partnership and co-ordination, between organisations working in the same, and different, 'pathways'.

Through the interviews, the researchers will identify the issues and problems that prevent organisations working in a more targeted, strategic and collaborative way and sharing best practice. Interviews will also explore initial ideas of how to resolve any of these problems, probing how respondents envisage solutions to the problems they identify.

### Stage 2: Measuring the problems

The results of the initial qualitative research will enable Theos researchers to undertake Stage Two of the research project, which will attempt to quantify the problems articulated in Stage One.

This will be achieved by means of a quantitative research study, using a questionnaire (developed in consultation with JRT) based on the findings of Stage One of the research.

This survey will be conducted with representatives of organisations working in the field (again, as with Stage One, working with JRT's help to identify and contact respondents).

The questionnaire will be designed using SNAP software (a quantitative research package in which Theos staff have been trained) and be administered on-line.

Representatives in each of the organisations will be contacted (by e-mail) by Theos. The project will be explained to them and they will be given a password and invited to complete the questionnaire. Theos will also follow up organisations that fail to respond to the questionnaire in the first instance.

The majority of the questions in this stage of the research will be closed (i.e. they will be focused on placing numerical values on the issues that emerge from Stage One).

However, there will also be a number of open-ended questions in the study, allowing respondents to articulate their own particular concerns and ideas for addressing them.

### Stage 3: The report

The closed and open-ended results of the questionnaire will be analysed by Theos, who will produce a draft research report. This will also include the qualitative analysis.

This draft report will contain findings from both Stage One and Stage Two of the document, in written and graphic format, combined with desk research, which will be undertaken throughout the duration of the project.

The report will be circulated and presented to JRT at a workshop, for comments and analysis, before being finalised, together with recommendations, and sent to JRT.

We believe that the approach set out above and below will enable the research outcomes stipulated by JRT to be achieved.

### Stage 4: Dissemination and promotion

It is crucial that the final report is disseminated and promoted to an agreed

target audience, which may include personnel working in the pathways set out above and other opinion formers. Theos will develop a media and events strategy for the report to be launched on behalf of JRF, possibly in the new parliament (e.g. a lunch seminar), with relevant individuals in attendance.

## Why Theos?

Theos is a public theology think tank. It undertakes research for a range of clients across the private, public and not-for-profit sectors. Theos is developing its reputation as a thought-leader on issues in the corporate and social responsibility arena, ethics, well-being and human flourishing. Our staff and consultants have strong public affairs experience and an excellent research track record. Our previous clients have included public, private and voluntary sector agencies and include United Utilities, Barking and Dagenham PCT, HOPE 08, the Church of England and Ken Costa, Chairman of Lazard.



## / REFERENCES

- 1 The group most commonly highlighted is recidivist offenders with a high level of social and welfare needs – these individuals frequently serve short sentences and cannot access many of the services available to longer term prisoners. They are less likely to resolve existing problems over accommodation, education and employment and are disproportionately likely to be suffering from difficulties over substance misuse or mental health. Often services may exist, but may be failing to reach exactly the group of users that they exist to benefit.
- 2 Consider, for instance, the Revolving Doors Agency and their project based in Brighton and Hove/HMP Lewes. See <http://www.revolving-doors.org.uk/documents/hmp-lewes-to-brighton-project/> (accessed 12 January 2011), for more information.
- 3 There are a number of ways of defining the nature and scope of the Voluntary and Community Sector, also called the 'third sector' or 'civil society'. Some adopt administrative definitions (e.g., those registered with relevant government bodies such as the Charity Commission), while recent research has focused on exploring the blurred edges of the sector. For instance, in the 1996 report of the *Commission on the Future of the Voluntary Sector*, Deakin wrote that, 'There is no single 'authentic' voluntary sector for which a simple master plan can be drawn up'. While acknowledging the importance of the debate over definition and constitution, the research represented in this paper adopts an 'agnostic'/pragmatic approach – for our purposes VCS agencies in the criminal justice system are those which have identified themselves as such.
- 4 Here, the term 'criminal justice system' is used to denote the range of public services, including the police, courts, Crown Prosecution Service, HM Prison Service, Youth Justice Boards, and so on. The Criminal Justice System in the United Kingdom is one of the major public services in the country, with over 400,000 staff across six agencies which work together to deliver criminal justice: 'The purpose of the Criminal Justice System (CJS) is to deliver justice for all, by convicting and punishing the guilty and helping them to stop offending, while protecting the innocent. It is responsible for detecting crime and bringing it to justice; and carrying out the orders of court, such as collecting fines, and supervising community and custodial punishment' ([http://www.cjsonline.gov.uk/aims\\_and\\_objectives/](http://www.cjsonline.gov.uk/aims_and_objectives/)). Accessed 21 February 2011.
- 5 Home Office, *Managing offenders, reducing crime: the role of the voluntary and community sector in the National Offender Management Service* (London: Home Office, 2005). Quoted in Dr Rosie Meek, Dr Dina Gokjovic and Dr Alice Mills, *The role of the third sector in work with offenders: the perceptions of criminal justice and third sector stakeholders* (Third Sector Research Centre, 2010).
- 6 Ministry of Justice and National Offender Management Service, *NOMS third sector action plan: securing effective partnerships to reduce re-offending and protect the public 2008-2011* (London, Ministry of Justice, 2008) p. 7.
- 7 *Ibid.* p. 7.
- 8 Ministry of Justice, *Story of the prison population 1995-2009 England and Wales* (Ministry of Justice Statistics Bulletin. 31 July 2009), p.2.
- 9 Though the think tank Civitas, for example, has argued that custody is ultimately more cost effective than non-custodial options. See Prof. Ken Pease, *Prison, Community Sentencing and Crime* (Civitas, 2010).

