

## Mercers ACF Conference

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Thank you very much for inviting me here today and giving me the opportunity to speak to you. This conference is very timely coming almost exactly 5 years (and 3 weeks – not that I'm a NOMS anorak!) since NOMS came into being. It provides us with the opportunity to reflect upon what has happened to the voluntary sector during that time; where we are now and what we should seek to influence in the future.

Before I start I thought I would just like to remind us about the context – namely that the VCS is at the heart of the system to rehabilitate offenders – and without genuine rehabilitation we will not fully solve the problems of crime – for offenders, for victims and for society more generally.

There is not a prison or a probation service in the country that does not use a VCS service in some way or another; and all the so called reducing re-offending pathways involve a significant level of voluntary sector delivery – given those facts its hard to see how any CJ agency can deliver on its purpose without the Voluntary sector being a key delivery partner.

I would like to do 2 things during the time allocated to me. The first is to offer some reflections on where we, in the sector, have been left after the advent of NOMS on the 1<sup>st</sup> June 2004. Secondly, what we might want to devote our attention to in the future.

### **The last 10 years**

However, before I do that, it might just be worth reflecting on some of the achievements over the past 10 years or so, including the advent of The Compact, the expanded vision of public service delivery by the voluntary sector, and so on. It's important that we remember these successes because the current financial climate, continuous re-organisation of departments, pending general election, and as yet unknown events will provide us with plenty of challenges – and maybe later in my speech, and throughout the day, we will be able to focus on some of these challenges.

We have had a succession of prisons ministers since Paul Boateng who have understood, supported and shared our ambition for the sector – many of us might feel that they might have fallen short on delivery (or had a stronger will than cash balance) but generally their understanding and willingness to advance the sector has been genuine and heartfelt – and this is undoubtedly also the situation with the current post holder Maria Eagle.

We have a senior-level Ministry of Justice Third Sector Advisory Group with good representation, an excellent chair in Sarah Payne from the YWCA, and accountability to a minister to oversee the implementation of a very worthy Third Sector Action Plan.

We have named voluntary sector leads in both Criminal Justice Group (CJG) and National Offender Management Service (NOMS) with designated responsibility for the Voluntary and Community Sector. In the main partner agencies of CJG and NOMS we also have top level understanding of some of the issues faced by the VCS.

And we in the sector have continued to innovate and develop, despite the challenges, projects that have transformed services for particular client groups. For example:

- First night in custody schemes reducing the self harm risk for prisoners
- The wonderful circles of support and accountability projects using volunteers to manage high risk offenders back into the community
- The Eastern Region families project demonstrating what trusts, service delivery organisations and statutory partners can achieve if family work through collaboration
- Community Chaplaincy projects developing skills to manage tenancy agreements to house ex offenders in cities such as Stoke
- Peer translators in Wandsworth prison responding to the needs of non English speaking prisoners

This innovation is not just limited to service delivery:

- The fantastic Bromley Briefings
- The Matrix Report supporting alternatives to custody
- A better knowledge base of who is doing what through our own website and the ability to spread good practice through tools such as the Lemos and Crane PrisonerActionNet

The list goes on, and the sector has much to be proud of. None of this could have been achieved without the dedication and commitment of the sector and the practical support, and finance, from many of you in the room.

Sadly, however, we know that this has been a long struggle; every project hard fought for and where it's been mainstreamed it has invariably been against all the odds. And it continues to be a struggle, with much still to achieve both in terms of influence and delivery, and I would like to look at both of these aspects.

Firstly, in terms of influence; while we see this high level political embrace we still lack opportunities to influence delivery in key operational areas. Currently, for example, with the exception of family work, the VCS have no representation on any NOMS boards at any geographical level. A recent survey by Clinks found that regional practice varies enormously with some regions having no visible engagement with the VCS in terms of women or BME offenders. This is at best an oversight and at worse a major hole in the ability to strategically plan and deliver.

Secondly, finances remain a major issue. There has been some very limited progress, for example, with the small grants programme and infrastructure fund. More recently the £15.6m allocated to deliver services to women offenders and the European Social Fund employment projects that might hopefully provide some funding related to employment. But a systemic investment programme has not happened.

The now infamous John Reid target of 10% of probation budgets being contracted out to the VCS was abandoned when it emerged the average was about 4%, and the subsequent Best Value Review has yet to produce anything of significance for the voluntary sector.

Additionally, the whole concept of investment to develop the provider market, and in particular the VCS, has produced little, with organisations generally feeling less able to compete.

I don't want to dwell on these disappointments but I do want to make the point to this and future governments that this can't go on. And why would any rational Government want it to go on?

The sector helps government achieve its key aims; it provides the means by which people can turn their lives around, gets communities engaged and involved; and promotes confidence in the Criminal Justice System (CJS); it would be a national crime to watch this disappear. And it will. The evidence is all around us: national, regional and local organisations all suffering with declining resources and increased levels of demands for services, the private sector breathing down our necks and distorting the market place, while commissioning is favouring particular types of providers.

Now we in the sector can take some responsibility for sorting ourselves out, but we can only do so much. We urgently need a national investment plan for the VCS working with offenders that sets out where we want to be in 10 years or so and work towards that; otherwise when you look for us to deliver we won't be there.

We – Government and the VCS – need to use our limited resources as effectively as we can now, but also plan for what we want to see 5 years from now; and we can't do that without strategic funding and a sensible and forthright exchange.