- 10 See Pat Strickland, *The National Offender Management Service* (House of Commons Library Standard Note, 2 November 2009), p. 3.
- 11 Ben Cairns, Margaret Harris and Romayne Hutchison, *Servants of the Community or Agents of Government? The role of community-based organizations and their contribution to public services delivery and civil renewal* (Institute for Voluntary Action Research, 2006) p. 46.
- 12 The Comprehensive Spending Review, delivered by George Osborne on 20 October 2010, announced that the Ministry of Justice (of which NOMS – i.e., prisons and probation – is an executive agency) would further have to find savings of 23 percent / £1.6 billion by 2014/15. A total of 15,000 jobs in the Ministry of Justice, including thousands in prison and probation, will be shed in the coming years. These budget cuts, agreed in advance with the Secretary of State, are predicated on changes in sentencing practices which will reduce the prison population by 3,000 or more. However, the latest available sentencing statistics indicate show that 1,407,500 offenders found guilty at court in 2009 – a rise of three per cent from 2008 and the first annual rise since 2005. Around 7% (100,200) of those convicted of a criminal offence were sentenced to immediate custody. As a proportion, this figure has remained stable over some years. *However, the average length of sentence has been steadily increasing.* See *Sentencing Statistics: England and Wales 2009 Statistics Bulletin* (Ministry of Justice/Office for National Statistics, 2010)
- 13 Ken Clarke, Lord Chancellor and Secretary of State for Justice. *The Government's vision for criminal justice reform*, speech at the Centre for Crime and Justice Studies, London. 30 June 2010. Available here: <http://www.justice.gov.uk/sp300610a.htm> (accessed 2 July 2010).
- 14 'Payment by results' involves investors buying social impact bonds to fund projects intended to reduce reoffending. Investors receive a return on their investment depending on how well the projects have performed against pre-agreed targets.
- 15 These categories are drawn from work done by bassac (a membership body of community organisations). The organisation is something of a practice leader in the development of partnerships.
- 16 See <http://www.bassac.org.uk/our-programmes/collaboration/collaborate-for-commissioning/models-for-collaborative-working/creating-a-culture-of-partnership>. Accessed 22 November 2010.
- 17 Dr Rosie Meek, Dr Dina Gojkovic and Dr Alice Mills, *The role of the third sector in work with offenders: the perceptions of criminal justice and third sector stakeholders* (Third Sector Research Centre, 2010), op cit. Available online at <http://www.tsrc.ac.uk/LinkClick.aspx?fileticket=jpl0uVVN90w%3d&tabid=670> (accessed 22 November 2010).
- See <http://www.bassac.org.uk/our-programmes/collaboration/collaborate-for-commissioning/models-for-collaborative-working/creating-a-culture-of-partnership>. Accessed 22 November 2010.
- The research will include two further stages: first, qualitative interviews or focus groups with resettlement/ offender management staff in prisons and probation, third sector agency representatives and offenders to examine the value of third sector involvement in criminal justice and resettlement; and second, qualitative interviews or focus groups to examine the benefit for offenders of being involved with a third sector organization as a service user, and volunteering and working with TSOs for offender and ex-offender volunteers.
- 18 *Ibid.*, p. 12.
- 19 Revolving Doors Agency, 'Thinking Local: Key Lessons from the National Development Programme', October 2010. p. 11. Available at <http://www.revolving-doors.org.uk/documents/thinking-local/>. Accessed 25 January 2011.

- 20 See <http://www.bassac.org.uk/our-programmes/collaboration/types-of-collaboration> Accessed 25 January 2011.
- 21 The Office of the Third Sector published a guide on working in consortia: *Working in a consortium: a guide for third sector organisations involved in public service delivery*. Cabinet Office/Office of the Third Sector, 2008. Available online at <http://www.cabinetoffice.gov.uk/media/107235/consortium%20guide%20final.pdf> (accessed 22 November 2010).
- 22 Clinks ([www.clinks.org](http://www.clinks.org)) seeks to build the capacity of VCS organisations working specifically in the criminal justice system (itself evolving in response to the need to improve how agencies work together). Nacro ([www.nacro.org.uk](http://www.nacro.org.uk)) is one of the largest crime single charities working in criminal justice in the criminal justice system (with a turnover of £59.6 million in 2008/09), and provides a similar function, with an extensive range of research, comment pieces and policy work. New Philanthropy Capital (<http://www.philanthropycapital.org/>) acts as a think tank around the themes of funding and measurement in the sector.
- 23 Ben Cairns, Margaret Harris and Romayne Hutchison, *Servants of the Community or Agents of Government? The role of community-based organisations and their contribution to public services delivery and civil renewal*. (Institute for Voluntary Action Research, 2006) Executive Summary, p. 4-5. Available online at [http://www.ivar.org.uk/sites/default/files/images/bassac\\_ExecSummary\\_servantsofcommunity.pdf](http://www.ivar.org.uk/sites/default/files/images/bassac_ExecSummary_servantsofcommunity.pdf). Accessed 22 November 2010. p. 4-5. Available online at [http://www.ivar.org.uk/sites/default/files/images/bassac\\_ExecSummary\\_servantsofcommunity.pdf](http://www.ivar.org.uk/sites/default/files/images/bassac_ExecSummary_servantsofcommunity.pdf). Accessed 22 November 2010.
- 24 For example, one interviewee, for example, although 'only' the Director of a relatively small arts agency, was involved in holding conferences in the sector.
- 25 This provides sufficient coverage of the group of agencies in question. In the National Survey of Charities and Social Enterprises, 387 groups are reported as working in the criminal justice system, nine more than the 'total population' of our survey.
- 26 'Establishment surveys' (surveys of businesses and other organisations) tend to draw lower response rates than surveys of households or individuals. A number of factors would reduce our expectations here: these include that it was a web based (rather than paper or telephone) survey and that it is an agency to agency survey. This latter point reduced the presence of factors that are known to improve response rates (i.e., pre-contact, personal contact). Some significant surveys in the voluntary sector have achieved higher response rates (wave 1 of National Survey of Charities and Social Enterprises achieved a 'very high' response rate of 47% - <http://www.ncsesurvey.com/wave1results/>), though this is clearly an exceptional case.
- 27 There is some evidence to indicate that this may be the case. See, for instance, Dr David Clifford and Peter Backus, *Are big charities becoming increasingly dominant? Tracking charitable income growth 1997-2008 by initial size*. Third Sector Research Centre, 2010. Available online at <http://www.tsrc.ac.uk/LinkClick.aspx?fileticket=eSKHlqZwPQU%3d&tabid=500>. Accessed 22 November 2010. The complaint has also been aired by the current Secretary of State for Work and Pensions, Iain Duncan Smith, putatively in connection to the growth in public funding for charities.
- 28 The Voluntary Sector Compact is an agreement which sets out shared principles and guidelines for effective partnership working between government and the voluntary and community sector in England. The Compact was put in place in 1998. More information can be found at <http://www.thecompact.org.uk/>.
- 29 None of these objections is necessarily logical. For instance, it is clear that one question that must be posed against any partnership or collaboration is, who is bearing any risk? In the prime contractor model, the answer is, most likely the lead agency. Another



interviewee made the astute observation that groups have always had to compete for funding – whether from Trusts, the general public, corporate donation or government money. Why, therefore, should a more intensive commissioning environment fundamentally alter the way agencies relate to each other?

- 30 The NSCSE is a national survey of Third Sector Organisations conducted by the Cabinet Office and Ipsos Mori. The survey is the largest ever of the sector, and asks about opportunities to influence local decisions, the availability and nature of funding and income, support and guidance, relationships with local statutory bodies, and other factors affecting organisations' success. The first wave of the survey ran between September and December 2008. 104,391 organisations were invited to take part and over 49,000 responded. See <http://www.nscsesurvey.com/> for more details.
- 31 These seven pathways were first set out in the Social Exclusion Unit's 2002 report *Reducing Re-offending by Ex-Prisoners*. The underlying principle here was that there are a number interrelated causes of recidivism, all of which must be managed at an individual and policy level.
- 32 A specific and often unexpected effect on one party arising from an activity by another, and thus not fully reflected in market prices.

# Collaboration or Competition? Cooperation or Contestability?

Best practice among voluntary sector agencies  
in the Criminal Justice System

Since the emergence of the modern criminal justice system in the nineteenth century, what we know now as the Voluntary Sector has sought to improve the lot of those imprisoned or affected by imprisonment. By 2005, the Home Office estimated that somewhere in the region of 1,500 organisations were working directly in prisons or with probation agencies, a figure which probably omits a huge number of services which operate 'below the radar'.

The rhetoric and practice of the 'Big Society', combined with fierce pressure to reduce government spending, poses a significant challenge to the voluntary sector. How can any organisation produce more outcome for less investment? This report attempts to take the temperature amongst voluntary sector agencies in the criminal justice sector and to explore the level and role of partnership working. Where is there scope for collaboration, and how can this be best achieved?