So what's on offer right now for the sector within the CJS? We know that MoJ cannot be the only source of funds for the VCS, but right now it remains the big budget holder and it also holds money directed towards offenders but originating elsewhere (for example DIAS)

Right now there are two initiatives that the sector is encouraged to have faith in. Now let's just be clear that while I and others in the sector might fully endorse these initiatives for what they are we have to be more cautious about what they offer the sector. The first of these is the arrival of the new Directors of Offender Management (DOMs) and the 2nd is the Specification, Benchmarking and Costing (SBC) programme being undertaken by NOMS.

Everything you hear about the potential for DOMs to invest in the sector is speculative. Yes, they have the budgets, but those budgets are heavily committed and reducing, and so far show little sign of being able to stretch to growing new services. And also, in this target driven culture, they have no targets or any other levers to promote investment in the VCS.

If you're an optimist you could see the fact that budgets are so tight as an opportunity, but that is really saying that the VCS is 'statutory cheap' and unless these are transformative services we should stay away from them. Additionally, any existing service brings all the complications of TUPE that the sector is unlikely to want to take on.

Looking at the Conservative proposals for removing regional structures such as regional government and regional development agencies, you must ask if the DOMs role is still viable in a much diminished regional agenda.

And then there is the NOMS Specification, Benchmarking and Costing exercise. There are people in the room, and on the panel, who are better equipped to talk about this than I am, but essentially this could provide opportunities for the VCS to bid for current and new provision once this exercise is complete. This is, however, a long and elaborate exercise; we haven't seen all the details of it, but there are between 80 and 90 interventions that will be assessed. To date less than 5 or so are in an advanced stage of development and it looks unlikely that any of the benefits will benefit the VCS for some time to come.

Additionally this programme, as far as prisons are concerned, depends on establishments disinvesting in current provision and reinvesting it elsewhere. This is a huge challenge as almost all new prison development in the recent past has been paid for out of new money. Because of traditional practice, the actual fabric of the prison estate, threats of industrial action and so on, this is a big ask.

So, based on this, what should we do? Well, firstly we must ensure that the necessary cuts occur where genuine cuts can be made and not on the easy targets that the voluntary sector often represent. We must do everything to preserve the current investment levels in the sector. That does not, of course, mean that we don't have to change any of our practice but we must preserve the levels of funding. And secondly we must work with funders, trusts, philanthropists, and other Government departments to ensure that our work can continue to thrive.

And, as I am sure you would expect from a membership organisation, Clinks does not support one area of service delivery over another but we would want to draw attention to the following.

### **Rehabilitation**

We must continue to argue for rehabilitation in its widest sense. We have, together, witnessed the demise of rehabilitation as a concept. It has been talked out of the agenda and it looks like we don't believe in rehabilitation any more but have settled for, in our view, the lesser concept of reducing re-offending. Stopping offending is of course a vitally important part of rehabilitation, but it is only a part. We need to try to ensure that our activities are directed towards the bigger vision for ex-offenders and families; that of responsible and fully integrated lives rather than excluded lives constantly managed on the fringes of society.

**Collaboration**

Collaboration is both essential to better service delivery and to the long term survival of the sector and we should all look to ways of developing this – and particularly how collaboration could support smaller organisations. We must recognise that we make most progress when we collaborate across all sectors and organisations, and your own report for the conference seems to support this. There are many good examples: The Eastern Region Family Partnership, The Corston Funders Coalition, and The Tudor LankellyChase Project in the South West all point to the fact that we all get better value for your money and achieve more in terms of change and service delivery when we collaborate. This is particularly important if we are to provide commissioners with the structures that they might need if they are to help ensure smaller organisations survive.

**Collecting evidence**

There is a philosophical tension at the heart of MoJ that sees the VCS having to jump through unnecessary, and costly, hoops. Commissioners say they are only interested in outcomes, and we repeatedly hear that process does not matter and outcomes do; therefore evidence of outcomes is paramount.

Yet so much energy goes into policing inputs. Jack Straw's interventions over the so called Halloween Party at Holloway and the Arts programme at Whitemoor were not about measuring outcomes but policing inputs, and there are many similar examples. Add to that the mythology (yes mythology, not methodology) that has developed about 'what works' and you're in a right mess.

It is therefore essential for us to articulate and collaborate around the issue of evidence and what can reasonably be expected by the sector and how we use that to support government produce the evidence it needs, rather than work at cross purposes.

This evidence must be presented by service users themselves. We know the public change their minds when they hear evidence from many different sources about the same issue. So service users, alongside professional commentary, must be at the heart of our aims to turn public opinion around.

### **Marginalised Groups**

We welcome the progress made towards supporting the VCS working with women offenders but it needs sustained attention if the recent progress is to be maintained.

The issues faced by short term offenders being released without almost any support remains a concern across the sector and this needs to be addressed.

And finally, we cannot ignore the disproportionately high number of offenders from the Black and minority ethnic (BME) communities who are in the Criminal Justice System and the way in which the system adds to that disadvantage. We therefore have to continue to find ways of building a strong and visible BME-led sector.

### **Conclusion**

There are many challenges and even on a wonderful summers day like today we can see many storms ahead. But we should be confident. We in the sector have never let a few storms and adversity get in our way; lets take the opportunity to ensure our limited resources are put to best use and we break this cycle of re-offending.

Thank you.

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